

HOUSE BILL NO. 923

INTRODUCED BY L. JONES, S. GIST, G. OBLANDER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CATEGORICAL EXCLUSIONS FROM A NONDEGRADATION AUTHORIZATION; DIRECTING THE AMENDMENT OF ARM 17.30.716; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Department to amend rule. ~~By January 1, 2026, the~~The department of environmental quality shall amend ARM 17.30.716 to ~~provide for a categorical exclusion from a nondegradation authorization provided in 75-5-317 if a county commission demonstrates to the department that the commission has established an area where:~~

~~(1) —drinking water wells are prohibited; and~~

~~(2) —the absorption trench is at least 1,000 feet from downstream high-quality surface waters~~ insert a new subsection (8) that reads:

"(8) A wastewater discharge that otherwise meets the criteria of this rule may be reviewed for nonsignificance without a background nitrogen sample required in (4)(c)(iii) in settings where ground water cannot be sampled due to absence or great depth of ground water."

NEW SECTION. Section 2. Appropriation. There is appropriated ~~\$10,000~~ \$500 from the general fund to the department of environmental quality for the biennium beginning July 1, 2025, to amend the department's rules pursuant to [section 1] ~~and provide guidance for a categorical exclusion from a nondegradation authorization.~~

NEW SECTION. Section 3. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 2] is effective July 1, 2025.

**Amendment - 1st Reading-white - Requested by: Llew Jones - (H) Natural Resources**

- 2025

69th Legislature 2025

Drafter: Jason Mohr,

HB0923.001.001

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NEW SECTION. **Section 4. Applicability.** [This act] applies to applications for nondegradation  
authorizations received on or after May 1, 2025.

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- END -

AMENDED