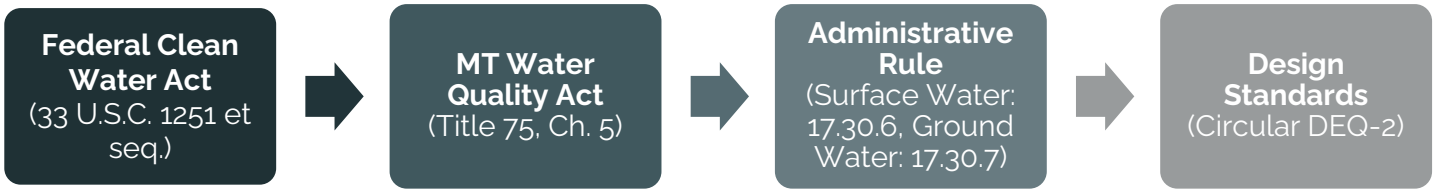
HJ 74: Allowable Uses of Reclaimed Water in MT

WATER POLICY INTERIM COMMITTEE
TONI HENNEMAN – MARCH 2026

CURRENT REGULATIONS

The authority to adopt regulations and guidelines for the use of reclaimed wastewater originates in the United States Clean Water Act (1972) for surface water and the Montana Water Quality Act for groundwater and follows a line of authority down to specific design standards.



The Montana Department of Environmental Quality (DEQ) establishes water treatment standards in Administrative Rule,[1] and generally categorizes six different classes by letter, with letter "A" designating a higher-treatment requirement than a subsequent letter. The Design Standards[2] then use the water classifications to further outline the treatment and testing requirements for each class (*see page 2)*.

Circular DEQ-2: Design Standards for Public Sewage Systems provides the most specific guidance on how reclaimed wastewater may be used. Chapter 120 includes standards for the use of reclaimed wastewater for irrigation purposes, and New Appendix B: Water Reclamation & Reuse speaks directly to the treatment required for additional types of allowable wastewater reuse.

The design standards in DEQ-2 are generally organized by class and allowed by usage and treatment type. For example, more stringent treatment is required for wastewater used to irrigate food crops, while lower treatment is required for uses such as dust control on unpaved roads. Montana currently regulates wastewater reuse for the following applications:[3]

1. Agriculture
2. Centralized Non-Potable Reuse
3. Environmental Restoration
4. Impoundments
5. Industry
6. Landscaping
7. Indirect Potable Water Reuse (aquifer recharge)

Important to note, before DEQ may grant approval for a reclaimed wastewater reuse project, an applicant must prove that the Department of Natural Resources and Conservation (DNRC) has approved a change of appropriation or water right *OR* provide a written statement that no authorization is needed under Title 85, Water Use.

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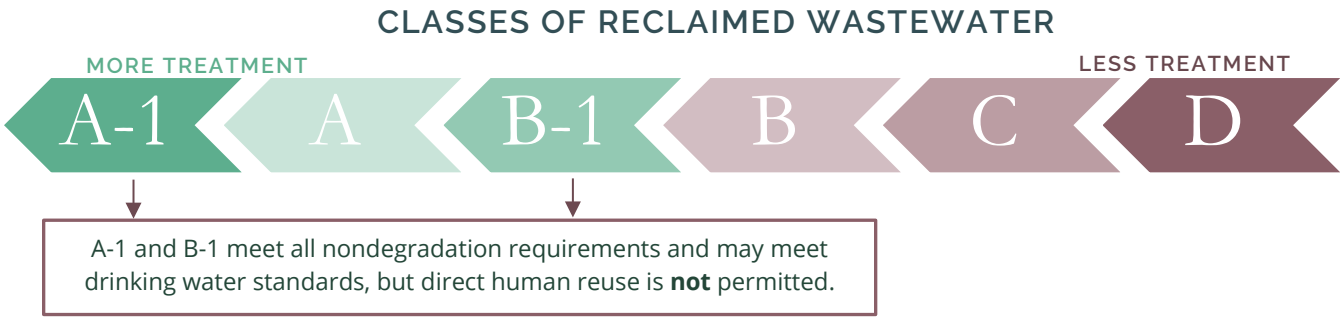
[1] Montana Administrative Rule [Subchapter 17.30.6 and 17.30.7] 2025; https://rules.mt.gov/browse/collections/aec52c46-128e-4279-9068-8af5d5432d74/sections/de74eb4e-6e53-4354-8030-0413db9f6a68.

