



ADMINISTRATIVE RULES OF MONTANA



17.55.102 DEFINITIONS

In this subchapter the following terms have the meanings indicated below and are supplemental to the definitions in 75-10-701, MCA:

- (1) "Beneficial use" means a use of water designated under the appropriate classification in ARM 17.30.621 through 17.30.629 and 17.30.1006.
- (2) "Final permanent remedy" means, for purposes of 75-10-722, MCA, the remedial actions identified by the department in a record of decision and constructed after the record of decision is issued.
- (3) "Free product" means a hazardous or deleterious substance or a material containing a hazardous or deleterious substance that is present as a non-aqueous phase liquid.
- (4) "May present an imminent and substantial endangerment" and "may pose an imminent and substantial threat" mean that:
 - (a) except as provided in (b), concentrations of hazardous or deleterious substances in the environment exist above screening levels adopted by the department in ARM 17.55.109 or other statutory or regulatory cleanup levels;
 - (b) a concentration of a hazardous or deleterious substance in the environment in a concentration that exceeds a screening level adopted by the department in ARM 17.55.109 does not present an imminent and substantial endangerment or pose an imminent and substantial threat if:
 - (i) the department has determined pursuant to ARM 17.55.108(5) and (6) that the release does not present an imminent and substantial endangerment or pose an imminent and substantial threat to public health, safety, or welfare or the environment unless, based on significant new or different information received after the initial determination, the department makes a different determination; or
 - (ii) department-approved facility-specific cleanup levels developed in accordance with ARM 17.55.113 for the parameters that exceed the screening levels are met.
- (5) "Primary contact activities" means activities that involve direct contact with water including, but not limited to, swimming, wading, or fishing.
- (6) "Record of decision" means the final agency decision document that identifies and explains the final remedial actions selected by the department that will be used to clean up a facility. It does not include a voluntary cleanup plan approved under 75-10-736, MCA.
- (7) "Sensitive environment" means:

- (a) a terrestrial or aquatic resource, including wetlands, with unique or highly valued environmental or cultural features;
- (b) an area with unique or highly valued environmental or cultural features; or
- (c) a fragile natural setting.

Authorizing statute(s): 75-10-702, 75-10-704, MCA

Implementing statute(s): 75-10-702, 75-10-704, 75-10-711, MCA

History: NEW, 1999 MAR p. 837, Eff. 4/23/99; 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, 2010 MAR p. 2346, Eff. 10/15/10.).