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Montana Legislative Services Division

Legal Services Office

TO: Water Policy Interim Committee Members
FROM: Joe Carroll, Staff Attorney
RE: Administrative Rule Report

Below please find summaries of proposed rulemaking by the Department of Environmental Quality and Department of Natural Resources and Conservation for the Water Policy Interim Committee's review. Technical questions regarding the Montana Administrative Procedure Act compliance may be directed to your committee staff. Substantive questions are best directed to the agency responsible for the rule proposal. Committee staff will gladly refer questions to the appropriate agency representative to ensure thorough and timely answers to members' questions.

DEPARTMENT OF ENVIRONMENTAL QUALITY:

MAR Notice Number: 17-427

Notice Description: Notice of Public Hearing on Proposed Adoption

Subject: Temporary water quality standards variances

Summary: 17-427 is a proposal to adopt one new rule regarding temporary water quality standards variances. This implements 75-5-320, MCA, which was enacted after the 2019 legislative session. The new rule would provide the criteria and procedures for the department to issue temporary variances. A variance could be granted for one of six factors. To issue a variance, the department would seek approval from the Environmental Protection Agency and hold a public hearing. The department would review an issued variance every 5 years.

Notes/Hearing: A hearing is scheduled for 10 a.m. on August 18, 2022, in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, MT. The hearing will also be conducted over Zoom.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION:

MAR Notice Number: 36-22-213

Notice Description: Notice of Public Hearing on Proposed Amendment and Repeal

Subject: Dam Safety

Summary: 36-22-216 is a proposal to amend 10 existing rules and repeal 1 existing rule regarding dam safety.

Notes/Hearing: The department scheduled a hearing for August 9, 2022, and the public comment period closed on the same date.

DEPARTMENT OF FISH, WILDLIFE, AND PARKS:

None.