

**MINUTES**

**MONTANA SENATE  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN LORENTS GROSFIELD**, on January 27,  
1995, at 1:00 PM

**ROLL CALL**

**Members Present:**

Sen. Lorents Grosfield, Chairman (R)  
Sen. Larry J. Tveit, Vice Chairman (R)  
Sen. Mack Cole (R)  
Sen. William S. Crismore (R)  
Sen. Mike Foster (R)  
Sen. Thomas F. Keating (R)  
Sen. Ken Miller (R)  
Sen. B.F. "Chris" Christiaens (D)  
Sen. Jeff Weldon (D)  
Sen. Bill Wilson (D)

**Members Excused:** Sen. Vivian Brooke

**Members Absent:** None

**Staff Present:** Todd Everts, Environmental Quality Council  
Theda Rossberg, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: None  
Executive Action: SB 78, SB 128, SB 153, SB 204, SB 147

{Tape: 1; Side: A}

**EXECUTIVE ACTION ON SB 128**

**CHAIRMAN LORENTS GROSFIELD** reviewed **SENATOR GREG JERGESON'S** bill with the committee members. He said the bill would add a \$20 annual fee on improved 20 acre tracts to be deposited into a special revenue account. He said there already was a special revenue account that deals with fire protection, and the rules under that account allowed for recovery of administrative expenses. Therefore, he did not see any reason for another special revenue account.

**Motion/Vote:** CHAIR. LORENTS GROSFIELD MOVED AMENDMENTS AS CONTAINED IN EXHIBIT 1. MOTION CARRIED UNANIMOUSLY.

**Motion:** SEN. KEN MILLER MOVED SB 128 DO PASS AS AMENDED.

**Discussion:** SEN. JEFF WELDON said the fiscal note says "each residential improved lot and each residential structure." He asked if there was a cabin and a guest house on the property, would each structure be assessed the \$20 fee.

Bud Clinch, Commissioner, Department of State Lands, said his interpretation of the bill was that the assessment fee was not intended for each structure on the same parcel of land. He said he would research that for clarification.

SEN. WELDON said if that were true, a lessee could pay anywhere from \$40 to \$60 or more for each parcel.

SEN. WILLIAM CRISMORE said if a cabin is located out some 60 miles and is on fire, who is going to protect that. There are a lot of those that won't get any response before they are destroyed.

SEN. MILLER said his interpretation of the bill was that a lot of times there will be a fire in the forest, and they will try to protect a structure at the same time, not just the forest.

SEN. CRISMORE said he was talking about a county that was a hundred miles long with 85% national forest, and the forest service would not have time to respond, in case of a fire. They would not move equipment in to protect a little 20 acre site.

SEN. WELDON said the language in the bill says one thing and the fiscal note says another.

Mr. Clinch said he spoke with the person involved in drafting SB 128, and the intent of the bill was to place the assessment only on the primary building, and that was also the department's interpretation of the bill.

SEN. MIKE FOSTER said Line 13, Page 3 says, "in addition to any other assessment prescribed in this chapter, an annual surcharge of \$20 must be levied and assessed upon the owner or lessee of each residential improved lot or parcel." He asked if the language should say "limited to \$20 per main residence."

SEN. WELDON said he was concerned that the bill clearly states "upon the owner", but the fiscal note says, "on each residential structure."

SEN. LARRY TVEIT asked, if the definition "parcel" meant a residential lot.

**CHAIR. GROSFIELD** said Page 3, Line 14 of the bill says "must be levied and assessed upon the owner or lessee of each residential improved lot or parcel." He said the bill is referring to one annual charge of \$20.

**Vote:** PASSED AS AMENDED ON A ROLL CALL VOTE OF 6 - 2.

**EXECUTIVE ACTION ON SB 153**

**Motion:** SEN. TVEIT MOVED DO PASS ON SB 153.

Todd Everts, Environmental Quality Council, said Mr. Crowley and the Department of Health and Environmental Sciences came up with some consensus amendments to SB 153, as contained in EXHIBIT 2.

**Motion:** SEN. FOSTER MOVED THE AMENDMENTS AS CONTAINED IN EXHIBIT 2.

**Discussion:**

Jim Melstad, Subdivision Section Supervisor, Water Quality Division, Department of Health & Environmental Sciences explained the amendments that were incorporated into the Discussion Bill. EXHIBIT 3.

Mr. Melstad said the underlined portion under no. 7 of the Discussion Bill should be struck in its entirety.

**CHAIR. GROSFIELD** inquired, if by striking that language, would the program for cross-connection still be voluntary instead of mandatory. Mr. Melstad said no, that striking the language did not affect the voluntary nature of the program.

