



January 18, 2024

TO: Members of the Water Pollution Control Advisory Council & the public

FROM: Eric Sivers, WQD Policy Analyst

MEETING DATE: January 26, 2024

SUBJECT: Montana Ground Water Pollution Control System Rulemaking Update

ACTION REQUIRED BY COUNCIL:

*Briefing item.*

BACKGROUND:

*At the December 13, 2023 WPCAC meeting, DEQ committed to providing an update with any changes made to the rules presented. Since that date, DEQ has finished analyzing and responding to comments received on the MGWPCS groundwater discharge permitting rules. A summary of the changes is provided below.*

- The new definitions of “advanced treatment system” and “conventional treatment system” were deleted. DEQ anticipated this change to the adoption notice and briefed WPCAC accordingly during the December presentation.
- The new definition of “cumulative” was deleted in response to comments expressing concern over potential confusion or conflation with “cumulative impacts” analyzed under the nondegradation provisions of the Water Quality Act and under the Montana Environmental Policy Act. DEQ replaced “cumulative” in ARM 17.30.1022 (1)(d) and (2) with “aggregate”.
- DEQ did not strike the review procedure subparts in ARM 17.30.1024 (6) through (10) in response to comments identifying their importance for clarity and regulatory certainty.

RECOMMENDATION:

*Briefing item only.*

Please contact us with any questions *Eric Sivers, DEQ – Metcalf Building P.O. Box 200901, Helena, MT 59620; 406.444.0531; esivers@mt.gov*

Attachments: *none*