

RULEMAKING TO AMEND CIRCULAR DEQ-7, MONTANA NUMERIC WATER QUALITY STANDARDS



Water Pollution Control Advisory Council

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PRESENTATION SUMMARY

1. Background

2. Overview of rulemaking package

Share proposed administrative rule amendments with the Water Pollution Control Advisory Council at least 30 days prior to the first publication to comment on the proposed action (75-5-307(1), MCA)

3. Rulemaking Timeline

4. Questions, Comments





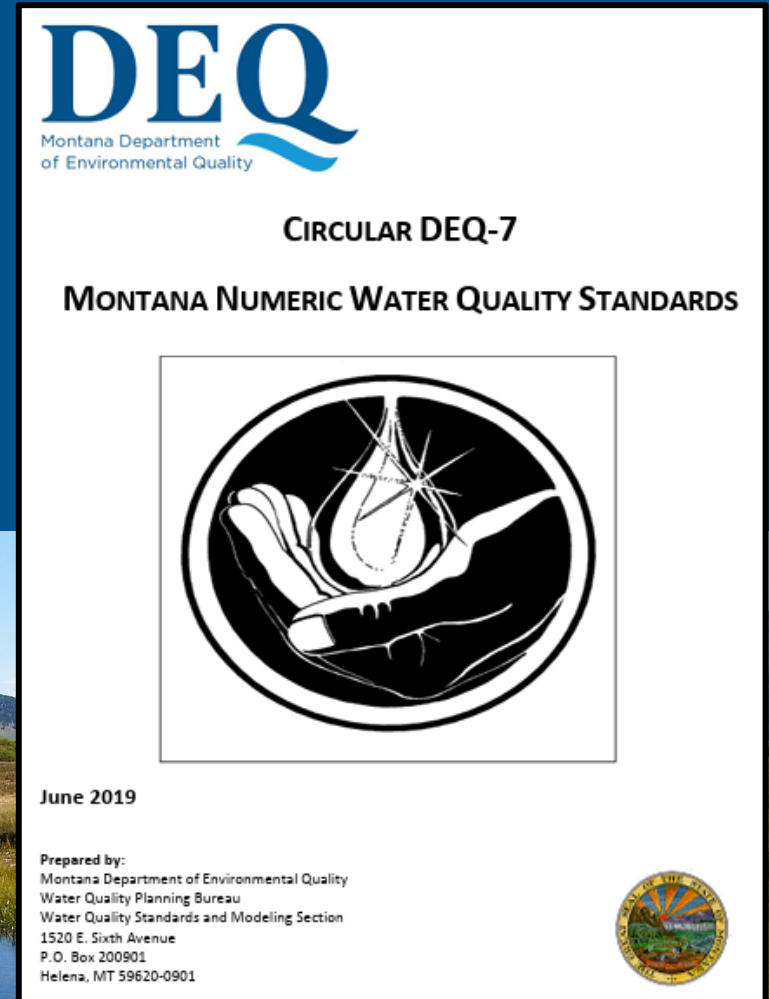
BACKGROUND

DEPARTMENT CIRCULAR DEQ-7

Contains numeric water quality standards

Adopted by reference into Administrative Rules of Montana

Last updated in June 2019



WATER QUALITY STANDARDS TRIENNIAL REVIEW

DEQ is required, at least every three years, to hold a public hearing for the purpose of reviewing water quality standards and, as appropriate, to modify and adopt water quality standards (75-5-301, MCA; 40 CFR Part 131).

Proposed rule changes were spurred by:

- Comments received during 2020 and 2023 triennial review
- Standards section review and coordination with DEQ programs





OVERVIEW OF RULEMAKING PACKAGE

AMEND RULES

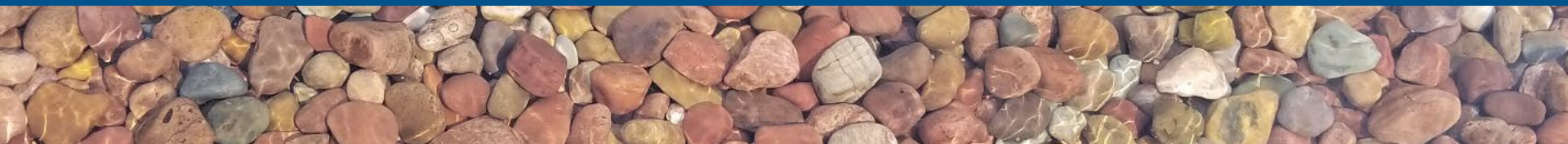
| | |
|----------------|-----------------------------|
| ARM 17.24.645 | GROUND WATER MONITORING |
| ARM 17.24.646 | SURFACE WATER MONITORING |
| ARM 17.30.502 | DEFINITIONS |
| ARM 17.30.619 | INCORPORATIONS BY REFERENCE |
| ARM 17.30.702 | DEFINITIONS |
| ARM 17.30.1001 | DEFINITIONS |
| ARM 17.36.126 | ADOPTION BY REFERENCE |
| ARM 17.55.109 | INCORPORATION BY REFERENCE |
| ARM 17.56.507 | ADOPTION BY REFERENCE |
| ARM 17.56.608 | ADOPTION BY REFERENCE |

