

**Appendix P**

**SUMMARY OF REQUIREMENTS FOR NONDEGRADATION “EXEMPTIONS” IN ARM 17.30.716  
FISCAL YEAR 2015 VERSION<sup>(1)</sup>**

*NOTE: This is not part of the official rule – it is an informational summary. To ensure compliance with all requirements of the rule, refer to the rule.*

| REQUIREMENTS  | CATEGORY #1   | CATEGORY #2                                | CATEGORY #3                     | CATEGORY #4 <sup>(1)</sup>  | CATEGORY #5   |
|---|---|--|---------------------------------|---|---|
| <b>General Requirements [ARM 17.30.716(2)(a)]</b>   |   |  |                                 |   |   |
| Distance between absorption trench and impacted downgradient high-quality surface water   | ≥1,000 feet (500 if trench is pressure-dosed)                                   | ≥500 feet                                  | ≥500 feet                       | ≥400 feet (200 if trench is pressure-dosed)                                     | ≥1,000 feet (500 if trench is pressure-dosed)                                   |
| Perc rate <sup>(2)</sup> and soil requirement if absorption trench (AT) is not pressure-dosed (if AT is pressured-dosed, these requirements don't apply).             | Perc. rate between 16 and 50 min/inch; AND 6 feet of VFS, SCL, CL, or SiCL soil | NOT APPLICABLE                             | NOT APPLICABLE                  | Perc. rate between 16 and 50 min/inch; AND 6 feet of VFS, SCL, CL, or SiCL soil | Perc. rate between 16 and 50 min/inch; AND 6 feet of VFS, SCL, CL, or SiCL soil |
| SWTS designed for ≤ 2 single-family residences, or non-industrial design flow ≤ 700 gal. per day  | APPLICABLE  | APPLICABLE                                 | APPLICABLE                      | APPLICABLE  | APPLICABLE  |
| SWTS is on the lot being served and there is only one SWTS on the lot   | APPLICABLE  | APPLICABLE                                 | APPLICABLE                      | APPLICABLE  | APPLICABLE  |
| SWTS meets current requirements in DEQ-4 and ARM 17.36 sub-chapter 3  | APPLICABLE  | APPLICABLE                                 | APPLICABLE                      | APPLICABLE  | APPLICABLE  |
| Background nitrate concentration limit (does not apply to lots ≥20 acres when the absorption trench is greater than 500 feet from the downgradient property boundary) | <2 mg/L   | <2 mg/L                                    | <2 mg/L                         | <2 mg/L   | <2 mg/L   |
| <b>Specific Requirements [ARM 17.30.716(2)(b)]</b>  | <b>ARM 17.36.716(2)(b)(i)</b>   | <b>ARM 17.36.716(2)(b)(ii)</b>             | <b>ARM 17.36.716(2)(b)(iii)</b> | <b>ARM 17.36.716(2)(b)(iv)</b>  | <b>ARM 17.36.716(2)(b)(v)</b>   |
| Lot size  | ≥2 acres  | ≥2 acres                                   | ≥1 acre                         | NOT APPLICABLE  | ≥2 acres  |
| Percolation rate <sup>(2)(3)</sup>  | ≥ 16 min/inch   | ≥ 6 min/inch                               | ≥ 6 min/inch                    | NOT APPLICABLE  | NOT APPLICABLE  |
| Soil type required beneath the absorption trench (minimum thickness of 6 feet)  | VFS, SCL or finer material  | MS, SL or finer material                   | MS, SL or finer material        | NOT APPLICABLE  | NOT APPLICABLE  |
| Depth to bedrock and ground water below ground surface  | ≥8 feet<br>(seasonally high ground water)                                       | ≥12 feet<br>(seasonally high ground water) | ≥100 feet                       | NOT APPLICABLE  | NOT APPLICABLE  |
| Depth to limiting layer below ground surface  | NOT APPLICABLE  | NOT APPLICABLE                             | NOT APPLICABLE                  | NOT APPLICABLE  | >6 feet   |
| Pressure-dosing of absorption trench required   | NOT APPLICABLE  | APPLICABLE                                 | APPLICABLE                      | NOT APPLICABLE  | NOT APPLICABLE  |
| Number of lots in subdivision   | NOT APPLICABLE  | NOT APPLICABLE                             | ≤ 5                             | NOT APPLICABLE  | NOT APPLICABLE  |
| Distance from subdivision boundaries to any neighboring existing/approved SWTSs   | NOT APPLICABLE  | NOT APPLICABLE                             | ≥ 500 feet                      | NOT APPLICABLE  | NOT APPLICABLE  |
| Number of subdivision lots created in the county over last 10 fiscal years  | NOT APPLICABLE  | NOT APPLICABLE                             | NOT APPLICABLE                  | <150 <sup>(4)</sup>   | NOT APPLICABLE  |
| Distance between lot and any town with a population > 500   | NOT APPLICABLE  | NOT APPLICABLE                             | NOT APPLICABLE                  | >1 mile   | NOT APPLICABLE  |
| Depth of absorption trench below ground surface   | NOT APPLICABLE  | NOT APPLICABLE                             | NOT APPLICABLE                  | NOT APPLICABLE  | ≤18 inches  |
| Level II SWTS required  | NOT APPLICABLE  | NOT APPLICABLE                             | NOT APPLICABLE                  | NOT APPLICABLE  | APPLICABLE  |
| <b>Well Setback [ARM 17.30.716(3)]</b>  |   |  |                                 |   |   |
| Separation between a provisional mixing zone and any existing/approved drinking water supply well   | ≥100 feet   | ≥100 feet                                  | ≥100 feet                       | ≥100 feet   | ≥100 feet   |

**NOTES:**

- (1) Requirements for category 4 include a maximum number of lots subdivided over previous 10 fiscal years. Therefore, this table will be updated at the beginning of each fiscal year.
- (2) Percolation rates are only necessary when a percolation test has been conducted on the lot. If no percolation test has been conducted, the soil type will be used to determine compliance with the rule.
- (3) The symbol “≥” indicates a percolation rate equal to or greater (i.e. slower) than the value listed.
- (4) For fiscal year 2015, the counties that meet this requirement are: Big Horn, Blaine, Carter, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Liberty, McCone, Meagher, Musselshell, Petroleum, Phillips, Pondera, Powder River, Prairie, Roosevelt, Rosebud, Sheridan, Sweetgrass, Teton, Toole, Treasure, Wheatland, Wibaux.

**ABBREVIATIONS:**

- SWTS = SUBSURFACE WASTEWATER TREATMENT SYSTEM
- VFS = VERY FINE SAND
- SCL = SANDY CLAY LOAM
- CL = CLAY LOAM
- SiCL = SILTY CLAY LOAM
- MS = MEDIUM SAND
- SL = SANDY LOAM

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