

BEFORE THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the adoption of New ) NOTICE OF ADOPTION  
Rule I regarding the Lockwood )  
Solvent Groundwater Plume Site )  
Controlled Groundwater Area )

TO: All Concerned Persons

1. On July 20, 2018, the Department of Natural Resources and Conservation published MAR Notice No. 36-22-198 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 1383 of the 2018 Montana Administrative Register, Issue Number 14.

2. The department has adopted the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (36.12.907) LOCKWOOD SOLVENT GROUNDWATER PLUME SITE CONTROLLED GROUNDWATER AREA (1) There is designated a Lockwood Solvent Groundwater Plume Site Controlled Groundwater Area (LSGPS CGWA). The LSGPS CGWA means an area of approximately ~~336~~ 331 acres located east of Billings, Montana, and is generally described as follows:

(a) The LSGPS CGWA covers an area approximately ~~0.54~~ 0.52 square miles and is generally located south and east of the Yellowstone River at Lockwood, Montana, between Rosebud Lane to the south, the Yellowstone River to the north and west, and Maier Road on the east (the east Section line of Sections 26 and 35, T1N, R26E). The boundaries are wholly within: N2N2 Section 35, T1N, R26E; S2 Section 26, T1N, R26E; and S2N2 Section 26, T1N, R26E.

(b) through (4) remain as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received, and the department's responses are as follows:

COMMENT 1: The department received a comment requesting that the department modify the boundary of the proposed Lockwood Solvent Groundwater Plume Site Controlled Groundwater Area (LSGPS CGWA). The request was to move the boundary approximately 250 feet southwest along the parcels owned by the individual making the request, thereby excluding the easternmost portion of the southern parcel (geocode: 03-1033-26-4-13-01-0000) and entire northern parcel (geocode: 03-1033-26-4-13-11-0000) from the LSGPS CGWA. Evidence within the application was cited to demonstrate that a well drilled on the northern parcel or the eastern portion of the southern parcel should not induce plume migration.

RESPONSE TO COMMENT 1: The department agrees. Wells located within roughly 650 feet of the plume could cause plume migration. The northernmost parcel requested to be removed lies completely outside this zone, and the southern parcel lies partially outside this zone. The original proposed boundary simply followed parcel borders, and therefore, included some areas more than 650 feet from the plume. Upon consideration of the comment and further discussion with the engineer who prepared the petition materials on behalf of RiverStone Health, the department has determined modification of the proposed LSGPS CGWA boundary is appropriate. The rule is amended as requested to exclude the northern parcel, and easternmost section of the southern parcel. Approximately five acres of land were removed from the proposed LSGPS CGWA. A map reflecting the amended boundary is available at <http://dnrc.mt.gov/divisions/water/water-rights/controlled-ground-water-areas/lockwood>.

/s/ John E. Tubbs  
JOHN E. TUBBS  
Director  
Natural Resources and Conservation

/s/ Brian C. Bramblett  
BRIAN C. BRAMBLETT  
Rule Reviewer

Certified to the Secretary of State September 25, 2018.