[2] Montana Department of Environmental Quality, *Circular DEQ-2: Design Standards for Public Sewage Systems*, 2018, https://deq.mt.gov/files/Water/WQInfo/Documents/Circulars/Circulars/2018DEQ-2.pdf.

[3] The wording of these categories may differ from the wording in DEQ-2, but are used to allow for the state-by-state comparison on pages 5-6, which are taken from the United States Environmental Protection Agency's Regulations and End-Use Specifications Explorer (REUSExplorer).

RECLAIMED WASTEWATER STANDARDS

According to the definition in New Appendix B of DEQ-2, "reclaimed wastewater means wastewater treated to the standards in [the following tables] that is reused for private, public or commercial purposes". Reclaimed wastewater used for irrigation purposes is organized into four classes and all other uses into six classes[4], based on the type and degree of treatment. The table below outlines allowable uses of each class.



Allowable Uses of Reclaimed Wastewater and Associated Classes[5]

Allowable Uses of Reclaimed Wastewater	Class of Reclaimed Wastewater Required for Identified Use					
	A-1	A	B-1	B	C	D
Impoundments						
Landscape Impoundments	YES	NO	NO	NO	NO	NO
Restricted Recreational Impoundments	YES	NO	YES	NO	NO	NO
Unrestricted Recreational Impoundments	YES	NO	NO	NO	NO	NO
Animal & Fish Operations						
Fish Hatchery Basins (with discharge permit)	YES	YES	YES	NO	NO	NO
Zoo Operations and Animal Shelter Wash Down Water *(discharge to sewer)*	YES	YES	YES	YES	NO	NO
Decorative Fountains *(discharge to sewer)*	YES	YES	NO	NO	NO	NO
(discharge to groundwater)	YES	NO	NO	NO	NO	NO
Jetting and Flushing of Sanitary Sewers	YES	YES	YES	YES	YES	NO
Street Cleaning and Washing Operations						
Street Sweeping, Brush Dampening	YES	YES	YES	YES	YES	NO
Sidewalks and Parking Lot Washing, Spray	YES	NO	YES	NO	NO	NO
Dust Control and Soil Compaction/Consolidation						
Unpaved road dust control, road construction compaction, backfill consolidation around pipelines (Not Drinking Water lines)	YES	YES	YES	YES	YES	NO

[4] For specific irrigation requirements, see Chapter 120 of DEQ-2. For the purposes of this paper, the six classes of water found in New Appendix B are used as reference.

[5] Table taken from DEQ-2, Chapter 120, page 157, and pages B-6 and B-7. Please see DEQ-2 for additional technical detail.

Fire Fighting and Fire Protection Systems						
Dumping from Aircraft	YES	YES	YES	YES	YES	NO
Hydrants or Sprinkler Systems in Buildings	YES	YES	NO	NO	NO	NO
Toilet and Urinal Flushing	YES	YES	NO	NO	NO	NO
Washing Aggregate and Concrete Batching Operations *(no discharge)*	YES	YES	YES	YES	YES	NO
Industrial Uses						
Aerosols not created (e.g. heat pumps, boilers) (non-discharging recirculation type)	YES	YES	YES	YES	YES	NO
Aerosols or other mist created (e.g., cooling towers, forced air evaporation, or spraying)	YES	YES	NO	NO	NO	NO
Aquifer Recharge						
Controlled Surface or Subsurface Addition to Replenish the Aquifer	YES	NO	NO	NO	NO	NO
Aquifer Injection						
Direct Injection into Aquifer for Purpose of Enhancing a Water Right or Allocation	YES	NO	NO	NO	NO	NO
Indirect Potable Reuse						
Intentional Return of Reclaimed Wastewater to Augment Raw Water Supplies	YES	YES	NO	NO	NO	NO
Stream flow Augmentation						
Fisheries Support, or Recreational Enhancement with Unrestricted Access	YES	YES	YES	YES	NO	NO
Snow Making						
Restricted Access – designed for discharge to groundwater	YES	NO	YES	NO	NO	NO
Unrestricted Access – such as ski slopes	YES	NO	NO	NO	NO	NO

