

HOUSE BILL 911

Introduced by Cobb

2/16	Introduced
2/16	Referred to Natural Resources
2/18	First Reading
2/22	Hearing
2/22	Tabled in Committee

1 HOUSE BILL NO. 911  
2 INTRODUCED BY LOBO

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4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE TERM  
5 "PERMIT" AS IT PERTAINS TO WATER QUALITY LAWS; CLARIFYING  
6 THE PURPOSE OF PERMIT ISSUANCE; AND AMENDING SECTIONS  
7 75-5-103 AND 75-5-401, MCA."

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

10 **Section 1.** Section 75-5-103, MCA, is amended to read:

11 "75-5-103. Definitions. Unless the context requires  
12 otherwise, in this chapter the following definitions apply:

13 (1) "Sewage" means water-carried waste products from  
14 residences, public buildings, institutions, or other  
15 buildings, including discharge from human beings or animals,  
16 together with ground water infiltration and surface water  
17 present.

18 (2) "Industrial waste" means any waste substance from  
19 the process of business or industry or from the development  
20 of any natural resource, together with any sewage that may  
21 be present.

22 (3) "Other wastes" means garbage, municipal refuse,  
23 decayed wood, sawdust, shavings, bark, lime, sand, ashes,  
24 offal, night soil, oil, grease, tar, heat, chemicals, dead  
25 animals, sediment, wrecked or discarded equipment,

1 radioactive materials, solid waste, and all other substances  
2 that may pollute state waters.

3 (4) "Contamination" means impairment of the quality of  
4 state waters by sewage, industrial wastes, or other wastes,  
5 creating a hazard to human health.

6 (5) "Pollution" means contamination or other alteration  
7 of the physical, chemical, or biological properties of any  
8 state waters which exceeds that permitted by Montana water  
9 quality standards, including but not limited to standards  
10 relating to change in temperature, taste, color, turbidity,  
11 or odor; or the discharge, seepage, drainage, infiltration,  
12 or flow of any liquid, gaseous, solid, radioactive, or other  
13 substance into any state water which will or is likely to  
14 create a nuisance or render the waters harmful, detrimental,  
15 or injurious to public health, recreation, safety, welfare,  
16 livestock, wild animals, birds, fish, or other wildlife. A  
17 discharge, seepage, drainage, infiltration or flow which is  
18 authorized under the pollution discharge permit rules of the  
19 board is not pollution under this chapter.

20 (6) "Sewage system" means a device for collecting or  
21 conducting sewage, industrial wastes, or other wastes to an  
22 ultimate disposal point.

23 (7) "Treatment works" means works installed for  
24 treating or holding sewage, industrial wastes, or other  
25 wastes.

1 (8) "Disposal system" means a system for disposing of  
2 sewage, industrial, or other wastes and includes sewage  
3 systems and treatment works.

4 (9) "State waters" means any body of water, irrigation  
5 system, or drainage system, either surface or underground;  
6 however, this subsection does not apply to irrigation waters  
7 where the waters are used up within the irrigation system  
8 and the waters are not returned to any other state waters.

9 (10) "Person" means the state, a political subdivision  
10 of the state, institution, firm, corporation, partnership,  
11 individual, or other entity and includes persons resident in  
12 Canada.

13 (11) "Council" means the water pollution control  
14 advisory council provided for in 2-15-2107.

15 (12) "Board" means the board of health and environmental  
16 sciences provided for in 2-15-2104.

17 (13) "Department" means the department of health and  
18 environmental sciences provided for in Title 2, chapter 15,  
19 part 21.

20 (14) "Local department of health" means the staff,  
21 including health officers, employed by a county, city,  
22 city-county, or district board of health.

23 (15) "Point source" means any discernible, confined, and  
24 discrete conveyance, including but not limited to any pipe,  
25 ditch, channel, tunnel, conduit, well, discrete fissure,

1 container, rolling stock, or vessel or other floating craft,  
2 from which pollutants are or may be discharged.

3 (16) "Owner or operator" means any person who owns,  
4 leases, operates, controls, or supervises a point source.

5 (17) "Standard of performance" means a standard adopted  
6 by the board for the control of the discharge of pollutants  
7 which reflects the greatest degree of effluent reduction  
8 achievable through application of the best available  
9 demonstrated control technology, processes, operating  
10 methods, or other alternatives, including, where  
11 practicable, a standard permitting no discharge of  
12 pollutants.

13 (18) "Effluent standard" means any restriction or  
14 prohibition on quantities, rates, and concentrations of  
15 chemical, physical, biological, and other constituents which  
16 are discharged into state waters.

17 (19) "Permit" means a Montana pollutant discharge  
18 elimination system permit, authorized under Rule 16.20.1310,  
19 Administrative Rules of Montana, or a Montana ground water  
20 pollution control system permit, authorized under Rule  
21 16.20.1013, Administrative Rules of Montana."

22 **Section 2.** Section 75-5-401, MCA, is amended to read:

23 "75-5-401. Board rules for permits. (1) The board shall  
24 adopt rules:

25 (a) governing application for permits to discharge

1 sewage, industrial wastes, or other wastes into state  
2 waters, including rules requiring the filing of plans and  
3 specifications relating to the construction, modification,  
4 or operation of disposal systems;

5 (b) governing the issuance, denial, modification, or  
6 revocation of permits.

7 (2) The rules shall allow the issuance or continuance  
8 of a permit only if the department finds that operation  
9 consistent with the limitations of the permit will not  
10 result in pollution of any state waters, except that the  
11 rules may allow the issuance of a temporary permit under  
12 which pollution may result if the department insures that  
13 such permit contains a compliance schedule designed to meet  
14 all applicable effluent standards and water quality  
15 standards in the shortest reasonable period of time.

16 (3) The rules shall provide that the department may  
17 revoke a permit if the department finds that the holder of  
18 the permit has violated its terms, unless the department  
19 also finds that the violation was accidental and  
20 unforeseeable and that the holder of the permit corrected  
21 the condition resulting in the violation as soon as was  
22 reasonably possible.

23 (4) The purpose of a permit issued under this chapter  
24 is to minimize the effects of water degradation on other  
25 uses of the water resource."