{Tape: 1; Side: B}

Mr. Melstad said number 9 of the Discussion Bill says, "FOR THE REVIEW AND APPROVAL OF PROGRAMS AS MAY VOLUNTARILY BE SUBMITTED BY PUBLIC WATER SUPPLY SYSTEM SUPPLIERS..."

**CHAIR. GROSFIELD** said that the amendments that have been explained in the discussion bill so far, have referred to a voluntary program verses a mandatory program.

Mr. Melstad said all of the amendments address a voluntary program.

**SEN. MACK COLE** said no. 14 of the discussion bill says, "enables the department to administer a wellhead protection program that involves certification of local wellhead protection areas and review of wellhead protection area ordinances. In administering this program, the department may perform only those functions provided for by the federal Safe Drinking Water Act and (this section)." He asked if that was changing the voluntary status.

**Mr. Melstad** said no, the department is proposing to allow applicants to voluntarily submit proposals for wellhead protection. No. 15 of the discussion bill also refers to the voluntary feature of the bill.

**CHAIR. GROSFIELD** said the amendments were developed by **Mr. Crowley** of the water company in Missoula.

**SEN. FOSTER** said during testimony, a witness mentioned nontransient and noncommunity water system. On Page 2, Lines 29-30 of the original bill it says, "nontransient noncommunity water system" means a public water supply system that is not a community water system and that regularly serves at least 25 of the same persons for at least 6 months a year. **SEN. FOSTER** asked **Mr. Melstad** if that was discussed.

**Mr. Melstad** replied they hadn't discussed that. He said his understanding of the amendment was to address the certification issue.

**SEN. FOSTER** asked if the amendment eliminated that section, what would happen. **Mr. Melstad** said if the language in the amendment eliminated that section, the operator would not have any definition in the law for certification.

**SEN. FOSTER** said he was not sure what the concern was about that language. **Mr. Melstad** asked **SEN. FOSTER** if the language was unclear or if it was the inclusion of the requirement to certify those operators. **SEN. FOSTER** replied that his concern was to whom the certification applied. **Mr. Melstad** said that it applies to public water systems, schools, and businesses that have 25 or more employees for at least 6 months of the year. Schools and businesses are the main concern.

**SEN. FOSTER** asked if that certification could apply just to schools and not businesses. **CHAIR. GROSFIELD** said if **SEN. FOSTER** wanted to make that motion, the committee members would take it under consideration. **SEN. CRISMORE** said for example, there is a saw mill that employees 50 people, would they be required to be certified. **Mr. Melstad** replied that is correct, under the current language.

**SEN. CRISMORE** said his concern was with the outlying businesses that have their own well system. **SEN. TVEIT** explained that the bill says "public water supply", which would eliminate outlying businesses.

**CHAIR. GROSFIELD** said Page 5, Lines 8-11 of the bill says, "Public water supply system means a system for the provision of water for human consumption from a community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that has at least 15 service connections or that regularly serves at least 25 persons daily for a period of at least 60 days in a calendar year."

SEN. FOSTER said if no. 5 of the discussion bill was eliminated and the term "nontransient community" was eliminated in no's 9, and 10, and "school" was inserted, the bill would be addressing schools.

Todd Everts, Environmental Quality Council, responded that the definition in the statute was not clear.

Mr. Melstad said the committee members might consider leaving the definition "nontransient" as it is, and adding, "a nontransient system serving schools" at the end of no's. 9-10, CHAIR.

GROSFIELD said the definition could read, "serving a school that is not a community water system." Mr. Melstad said that would cause a problem with the definition of "nontransient."

Motion/Vote: SEN. FOSTER MOVED TO STRIKE "nontransient and noncommunity", IN THE DEFINITIONS no's 5, 9 and 10, AND INSERTING "serving a school." MOTION CARRIED UNANIMOUSLY.

Vote: MOTION TO ADOPT AMENDMENTS AS CONTAINED IN EXHIBIT 2, CARRIED UNANIMOUSLY.

Motion/Vote: SEN. TVEIT MOVED DO PASS ON SB 153 AS AMENDED. MOTION CARRIED UNANIMOUSLY.

#### EXECUTIVE ACTION ON SB 78

*{Tape: 2; Side: A; Comments: tape is not clear}*

Motion: SEN. WELDON MOVED DO PASS ON SB 78.

Motion: SEN. FOSTER MOVED TO AMEND SB 78 AS CONTAINED IN EXHIBIT 4.