Allowable Uses of Reclaimed Wastewater for Irrigation Purposes	**Class of Reclaimed Wastewater Required for Identified Use**					
	A-1	**A**	**B-1**	**B**	**C**	**D**
Spray Irrigation of Nonfood Crops *(greater than agronomic uptake rate)*						
Trees and Fodder, Fiber, and Seed Crops	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is applied at agronomic rates
Sod, Ornamental Plants for Commercial Use, and Pasture to Which Milking Cows or Goats Have Access	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is applied at agronomic rates	NO
Drip or Subsurface Irrigation of Nonfood Crops *(greater than agronomic uptake rate)*						
Trees	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is applied at agronomic rates
Spray Irrigation of Food Crops *(greater than agronomic update rate)*						
Food Crops Which Undergo Physical or Chemical Processing Sufficient to Destroy All Pathogenic Agents	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is applied at agronomic rates	NO
Drip or Subsurface						

Irrigation of Food Crops ***(greater than agronomic uptake rate)***						
Food Crops Where There is No Reclaimed Wastewater Contact With Edible Portion of Crop (e.g. orchards, vineyards)	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	NO	NO
Root Crops	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	NO	NO	NO	NO
Landscape Irrigation ***(greater than agronomic uptake rate)***						
Restricted Access Areas (e.g. Cemeteries and Freeway Landscapes)	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	YES, when nitrogen is applied at agronomic rates	NO
Unrestricted Access Areas (e.g. Golf Courses, Parks, Playgrounds, School Yards, and Residential Landscapes)	YES, when nitrogen is at greater than agronomic rates	YES, when nitrogen is applied at agronomic rates	NO	NO	NO	NO

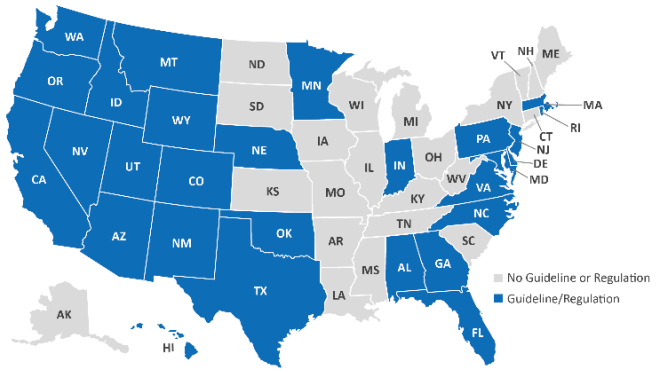
Additional information from DEQ: A public sewage system that meets the treatment standards for Class A-1 or Class B-1 for a reuse project approved by the Department under Title 75, Chapter 6, MCA, is exempt from groundwater permit requirements. Additionally, a public sewage system that land applies reclaimed wastewater according to the requirements of Chapter 120, DEQ-2 and has been approved by the Department is similarly exempt from groundwater permit requirements (ARM 17.30.1022).

HOW DOES MONTANA COMPARE TO OTHER STATES?

The Federal Environmental Protection Agency (EPA) maintains the "Regulations and End-Use Specifications Explorer" (REUSExplorer),[6] which provides high-level summaries of state water reuse regulations or guidelines as part of the Water Reuse Action Plan (WRAP).[7] Compared to other states, Montana provides regulations or guidelines for 7 of 10 monitored categories, demonstrating the high variety of reclaimed wastewater uses allowed in DEQ-2.

The three categories that Montana does not speak to include consumption by livestock, onsite non-potable water, and rainwater collected onsite.

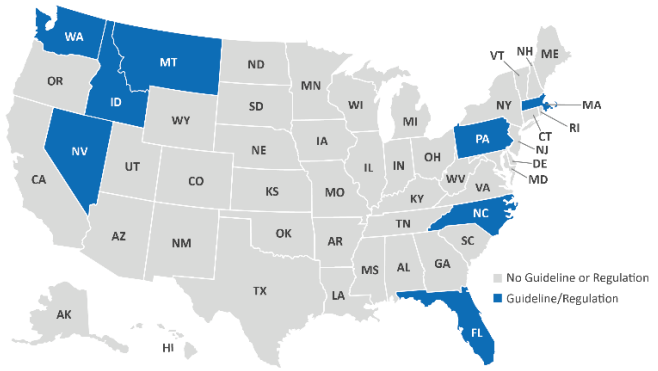
States with Water Reuse Regulations or Guidelines for Agriculture



Date created: August 2024

This is a map of states with guidelines or regulations included in the REUSExplorer tool. Some states may permit reuse on a case-by-case basis and did not have enough information to include in the tool.

