



ADMINISTRATIVE RULES OF MONTANA

17.30.702 DEFINITIONS

The following definitions, in addition to those in 75-5-103, MCA, apply throughout this subchapter (Note: 75-5-103, MCA, includes definitions for "base numeric nutrient standards," "degradation," "existing uses," "high quality waters," "mixing zone," and "parameter"):

- (1) "Bioconcentrating parameters" means the parameters listed in department Circular DEQ-7 which have a bioconcentration factor greater than 300.
- (2) "Carcinogenic parameters" means the parameters listed as carcinogens in department Circular DEQ-7.
- (3) "Degradation" is defined in 75-5-103, MCA, and also means any increase of a discharge that exceeds the limits established under or determined from a permit or approval issued by the department prior to April 29, 1993.
- (4) "Existing water quality" means the quality of the receiving water, including chemical, physical, and biological conditions immediately prior to commencement of the proposed activity or that which can be adequately documented to have existed on or after July 1, 1971, whichever is the highest quality.
- (5) "Ground water" means water occupying the voids within a geologic stratum and within the zone of saturation.
- (6) "Harmful parameters" means the parameters listed as harmful in department Circular DEQ-7.
- (7) "Highest statutory and regulatory requirements" means all applicable effluent limitations, water quality standards, permit conditions, water quality protection practices, or reasonable land, soil, and water conservation practices. It also means compliance schedules or corrective action plans for the protection of water issued under order of a court, department, or board of competent jurisdiction.
- (8) "High quality waters" is defined in 75-5-103(13), MCA, and does not include Class I surface waters (ARM 17.30.628) or Class III or Class IV ground waters (ARM 17.30.1006(3) through (4)).
- (9) "Level 1a treatment" means a wastewater treatment system that:
 - (a) removes at least 50 percent, but less than 60 percent, of total nitrogen as measured from the raw sewage load to the system; or
 - (b) discharges a total nitrogen effluent concentration of greater than 24 mg/L, but not greater than 30 mg/L. The term does not include treatment systems for industrial waste. A level 1a

designation allows the use of 30 mg/L nitrate (as N) as the nitrate effluent concentration for mixing zone calculations.

- (10) "Level 1b treatment" means a wastewater treatment system that:
 - (a) removes at least 34 percent, but less than 50 percent, of total nitrogen as measured from the raw sewage load to the system; or
 - (b) discharges a total nitrogen effluent concentration of greater than 30 mg/L, but not greater than 40 mg/L. The term does not include treatment systems for industrial waste. A level 1b designation allows the use of 40 mg/L nitrate (as N) as the nitrate effluent concentration for mixing zone calculations.
- (11) "Level 2 treatment" means a wastewater treatment system that:
 - (a) removes at least 60 percent of total nitrogen as measured from the raw wastewater load to the system; or
 - (b) discharges a total nitrogen effluent concentration of 24 mg/L or less. The term does not include treatment systems for industrial waste.
- (12) "Load" means the mass of a parameter per unit of time.
- (13) "Management or conservation practice" means a measure to control or minimize pollution of ground and surface waters from a nonpoint source. Examples of such measures include, but are not limited to, revegetation of disturbed soil, grazing management to prevent overgrazing, contour farming, strip farming, protection of riparian areas, drainage control, and impoundments which detain surface runoff or irrigation return water for sediment control.
- (14) "Mixing zone" is defined in 75-5-103, MCA, and also means a limited area of a surface water body or a portion of an aquifer, where initial dilution of a discharge takes place and where water quality changes may occur and where certain water quality standards may be exceeded.
- (15) "Montana pollutant discharge elimination system" or "MPDES" means the permit system developed by the state of Montana for controlling the discharge of pollutants from point sources into state waters, pursuant to ARM Title 17, chapter 30, subchapter 13.
- (16) "Montana ground water pollution control system" or "MGWPCS" means the permit system developed by the state of Montana for controlling the discharge of pollutants into state ground water, pursuant to ARM Title 17, chapter 30, subchapter 10.
- (17) "New or increased source" means an activity resulting in a change of existing water quality occurring on or after April 29, 1993. The term does not include the following:
 - (a) sources from which discharges to state waters have commenced or increased on or after April 29, 1993, provided the discharge is in compliance with the conditions of, and does not exceed the limits established under or determined from, a permit or approval issued by the department prior to April 29, 1993;
 - (b) nonpoint sources discharging prior to April 29, 1993;
 - (c) withdrawals of water pursuant to a valid water right existing prior to April 29, 1993; and
 - (d) activities or categories of activities causing nonsignificant changes in existing water quality pursuant to ARM 17.30.670, 17.30.715, 17.30.716, or 75-5-301(5)(c), MCA.

