



# Montana Legislative Services Division

---

## Legal Services Office

TO: Environmental Quality Council  
FROM: Helen Thigpen, Staff Attorney  
DATE: March 2012  
RE: Administrative Rule Review Report for MAR Notice No. 17-329

---

Pursuant to 75-1-324 and 5-5-215, MCA, the Environmental Quality Council is responsible for reviewing administrative rules within its jurisdiction. Staff for the Environmental Quality Council has prepared this report for informational purposes only. This report does not represent any action or opinion of the Environmental Quality Council and does not preclude additional action that may be taken by the Environmental Quality Council pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:** 17-329

**AGENCY/BOARD:** Department of Environmental Quality

**RULE CLASSIFICATION:** Substantive

**SUBJECT:** Water treatment systems and operators -- definitions, classification of systems, certification of operators, examinations, certified operator in charge of systems -- exceptions.

**NOTICE DESCRIPTION:** Notice of Public Hearing on Proposed Amendment

**SUMMARY OF RULE(S):** The Department is proposing amendments to its rules regarding water treatment and systems operators. As proposed, the rules are being amended to: (1) include a definition of "on-site wastewater treatment system" to clarify that on-site wastewater systems are identified and require a certified operator; (2) clarify that the Department may approve an applicant who does not meet the full certification requirements to be an operator in responsible charge of a specified system; (3) to clarify the level of certification required for various treatment types; (4) clarify the rules for receiving a temporary certificate; (5) clarify the rules regarding examinations; and (6) remove the exemption that allows an industrial wastewater treatment system that discharges to municipal facilities or removes sediment without a surface water discharge to operate without a certified operator.

**NOTES/HEARINGS:** Comments are due to the Department by March 8, 2012. A hearing is scheduled for March 1, 2012.