

BEFORE THE BOARD OF WATER WELL CONTRACTORS AND  
THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON  
36.21.634 and 36.21.638 regarding the ) PROPOSED AMENDMENT  
Location of Wells )

To: All Concerned Persons

1. On January 18, 2019, at 10:00 a.m., the Board of Water Well Contractors will hold a public hearing in the Fred Buck Conference Room (ground floor), Water Resources Building, 1424 Ninth Avenue, Helena, MT, to consider the proposed amendment of the above-stated rules.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on January 11, 2019, to advise us of the nature of the accommodation that you need. Please contact Art Robinson, Department of Natural Resources and Conservation, P.O. Box 201601, 1424 Ninth Avenue, Helena, MT 59620-1601; telephone (406) 444-6643; fax (406) 444-0533; or e-mail arobinson@mt.gov.

3. The department proposes to amend the following rules, stricken matter interlined, new matter underlined:

36.21.634 DEFINITIONS For purposes of this chapter, the following terms shall apply.

(1) through (34) remain the same.

(35) "Sewage lagoon" means any holding or detention pond that is used for treatment or storage of water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present. For purposes of this rule, the term includes concentrated animal feeding operations but does not include storm water facilities or subsurface wastewater treatment systems.

(35) through (41) remain the same but are renumbered (36) through (42).

AUTH: 37-43-202(3), MCA

IMP: 37-43-202(3), MCA

36.21.638 LOCATION OF WELLS (1) remains the same.

(a) 50 feet of septic tanks, and underground storage tanks and associated lines; ~~or~~

(b) 100 feet of drainfields, seepage pits or cesspools, or other site treatment systems; or

(c) 1,000 feet of sewer lagoons; wells less than 1,000 feet setback must be in compliance with the Department of Environmental Quality under [New Rule I from MAR Notice No. 17-404].

(2) and (3) remain the same.

AUTH: 37-43-202(3), MCA

IMP: 37-43-202(3), MCA

REASONABLE NECESSITY: The board proposes to amend these rules to ensure consistency with the rules proposed by the Department of Environmental Quality (DEQ) in MAR Notice No. 17-404.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted in writing to Art Robinson, Department of Natural Resources and Conservation, P.O. Box 201601, 1424 Ninth Avenue, Helena, MT 59620; fax (406) 444-0533; or e-mail arobinson@mt.gov and must be received no later than 5:00 p.m. on January 18, 2019.

5. Art Robinson, Department of Natural Resources and Conservation, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Aliselina Strong, P.O. Box 201601, 1539 Eleventh Avenue, Helena, MT 59620; fax (406) 444-2684; e-mail astrong@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by telephone on February 15, 2018.

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

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

/s/ Danna R. Jackson  
DANNA R. JACKSON  
Rule Reviewer

Certified to the Secretary of State December 11, 2018.