

Executive Summary for Informal Discussion

This executive summary provides an overview of the major changes included in the draft copy of new circular DEQ-3 and is being provided to facilitate informal discussion as DEQ prepares the new version of the circular for formal notice and comment. The new version of the circular is currently in draft form, and DEQ will make changes to it as the agency prepares it for formal notice and comment. DEQ encourages stakeholder participation over the coming weeks and may incorporate suggestions into the draft circular. Please note that comments provided during this informal review will not be part of the official record of the formal rulemaking. Following informal stakeholder review and discussion, a full description of the final proposed changes will be included with the statement of reasonable necessity in the formal notice of proposed rulemaking.

Circular DEQ-3 currently provides design standards for small water systems, meaning multiple-user systems and non-community public water systems. The proposed 2022 version of DEQ-3 would move the standards for multiple-user systems to the proposed new circular DEQ-20, which is also included in this notice of proposed rulemaking. Doing so would separate non-community public water systems, which are subject to the public water supply laws of Title 75, chapter 6, MCA, from individual, shared, and multiple-user systems, which are regulated under the Sanitation in Subdivisions Act, Title 76, chapter 4. As discussed in the reason statement for proposed circular DEQ-20, consolidating these design standards in one location would make the requirements easier to understand, locate, and administer.

In doing so, the department also proposes to change the title of the proposed version of circular DEQ-3 from “small water systems” to “non-community public water systems,” as only standards for non-community public water supply systems would be addressed in the proposed version of circular DEQ-3. The proposed changes would remove existing references to public water supplies throughout the circular where the term is used to differentiate between multiple-user systems and public water supplies, since that differentiation would not be necessary if the proposed changes to DEQ-3 and DEQ-20 were adopted.

The department proposes to change section 3.2.5.1.d. from referencing “a. or b.” must provide 4-log inactivation to “b. or c.” This change would correct an error in reference in the current circular DEQ-3.

The department proposes amending section 4.0.b. to allow water-contact materials or equipment components that meet appropriate standards adopted by the American National Standards Institute (ANSI) / American Water Works Association (AWWA) or National Sanitation Foundation (NSF) / ANSI Standards. Currently, this section requires compliance with NSF Standard 61 drinking water system components; however, there are multiple ANSI/AWWA standards that apply to components typically utilized in non-community public water systems. This proposed change would allow components that meet ANSI/AWWA standards, which are nationally accepted standards, to be utilized without submitting deviations to the department. This proposed change would reduce the department’s time reviewing a deviation and the applicant’s time and fees associated with submitting a deviation.

The department proposes amending a reference in section 4.1.3 from 4.3.1 to 4.1.2. This change would correct an error in reference in the current circular DEQ-3.

The proposed changes would clarify section 5.0.a by correctly labeling the standard as “NSF/ANSI Standard 60.”

The department proposes to amend section 5.0.b to allow appropriate NSF/ANSI standards rather than just NSF Standard 60. There are several NSF / ANSI Standards applicable to water contact or drinking water system components. The proposed language would allow additional appropriate NSF/ANSI standards to be utilized without submitting deviations to the department. This proposed change would reduce the department time reviewing a deviation and the applicant time and fees associated with submitting a deviation.

The department proposes to add new standards to section 4.4 of the proposed version of circular DEQ-3 for water and ice vending machines that are classified as transient non-community public water supply systems with consecutive connections. No specific standards currently exist for these machines, so the department has reviewed the components under the standards in circular DEQ-1. Such standards are often excessive for water and ice vending machines, which receive their water from an already-regulated public water supply system and typically provide additional aesthetic water treatment (such as taste, odor, color, turbidity, salinity, hardness, softness, and temperature), which are not directly regulated by the department. The addition of section 4.4 to the proposed version of circular DEQ-3 would provide design standards applicable for water and ice vending machines to ensure that the water received from the public water system is not contaminated by the machine before consumption by the public without requiring an excessive DEQ-1 review. For this reason, the proposed standard would require applicants to demonstrate that the machines receive water from an approved public water system; conform with industry and national public health standards by submitting a certification by the National Automatic Merchandising Association; allow access for cleaning; limit lead exposure; are constructed of corrosion resistant materials; and disinfect water prior to dispensing.

Additionally, section 4.4.1.g proposes a review fee based on the hourly rate per Administrative Rules of Montana 17.38.106(3). Proposed section 4.4.2 includes standards for operation and maintenance documentation and required inspection schedules aimed at reducing potential water contamination at the machine. Proposed section 4.4.3 provides a pathway for an applicant that has received approval under section 4.4.1 and 4.4.2 to request approval for additional machines in different locations. For example, if an applicant submitted an application for 4.4.1 and 4.4.2 for an ice machine at a campground and wanted to add a duplicate machine at a different location in the campground, they could submit an application under proposed section 4.4.3. This proposed standard is designed to ensure public health standards while reducing a cumbersome review under DEQ-1 requiring multiple deviations. Reduction of deviations saves the department time reviewing a deviation and the applicant time and fees associated with submitting a deviation.

The proposed changes would clarify section 6.2 regarding pump requirements, which may suggest that two fire pumps are required. The intent of this section is for the system to meet maximum daily demand (MDD) with the largest fire pump out of service and meet the MDD plus fire flow with all pumps in service. The proposed changes aim to explain that the department does not require two fire pumps.