States with Water Reuse Regulations or Guidelines to Support Environmental Restoration



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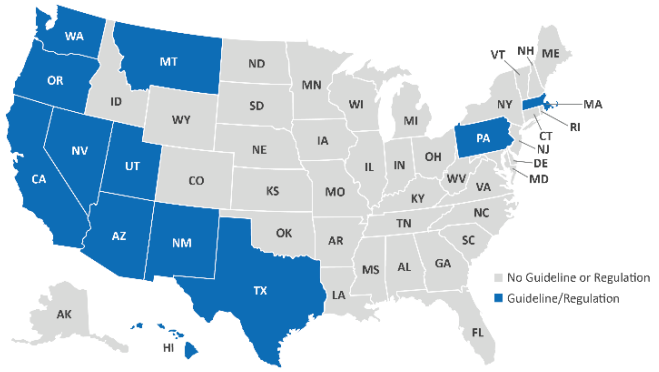
States with Water Reuse Regulations or Guidelines for Impoundments



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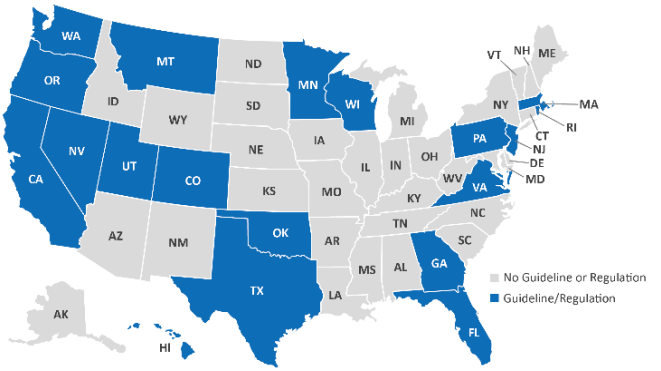
States with Water Reuse Regulations or Guidelines for Industrial Applications



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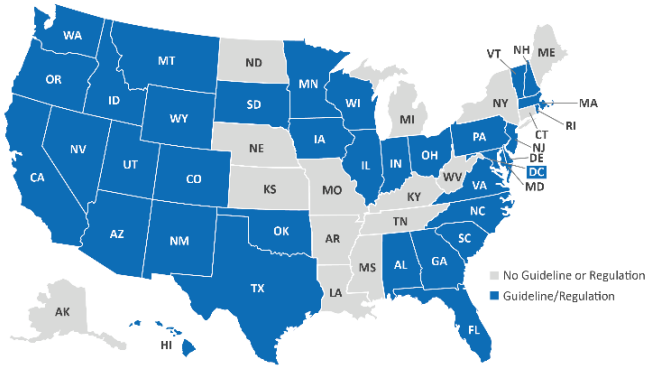
[6] United States Environmental Protection Agency; *Regulations and End-Use Specifications Explorer.* https://www.epa.gov/waterreuse/regulations-and-end-use-specifications-explorer-reusexplorer.

[7] United States Environmental Protection Agency; *National Water Reuse Action Plan*. https://www.epa.gov/waterreuse/national-water-reuse-action-plan.

States with Water Reuse Regulations or Guidelines for Landscaping



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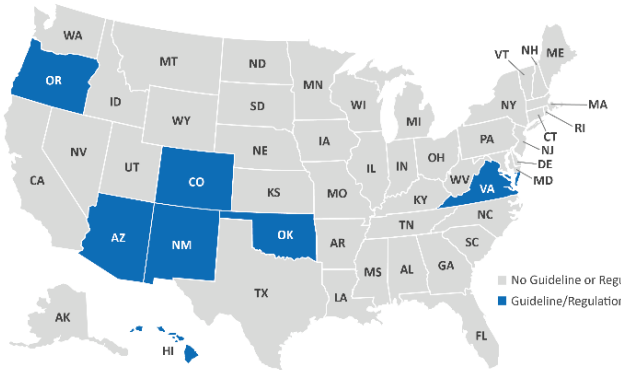
States with Water Reuse Regulations or Guidelines for Consumption by Livestock



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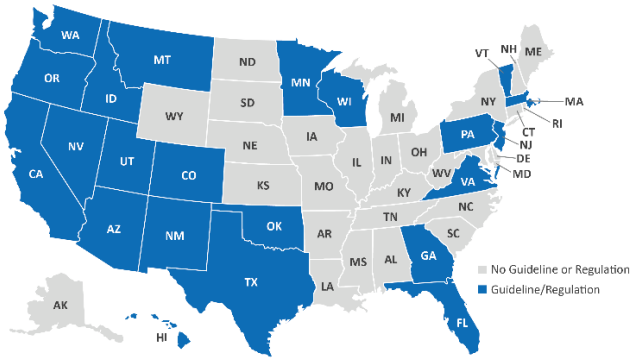
States with Centralized Non-Potable Water Reuse Regulations or Guidelines



