



January 16, 2026

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

FROM: Tyler Halligan, WPB MPDES Stormwater Program Coordinator & Permit Writer

MEETING DATE: January 29, 2026

SUBJECT: Montana Municipal Separate Storm Sewer System (MS4) Rulemaking Update

ACTION REQUIRED BY COUNCIL:

Briefing item. No action required by council.

BACKGROUND:

This agenda item provides a briefing on a proposed rulemaking package that would amend select provisions of ARM Title 17, chapter 30 governing Montana Pollutant Discharge Elimination System permitting for small municipal separate storm sewer systems (MS4s). The proposal updates state rule language to align with current federal terminology and census-based classifications, replaces outdated references to “urbanized areas” with population-based thresholds tied to the most recent decennial census, and ensures consistency across MS4 fee, definition, and designation provisions. These changes are technical in nature and are intended to maintain conformity with revised federal Phase II stormwater regulations while preserving existing regulatory structure, thresholds, and program expectations.

In addition to terminology updates, the proposal reflects changes in MS4 designation status resulting from population growth identified in the 2020 Census. Certain MS4s now meet the federal criteria for automatic designation based on population, while one jurisdiction is proposed for discretionary designation under existing state criteria due to its population and potential water quality impacts. The agenda item is informational only and is intended to brief the council on the scope, purpose, and content of the proposal.

RECOMMENDATION:

Briefing item only.

Please contact us with any questions *Tyler Halligan, DEQ – Colonial Building P.O. Box 200901, Helena, MT 59620; 406.444.2897; Tyler.Halligan@mt.gov*

Attachments: "MS4 Agenda Attachment_1"

PROPOSED RULEMAKING

This document presents the proposed amendments to ARM 17.30.201, 17.30.1102, and 17.30.1107 related to Montana Pollutant Discharge Elimination System permitting for Small Municipal Separate Storm Sewer Systems (MS4s). The proposed amendments update rule language to align with current federal terminology and census-based population thresholds and reflect changes in MS4 designation status resulting from the most recent decennial census. The amendments do not alter existing regulatory structure or program requirements but clarify how MS4 applicability, designation, and associated provisions are identified under state rule.

17.30.201 PERMIT APPLICATION, DEGRADATION AUTHORIZATION, AND ANNUAL PERMIT FEES

- (1) through (7) remain the same.
- (8) The annual permit fees are set forth in Schedules III.A, III.B, and III.C. No annual fee is required for activities listed in Schedule I.D.
 - (a) through (c) remains the same.
 - (d) Annual fees in Schedule III.C for authorizations under the general permit for municipal separate storm sewer systems (MS4s) are ~~determined by population in an urbanized area as defined by based on population as determined by the latest decennial census from~~ the United States Census Bureau. The fees must be based on the latest available decennial census data.
 - (e) through (11) remain the same.

17.30.1102 DEFINITIONS

In this subchapter, the following terms have the meanings or interpretations indicated below and shall be used in conjunction with and are supplemental to those definitions contained in 75-5-103, MCA. If not defined in this rule, terms used in this subchapter have the meanings set out in the definitions in ARM Title 17, chapter 30, subchapter 13.

- (1) through (22) remain the same.
- (23) "Small municipal separate storm sewer system" means:
 - (a) (a) small MS4s, and portions of them, that are located in the following ~~urbanized areas~~ ~~urban areas with a population of 50,000 or more people~~ as determined by the latest decennial census by the United States ~~census bureau~~ Census Bureau;
 - (i) the City of Billings and Yellowstone County;
 - (ii) the City of Bozeman and Gallatin County;
 - (iii) the City of Great Falls and Cascade County;
 - (iv) the City of Helena, City of East Helena, and Lewis & Clark County; and
 - (v) the City of Missoula and Missoula County; and
 - (b) the following small MS4s serving a population of at least 10,000 as determined by the latest decennial census by the United States ~~census bureau~~ Census Bureau and

that are located outside of an ~~urbanized area~~urban area with a population of 50,000 or more people:

- (i) MS4s located in the City of ~~Bozeman~~Belgrade;
- (ii) MS4s located in the City of Butte; and
- ~~(iii) MS4s located in the city of Helena; and~~
- ~~(iv)~~(iii) MS4s located in the City of Kalispell;

(c) through (35) remain the same.

17.30.1107 DESIGNATION PROCEDURES: SMALL MS4S

- (1) Remains the same.
- (2) The department shall designate an MS4 other than those identified in ARM 17.30.1102(23) if a discharge from the MS4 results in, or has the potential to result in, exceedances of water quality standards, including impairment of designated uses, or has other significant water quality impacts, including habitat and biological impacts. In making a designation under this subsection, the department shall:
 - (a) consider whether the MS4:
 - (i) has discharges to a listed impaired waterbody that is on the most recent 303(d) list;
 - (ii) has high growth or growth potential;
 - (iii) has high population density;
 - (iv) is contiguous to an ~~urbanized area~~urban area with a population of 50,000 or more people as determined by the latest decennial census by the United States Census Bureau; and
 - (v) is a significant contribution of pollutants to surface waters; and
 - (b) place a high priority on evaluating small MS4s that have a combined permanent and seasonal population of over 10,000, as determined by the latest decennial census by the United States ~~census bureau~~Census Bureau plus the number of commercially advertised bedroom accommodations that will allow for an overnight stay, as listed through the chamber of commerce, or any local resort or property management company.
- (3) through (9) remain the same.
- (10) The department may waive the permit requirements of this subchapter for an MS4, which would otherwise be regulated because it is located within an ~~urbanized area~~urban area with a population of 50,000 or more people as determined by the latest decennial census of the United States Census Bureau, if the MS4 serves a population of under 1,000 and both of the following criteria are met:
 - (a) and (b) remain the same.
- (11) The department may waive the permit requirements of this subchapter for an MS4, which would otherwise be regulated because it is located within an ~~urbanized area~~urban area with a population of 50,000 or more people as determined by the latest decennial census by the United States Census Bureau, if the MS4 serves a population of between 1,000 and 10,000 and both of the following criteria are met:
 - (a) through (13) remain the same.