

17.30.716 CATEGORIES OF ACTIVITIES THAT CAUSE NONSIGNIFICANT CHANGES IN WATER QUALITY (Effective July 6, 2024)

(1) In addition to the activities listed in 75-5-317 , MCA, the categories or classes of activities that are identified in this rule have been determined by the department to cause changes in water quality that are nonsignificant due to their low potential for harm to human health or the environment and their conformance with the guidance found in 75-5-301 , MCA.

(2) A wastewater treatment system that does not require an MPDES or MGWPCS permit and meets the criteria in (3) and (4) is nonsignificant.

(3) The wastewater treatment system, including primary and replacement absorption systems, must meet the following criteria:

- (a) the absorption systems must be 500 feet or more (200 feet or more for lots that meet the criteria in (4)(b)) from the nearest downgradient high-quality state surface water that might be impacted. Distance between the absorption system and downgradient high-quality state surface water is based on the criteria in ARM 17.30.715(4);
- (b) the wastewater treatment systems on a lot must have a combined design flow of 600 gallons per day or less, or a combined design flow of 800 gallons per day or less if all the wastewater treatment systems on the lot are level 2;
- (c) the wastewater discharge must be residential strength;
- (d) each wastewater treatment system must be located entirely on the lot where wastewater is produced;
- (e) each wastewater treatment system must meet the current design standards defined in ARM Title 17, chapter 36, subchapters 3 and 9, and Department Circular DEQ-4; and
- (f) all wastewater treatment systems on the lot must meet the requirements in this rule.

(4) A wastewater treatment system that meets the requirements in (3) must also meet:

- (a) all the requirements in one of the categories in Table 1; or
- (b) the following requirements:
 - (i) the wastewater treatment system is in a county where the total number of subdivision lots that were reviewed pursuant to Title 76, chapter 4, part 1, MCA, and were created in that county during the previous 10 state fiscal years is fewer than 150;
 - (ii) the lot is not within one mile of the city limits of an incorporated city or town with a population greater than 500 as determined by the most recent census; and
 - (iii) the absorption system is pressure dosed.
- (c)

TABLE 1

	Requirement	Category ⁽¹⁾						
		1	2	3	4	5	6	7
(i)	Minimum lot size (acres)	2	2	1	2	1	2	20
(ii)	Maximum number of lots in common developments or phases of a subdivision	N/A	N/A	5	N/A	5	N/A	N/A
(iii)	Background ground water nitrate (as N) concentration (mg/L) ⁽²⁾	2	2	2	2	2	2	4
(iv)	Pressure distribution required for the absorption system	Yes	Yes	Yes	Yes	Yes	Yes	N/A
(v)	Soil profile has at least 6 feet of natural soil below absorption system that is fine sandy loam, loam, or finer ⁽³⁾	Yes	N/A	N/A	N/A	N/A	N/A	N/A
(vi)	Soil profile has at least 6 feet of natural soil below absorption system that is medium sand, sandy loam, or finer ⁽³⁾	N/A	Yes	Yes	N/A	Yes	Yes	N/A
(vii)	Soil profile has at least 6 feet of natural soil below absorption system that is medium sand, sandy loam, or finer ⁽³⁾ , or discharge is to an elevated sand mound	N/A	N/A	N/A	N/A	N/A	N/A	Yes
(viii)	Minimum depth below natural ground surface to limiting layer in soil profile (feet)	8	10	10	6	8	N/A	N/A
(ix)	Minimum depth below natural ground surface to bedrock and ground water (feet) ⁽⁴⁾	N/A	N/A	50	N/A	N/A	N/A	N/A
(x)	Minimum distance from proposed subdivision boundary to any existing or approved wastewater treatment systems outside the subdivision boundaries (feet)	N/A	N/A	500	N/A	N/A	N/A	N/A
(xi)	Level 2 wastewater treatment system	N/A	N/A	N/A	Yes	Yes	N/A	N/A
(xii)	Maximum depth of absorption system below natural ground surface (inches) ⁽⁵⁾	24	24	24	24	24	24	24
(xiii)	Gray water in waste segregation systems ⁽⁶⁾	N/A	N/A	N/A	N/A	N/A	Yes	N/A

⁽¹⁾ "N/A" means not applicable for purposes of this rule. Requirements in all other applicable laws, rules, and circulars must be met

⁽²⁾ The reviewing authority may require multiple ground water samples over a specified time period to determine whether seasonal variation of ground water nitrate concentrations may affect compliance with this requirement.

⁽³⁾ Soil profiles must be conducted in accordance with site evaluation requirements in Department Circular DEQ-4. Soils that contain 60% or more of a rock fragment (gravel, cobble, stone, or boulder) and are considered extremely gravelly, extremely cobbly, extremely stony or extremely bouldery as defined in Appendix B of Department Circular DEQ-4 will not meet this requirement. All soil profiles for a wastewater treatment system absorption system must meet these soil requirements. The six foot thickness of the specified soil type may be a continuous soil layer or a combination of multiple layers.

⁽⁴⁾ Depth below ground surface to ground water and bedrock can be determined using local well logs or other applicable information as approved by the reviewing authority.

⁽⁵⁾ For depths shallower than 24 inches, absorption systems must meet the requirements in Department Circular DEQ-4 for shallow-capped absorption systems.

⁽⁶⁾ Category only applies to the gray water discharge. It does not include a blackwater discharge or an alternate system required by Department Circular DEQ-4 that treats gray water and other wastewater from the lot.

ARM 17.30.716(5) A 100-foot provisional mixing zone is required for each wastewater treatment system approved as nonsignificant under this rule. Source specific provisional mixing zones are not allowed. Provisional mixing zones are subject to the same setbacks and siting requirements as mixing zones but are not subject to the requirements of ARM 17.30.715.

ARM 17.30.716(6) The department may require that on-site information be provided to verify any of the criteria required in this rule