Discussion: SEN. WELDON said the legislative audit found some significant problems. He said he would support narrowing the bonding requirement, but not completely eliminating it, which would defeat the purpose of the bill.

CHAIR. GROSFIELD said SB 78 is more than just a bonding issue. He stated that the audit said that the voluntary program had not been used and should be eliminated from the statute, or made mandatory. He said the biggest issue as a result of the audit, was management concerns. The situation at Pony was discussed at the hearing. The voluntary bonding that is in the statute goes back to the Pony situation. There was not a bond in place because the mill is grandfathered. He asked Steve Pilcher, Administrator, Water Quality Division, Department of Health and Environmental Sciences if the bonding provision in SB 78 had been in effect would it have affected the Pony situation. Mr. Pilcher

said it would have been applicable to the Pony situation because it was a mandatory bonding, but with department discretion.

**SEN. WELDON** asked **Mr. Pilcher** if the mandatory bonding provision were in effect now, how would it have affected the Pony situation. **Mr. Pilcher** replied that the department would have had funds available through the bond to reclaim that portion of the facility that was contaminating the groundwater.

**SEN. CHRISTIANS** said it was his understanding that if it remains voluntary bonding, no bonds would be forthcoming, and the people of Pony would never be in a position to recover the damage from the mill tailings.

**CHAIR. GROSFIELD** said the department recently tested **Mr. Zimmerman's** water, and the cyanide in the well had increased dramatically in the past month. The department has ordered the mine owners to provide an alternative source of water for the **Zimmermans**. There is another way to help the people of Pony in the event SB 78 does not pass, and that would be to amend a section of law in the mining statutes, but that would not fit into SB 78. There is an exception in the Hard Rock Mining Act that could be eliminated to help the Pony problem. The amendment would be to strike the exception and that could alleviate the predicament of the people of Pony.

**CHAIR. GROSFIELD** said another audit recommendation was that the department had passed rules granting exclusions to certain kinds of uses. The auditor could not find any statutory authority for those exclusions. The auditor said, either change the rules and eliminate the exclusions, or seek legislation to establish those exclusions. **CHAIR. GROSFIELD** requested a copy of the exclusions from **Mr. Pilcher**.

**John Arrigo, Water Quality Division, Department of Health and Environmental Sciences**, reviewed the exclusions from the Montana Ground Water Pollution Control System with the committee members as contained in **EXHIBIT 5**.

**Mr. Arrigo** reviewed a list of permitted activities that would require reclamation bonds as contained in **EXHIBIT 6**.

**SEN. COLE** asked if **SEN. FOSTER'S** amendments affected the exclusions. **Mr. Pilcher** said the amendments revert back to the voluntary permitting of the water quality as they exist now.

**SEN. WELDON** said SB 78 would address future problems that may occur in Pony. Voluntary bonding will not help that situation, but mandatory bonding would.

**SEN. KEN MILLER** said if a company could get a voluntary bonding permit, the permit would probably be granted more readily.

**CHAIR. GROSFIELD** said if a permit applicant meets the requirements of the law, then the department grants the permit.

He said he did not think the department could legally use voluntary bonding as some sort of ransom or extortion in order to grant a permit.

**Vote:** MOTION TO ADOPT AMENDMENT AS CONTAINED IN EXHIBIT 4  
CARRIED 6 - 3 ON A ROLL CALL VOTE.

**Motion:** SEN. FOSTER MOVED TO ADOPT AMENDMENT AS CONTAINED IN  
EXHIBIT 7.

**Discussion:** SEN. WELDON said he was against the amendment because it was not necessary. There is already a provision in the law to notify a person of a violation.

{Tape: 2; Side: B}

SEN. WELDON said the scenario would be, the department would issue two letters instead of taking action. CHAIR GROSFIELD said it also says "which may include any of the following", and subsection 2 says, "they can bring a judicial action."

**Vote:** MOTION TO ADOPT AMENDMENTS AS CONTAINED IN EXHIBIT 7,  
CARRIED 7-2, with SEN. CHRISTIANS and SEN. WELDON voting no.

**Motion/Vote:** SEN. FOSTER MOVED TO DO PASS SB 78 AS AMENDED.  
MOTION CARRIED 7-2, with SEN. CHRISTIANS and SEN. WELDON VOTING  
NO.

**Discussion:**

CHAIR. GROSFIELD said he would like to get the committee's reaction on the Pony situation, since it is out of SB 78 for now. He asked the committee members if they were interested in drafting legislation in the Hard Rock Mining program, to help the Pony situation.