Overview of change

- Update citations for Circular DEQ-7 in rule from the “June 2019 edition” to the edition dated the effective month and year of this rule amendment

Reason

- To correctly cite the most current version of Circular DEQ-7 in rules



AMEND CIRCULAR DEQ-7

CYANIDE

Overview of change

- Express the human health standard for cyanide in ground water as free cyanide rather than total cyanide (note: the department is not proposing to change the numeric criteria)
- Add a required reporting value
- Add a trigger value

Reason

- To align Montana's ground water standard with federal Safe Drinking Water Act regulations which are based on free cyanide
- A required reporting value must reflect the laboratory analytical methods approved for measuring free cyanide
- Cyanide is a toxic parameter for which a trigger value was not previously adopted for use when implementing nondegradation rules for toxic parameters



AMEND CIRCULAR DEQ-7

LEAD

Overview of change

- Lower the human health standards for lead in surface water and ground water from 15 µg/L to 10 µg/L
- Update references to the source used to derive the criteria from maximum contaminant level (MCL) to action level (AL)

Reason

- To align Montana's human health standards with federal Safe Drinking Water Act Lead and Copper Rule Improvements issued in 2024
- To improve clarity by more accurately citing the source used to derive the criteria; the standard is based on an action level and there is no maximum contaminant level for lead



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PESTICIDES - CHLORSULFURON

Overview of change

- Increase the human health water quality criteria for chlorsulfuron in surface water and ground water from 100 µg/L to 300 µg/L

Reason

- To correct the reference dose used in the previous calculation of the human health water quality standards that were adopted in 2017



AMEND CIRCULAR DEQ-7

PESTICIDES - IMAZAPIC

Overview of change

- Lower the human health water quality criteria for imazapic in surface water and ground water from 3,000 $\mu\text{g/L}$ to 913 $\mu\text{g/L}$

Reason

- To correct the reference dose used in the previous calculation of the human health water quality standards that were adopted in 2017



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PESTICIDES - NICOSULFURON

Overview of change

- Lower the human health water quality criteria for nicosulfuron in surface water and ground water from 8,500 $\mu\text{g/L}$ to 8,330 $\mu\text{g/L}$

Reason

- To correct a rounding error made in the previous calculation of these criteria prior to their adoption in 2017; the criteria should be rounded to three significant figures to align with EPA guidance for the rounding of human health criteria



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PESTICIDES – 1,2-DIBROMOETHANE

Overview of change

- Increase the human health water quality criteria for 1,2-dibromoethane in surface and ground water from 0.017 $\mu\text{g/L}$ to 0.2 $\mu\text{g/L}$

Reason

- To correct an error in decimal placement made during the previous calculation of these criteria prior to their adoption in 2017; the criteria are rounded to one significant figure to align with EPA guidance for rounding of human health criteria.



AMEND CIRCULAR DEQ-7

GRAMMAR, WORDSMITHING, AND TECHNICAL EDITS

Overview of change

- Update the hyperlink to the location on the department's website where Circular DEQ-7 can be found
- Remove the reference to department Circular DEQ-12A following the direct, legislative repeal of Circular DEQ-12A by the 69th Montana Legislature (House Bill 664) in 2025
- Replace outdated hyperlinks with current hyperlinks to EPA websites referenced in introduction footnotes
- Replace the incorrect usage of the term 'toxin' with the correct term 'toxic'
- Add a hyphen to 'risk-based' to be consistent with formatting used throughout the circular
- Add commas to improve clarity
- Clarify which health effect data is used in human health criteria calculations

Reason

- To improve the readability and accuracy of Circular DEQ-7



AMEND CIRCULAR DEQ-7

GRAMMAR, WORDSMITHING, AND TECHNICAL EDITS, CONTINUED

Overview of change

- Remove the word 'number' after CASRN to eliminate redundancy as CASRN (Chemical Abstracts Service Registry Number) already abbreviates the word number
- Correct the hyphen placement in the CASRN for Dinitrophenols
- Remove the word 'footnote' from the row containing dioxin in the table to be consistent in referencing footnotes throughout the table
- Add a zero to the left of the decimal for perfluorooctane sulfonate and perfluorooctanoic acid criteria to be consistent with formatting used throughout the table
- Fix a typo in the pollutant name propiconazole to remove the extra letter o
- Clarify references to drinking water regulations in Footnote 17 to specify Safe Drinking Water Act regulations

Reason

- To improve the readability and accuracy of Circular DEQ-7





RULEMAKING TIMELINE

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2024 - 2025 - Conceptual review and initial drafting

January 20, 2026 - Provide materials to WPCAC

January 29, 2026 - Rulemaking presentation to WPCAC

April 22, 2026 - File proposal notice with SOS

April 24, 2026 - Proposal notice published in MAR

April 24 – June 8, 2026 - Public Comment Period

June 8, 2026 - Public Hearing

Respond to comments; modify adoption notice

September 23, 2026 - File adoption notice with SOS

September 25, 2026 - Adoption notice published in MAR

* Dates subject to change

WPCAC = Water Pollution
Control Advisory Council

SOS = Secretary of State

MAR = Montana

Administrative Record



THANK YOU!

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