- (18) "Nonpoint source" means a diffuse source of pollutants resulting from the activities of man over a relatively large area, the effects of which normally must be addressed or controlled by a management or conservation practice.
- (19) "Ordinary high-water mark" is defined in 23-2-301, MCA.
- (20) "Outstanding resource waters" or "ORW" has the meaning set out in 75-5-103, MCA.
- (21) "Permit" means either an MPDES permit or an MGWPCS permit.
- (22) "Reporting values (RRV)" means the detection level that must be achieved in reporting surface water or ground water monitoring or compliance data to the department unless otherwise specified in a permit, approval, or authorization issued by the department. The RRV is the department's best determination of a level of analysis that can be achieved by the majority of commercial, university, or governmental laboratories using EPA approved methods or methods approved by the department. The RRV is listed in Department Circular DEQ-7, Department Circular DEQ-12A, and in the definition of "total inorganic phosphorus."
- (23) "Surface waters" means any water on the earth's surface including, but not limited to, streams, lakes, ponds, and reservoirs and irrigation drainage systems discharging directly into a stream, lake, pond, reservoir, or other water on the earth's surface. Water bodies used solely for treating, transporting, or impounding pollutants are not considered surface water for the purposes of this subchapter.
- (24) "Total nitrogen" means the sum of all nitrate, nitrite, ammonia, and organic nitrogen, as N, in an unfiltered water sample. Total nitrogen in a sample may also be determined by persulfate digestion, or as the sum of total kjeldahl nitrogen plus nitrate plus nitrite.
- (25) "Total phosphorus" means the sum of orthophosphates, polyphosphates, and organically bound phosphates, as P, in an unfiltered water sample. Total phosphorus may also be determined directly by persulfate digestion.
- (26) "Toxic parameters" means the parameters listed as toxic in department Circular DEQ-7.
- (27) "Trigger values" means the values listed as trigger values in department Circular DEQ-7 for parameters categorized as toxic, and are used to determine if proposed activities will cause degradation.
- (28) The department adopts and incorporates by reference:
 - (a) Department Circular DEQ-7, entitled "Montana Numeric Water Quality Standards" (June 2019 edition), which establishes numeric water quality standards for toxic, carcinogenic, bioconcentrating, radioactive, and harmful parameters and also establishes human health-based water quality standards for the following specific nutrients with toxic effects:
 - (i) nitrate;
 - (ii) nitrate + nitrite; and
 - (iii) nitrite;
 - (b) Department Circular DEQ-12A, entitled "Montana Base Numeric Nutrient Standards" (December 2013 edition), which establishes numeric water quality standards for total nitrogen and total phosphorus in surface waters;

- (c) Department Circular DEQ-4, entitled "Montana Standards for Subsurface Wastewater Treatment Systems" (2023 edition), which establishes technical standards for construction of subsurface wastewater treatment systems; and
- (d) 40 CFR Part 136 (July 1, 2015) which contains guidelines establishing test procedures for the analysis of pollutants.
- (e) Copies of this material may be obtained from the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901.

Authorizing statute(s): 75-5-301, 75-5-303, MCA

Implementing statute(s): 75-5-303, MCA

History: NEW, 1994 MAR p. 2136, Eff. 8/12/94; AMD, 1995 MAR p. 1798, Eff. 9/15/95; AMD, 1996 MAR p. 555, Eff. 2/23/96; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1999 MAR p. 94, Eff. 1/15/99; AMD, 1999 MAR p. 2257, Eff. 10/8/99; AMD, 1999 MAR p. 2275, Eff. 10/8/99; AMD, 2002 MAR p. 387, Eff. 2/15/02; AMD, 2003 MAR p. 217, Eff. 2/14/03; AMD, 2004 MAR p. 725, Eff. 4/9/04; AMD, 2004 MAR p. 1384, Eff. 6/18/04; AMD, 2006 MAR p. 528, Eff. 2/24/06; AMD, 2008 MAR p. 946, Eff. 5/9/08; AMD, 2009 MAR p. 1786, Eff. 10/16/09; AMD, 2010 MAR p. 1796, Eff. 8/13/10; AMD, 2012 MAR p. 2060, Eff. 10/12/12; AMD, 2013 MAR p. 2081, Eff. 11/15/13; AMD, 2014 MAR p. 1815, Eff. 8/8/14; AMD, 2017 MAR p. 602, Eff. 5/13/17; AMD, 2019 MAR p. 826, Eff. 6/22/19; AMD, 2024 MAR p. 257, Eff. 2/10/24; AMD, 2024 MAR p. 1581, Eff. 7/6/24.