Michael Kakuk, Environmental Quality Council said LC 361 was redone 4 times and the last time, it put that section of law back into the Department of State Lands bill, that will be introduced by REP. KNOX. Basically, if the Pony mill starts up again the people will be covered. It is already in a proposed piece of legislation.

CHAIR. GROSFIELD asked Mr. Kakuk if he had a time-frame on when the bill would be introduced. Mr. Kakuk said he assumed it would be introduced sometime next week.

Mr. Kakuk said if the committee would like to request another bill draft, they would have to do so immediately, because February 11 was the deadline.

EXECUTIVE ACTION ON SB 204

Motion: SEN. FOSTER MOVED TO DO PASS SB 204.

Discussion:

SEN. FOSTER proposed the same amendment as contained in SB 78 to be inserted on Page 1, Line 22 of SB 204 as contained in EXHIBIT 8.

Motion: SEN. FOSTER MOVED THE AMENDMENT AS CONTAINED IN EXHIBIT 8.

Vote: MOTION TO ADOPT AMENDMENT AS CONTAINED IN EXHIBIT 8, CARRIED 8-2, WITH SEN. CHRISTIANS AND SEN. WELDON voting no.

Motion: SEN. FOSTER MOVED TO DO PASS SB 204 AS AMENDED, CARRIED 8-2 with SEN. CHRISTIAENS AND SEN. WELDON VOTING NO.

EXECUTIVE ACTION ON SB 147

Motion: SEN. MILLER MOVED TO DO PASS ON SB 147.

Motion: SEN. COLE MOVED TO AMEND SB 147 AS CONTAINED IN EXHIBIT 9.

Discussion:

SEN. COLE said if a question on cabin-site leases came up, the amendment would allow a leaseholder to be able to renew the lease with the department.

Gary Fritz, Administrator, Water Resource Division of the Department of Natural Resources and Conservation, said the biggest concern of cabin-site lessees is having to go through a competitive bid for renewing their leases. It wasn't the intent of the department to do that, but the language in the bill wasn't clear. The proposed amendment would make it clear that lease renewals would not go through the bidding process.

Vote: Motion to adopt amendment to SB 147 CARRIED UNANIMOUSLY.

Discussion:

SEN. COLE said there would be another amendment proposed to SB 147 that was not ready yet. That amendment would address putting a limit on the amount that the lessee of a cabin-site would be subject to on a 10 year lease basis. He said he was considering putting a limit of a 15% increase on those 10 year leases.



**Mr. Fritz** said the Fish, Wildlife, and Parks handled those leases for many years, but they decided, as of May, 1993, that they did not want to handle the leases anymore. That meant that every cabin-site lease was automatically terminated. In visiting with the lessees, it was decided to extend their leases until March, 1996, and ask the legislature for guidance on how to manage those cabin-site leases. He said from 1963 to 1987 the FWP were charging \$35 at Deadman's Basin. The FWP did an appraisal on those leases, that resulted in a fee increase to approximately \$217. At Painted Rock the leases increased from \$100 to \$148 per year. The department anticipates doing an appraisal at least once in every 10 years, and the fee would be based on the appraisal.

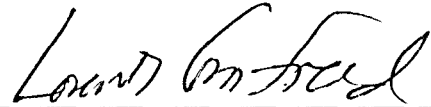
**SEN. CHRISTIANS** asked **Mr. Fritz** if most of those leases were for 10 years. **Mr. Fritz** replied that his understanding was that the FWP did not have a term on the leases. SB 147 would allow the department to lease on a 10 year period.

**SEN. CHRISTIANS** asked **Mr. Fritz** if they had to be 10 year leases, or could they be less than that. **Mr. Fritz** said it could be possible to have a shorter lease term.

**CHAIR. GROSFIELD** stated that further action on SB 147 would be delayed until a later meeting, pending further amendments.

ADJOURNMENT

Adjournment: 2:55 PM



LORENTS GROSFIELD, Chairman



THEDA ROSSBERG, Secretary

LG/tr



SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
January 30, 1995


MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration SB 78 (first reading copy -- white), respectfully report that SB 78 be amended as follows and as so amended do pass.

