

Nondegradation Rule Update

Presented to WPCAC December 13, 2023

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SB285 changes to MCA 75-5-301 due July 1, 2024

- Applies to surface water analysis of septic systems that do not have a groundwater discharge permit:
 - Clarified that if non-significance criteria is met, no further analysis is required,
 - Requires a method for mixing zone dilution,
 - Requires accounting for nitrogen attenuation,
 - Clarified legislative intent to adopt $\frac{1}{4}$ to $\frac{1}{2}$ mile limit on surface water analysis based on soil type, and
 - Required new categories of systems that are not required to perform numerical non-deg analysis when surface water is $> 500'$.

Proposed Schedule:

February

- Publish Proposed Rulemaking

March

- Public Comment Period

April-May

- Prepare response to comments

June 21

- Publish Notice of Adoption

Proposed Rule Changes to comply with SB285

- Account for wastewater nitrogen reduction in the environment (ARM 17.30.517(1)(d)(vi)) ...
- Expand categories that cause nonsignificant changes in water quality related to subdivision wastewater discharges (ARM 17.30.716) ...
- Account for wastewater dilution in surface water impacts analysis (ARM 17.30.715(4)(b))
- Limit distances to account for surface water impacts to $\frac{1}{4}$ and $\frac{1}{2}$ mile downgradient of wastewater discharges (ARM 17.30.715(1)(g))
- Limit additional analysis once nonsignificant criteria are met (ARM 17.30.715(5) & remove 17.30.716(5))

MEANSS Summary (SB285)

- Developed to provide site-specific estimates of wastewater nitrogen attenuation.
 - Included in Nutrient Trading Circular (DEQ-13) for wastewater systems trades.
- Estimates environmental nitrogen reduction as wastewater is discharged into soil, migrates in groundwater and discharges to surface water.
- Uses readily available NRCS soils data (hydrologic soil group) and location data.
- Results used to determine nitrogen load for use in groundwater mixing zones and surface water analyses.

Nonsignificant Categories (SB285)

- Add new categories and increase flexibility for all categories that cause nonsignificant changes (ARM 17.30.716)
 - Allow more than one drainfield on a lot while maintaining similar maximum effluent rates in current rule.
 - Increase maximum effluent rate for level 2, 3, and 4 systems compared to conventional.
 - Expand requirement for pressure dosing drainfields to all categories except lots >20 acres.
 - Add new categories for level 2, 3 and 4 systems.
 - Add new category for waste segregation systems.
 - Add new category for lots >20 acres.

Additional Proposed Rule Changes

- New standard groundwater mixing zone lengths to provide flexibility and consistency between similar systems (ARM 17.30.517)
 - Most small systems (<800 gpd) will have flexible groundwater mixing zones between 100 and 500 feet.
- Add level 3 and level 4 nutrient treatment to existing level 2 treatment (ARM 17.30.702)
 - Level 2 - 24 mg/L or 60% removal
 - Level 3 - 15 mg/L or 75% removal
 - Level 4 - 7.5 mg/L or 87.5% removal

Additional Proposed Rule Changes (cont.)

- Update initial data requirements and O&M requirements for level 2, 3 and 4 systems (ARM 17.30.718):
 - Limit third party testing results to only account for 1/3 of the required data for classification as level 2, 3, or 4.
 - Set lower limit of influent total nitrogen for systems tested on site by providers, 40 mg/L.
 - More data required for level 4 approval than level 2 or 3.
 - Remove loophole for technologies listed in DEQ-4
 - Increased long-term O&M monitoring for systems over 5,000 gpd that don't need a MGWPCS groundwater permit.
 - Updated long-term O&M effluent monitoring parameters to remove less useful parameters and add new ones.
 - Grandfather previous approvals that meet level 3 or level 4

WPCAC Members Questions and Comments



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