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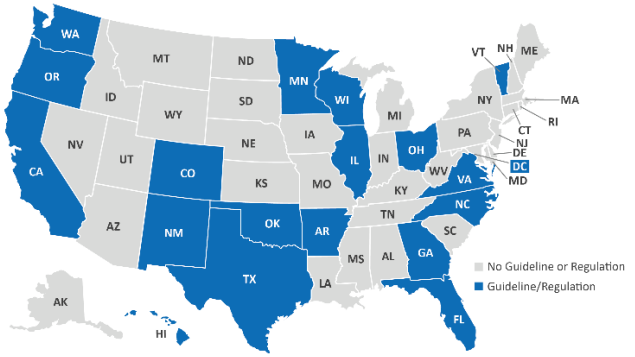
States with Onsite Non-Potable Water Reuse Regulations or Guidelines



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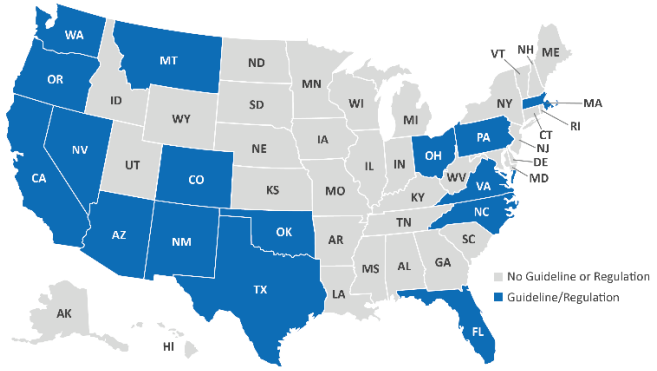
States with Potable Water Reuse Regulations or Guidelines



Date created: November 2025

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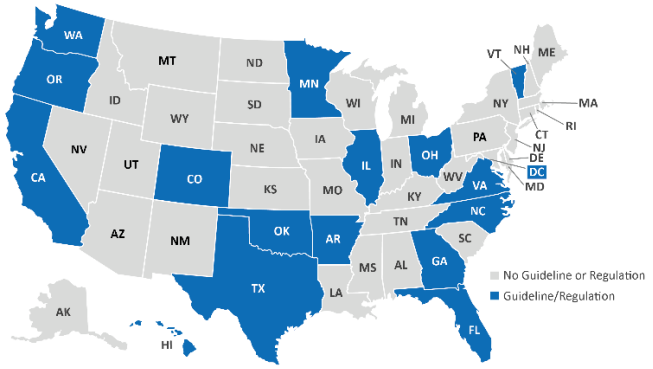
States with Regulations or Guidelines for Reuse of Rainwater Collected Onsite



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CONCLUSION & COMMITTEE CONSIDERATION

The HJ 74 study resolution asks the committee to examine statutes and administrative rules related to wastewater reuse and identify technical, regulatory, financial, or educational roadblocks preventing the implementation of wastewater reuse programs in Montana.

The Montana DEQ currently allows for the reuse of wastewater for various applications and uses. The department goes so far as to include the following policy statement in Chapter 50 of DEQ-2: Wastewater Treatment Facilities:

> "The policy of the Department is to encourage rather than discourage development of methods or equipment for treatment or reuse of wastewaters. The lack of inclusion in these standards of some types of wastewater treatment processes or equipment should not be construed as precluding their use. The Department may approve other types of wastewater treatment processes and equipment if the operational reliability and effectiveness of the process or device has been demonstrated with a suitably-sized prototype unit operating at its design load conditions, to the extent required."[8]

While the department appears to encourage wastewater reuse and provides a variety of regulatory and design options, large-scale reuse systems in the state remain rare, potentially signaling implementation challenges beyond regulatory allowance or guidance. Additional factors, such as treatment system and regulatory cost, public support, and general awareness may act as deterrents to the implementation of large-scale wastewater reuse systems.

The committee may want to continue investigating whether the current regulations are adequate to allow for wastewater reuse or whether other factors, such as financial or educational considerations, play a larger role in a locality's decision to utilize a wastewater reuse system.

[8] Circular DEQ-2; Chapter 50, Section 53.2: Engineering and Performance Requirements for Innovating Wastewater Treatment Alternatives. https://deq.mt.gov/files/Water/WQInfo/Documents/Circulars/Circulars/2018DEQ-2.pdf