Signed:   
Senator Lorents Grosfield, Chair

That such amendments read:

1. Title, lines 6 through 9.  
Strike: "REMOVING" on line 6 through "QUALITY;" on line 9.
2. Title, line 12.  
Following: "SECTIONS"  
Strike: "75-5-103,"
3. Title, line 13.  
Strike: "75-5-405,"
4. Page 1, line 18 through page 4, line 8.  
Strike: Section 1 in its entirety  
Renumber: subsequent sections
5. Page 5, lines 14 through 25.  
Strike: Section 4 in its entirety  
Renumber: subsequent sections
6. Page 5, line 27 through page 6 line 25.  
Strike: Section 5 in its entirety  
Renumber: subsequent sections
7. Page 9, following line 29.  
Insert: "(2) Unless an alleged violation represents an imminent threat to human health, safety, or welfare or to the environment, the department shall first issue a letter notifying the person of the violation and requiring compliance. If the person fails to respond to the department's letter, then the department may take further action as provided in subsection (1)."  
Renumber: subsequent subsection
8. Page 12, line 2.  
Strike: "7"  
Insert: "5"

  
Amd. Coord.  
Sec. of Senate

251359SC.SPV

9. Page 12, lines 4 through 7.

Strike: "(1)" on line 4 through "[Section 8]" on line 7

Insert: "[Section 5]"

10. Page 12, line 8.

Strike: "8"

Insert: "5"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 30, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration SB 128 (first reading copy -- white), respectfully report that SB 128 be amended as follows and as so amended do pass.

Signed:   
Senator Lorents Grosfield, Chair

That such amendments read:

1. Title, line 7.

Following: "76-13-102"

Insert: ", "

Strike: "AND"

Following: "76-13-201,"

Insert: "AND 76-13-209,"

2. Page 3, line 15.

Following: "be"

Strike: "placed in a"

Insert: "deposited in the state"

3. Page 3, line 16.

Strike: "account"

Insert: "fund pursuant to the provisions of 76-13-209"


4. Page 3.

Following: line 17

Insert: " Section 3. Section 76-13-209, MCA, is amended to read:

"76-13-209. Disposition of assessments. All sums collected pursuant to 76-13-201 and 76-13-207 ~~shall~~ must be promptly deposited in the state special revenue fund."

-END-

  
Amd. Coord.  
Sec. of Senate

251347SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 3  
January 30, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration SB 153 (first reading copy -- white), respectfully report that SB 153 be amended as follows and as so amended do pass.

Signed:   
Senator Lorents Grosfield, Chair

That such amendments read:

1. Title, line 7.

Following: "BY RULE FOR"

Insert: "VOLUNTARY PROGRAMS FOR"

2. Title, lines 11 through 13

Strike: "ESTABLISHING" on line 11 through "REQUIREMENTS;" on line 13

Insert: "ALLOWING VOLUNTARY PARTICIPATION IN A WELLHEAD PROTECTION PROGRAM; AUTHORIZING COUNTY GOVERNMENTS TO ADOPT WELLHEAD PROTECTION AREA ORDINANCES;"

3. Statement of Intent, page 1, line 18

Following: "regarding"

Strike: "cross-connections and wellhead protection"

Insert: "the voluntary submission of petitions for cross-connection control programs"

4. Statement of Intent, page 1, line 19

Strike: "In regard to cross-connections, the"

Insert: "The"

Following: "legislature"

Strike: "anticipates that"

Insert: "is aware that currently cross-connections of sources of contamination with a public water supply system are illegal, but there are no state standards for cross-connection control devices and no mechanism exists for public water suppliers to implement cross-connection control programs. The legislature grants the board the authority to set"


5. Statement of intent, page 1, line 20.

Strike: "will be developed"

6. Statement of Intent, page 1, line 22.

Following: "require"

Insert: "that any cross-connection control program voluntarily submitted for approval require the"

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Sec. of Senate

251433SC.SRF

7. Statement of Intent, page 1, lines 24 through 26  
Strike: "Deadlines" on line 24 through "systems." on line 26
8. Statement of Intent, page 1, line 28 through page 2, line 3  
Strike: line 28 through page 2, line 3 in their entirety
9. Page 3, line 15.  
Following: "system"  
Insert: "that serves a school"
10. Page 3, line 19.  
Following: "system"  
Insert: "that serves a school"
11. Page 6, line 17.  
Following: "requirements"  
Insert: "for the review and approval of programs that may be voluntarily submitted by suppliers of public water supply systems"
12. Page 6, lines 18 through 21.  
Strike: ":" on line 18 through "(ii)" on line 21
13. Page 6, line 22  
Following: ":"  
Insert: "and"
14. Page 6, lines 23 and 24  
Strike: subsection (1) in its entirety  
Re-number: subsequent subsection
15. Page 7, lines 23 through 25  
Following: "program" on line 23  
Insert: "-- voluntary petitions"  
Strike: "department" on line 23 through "the" on line 25
16. Page 7, line 26  
Following: "300h-7"  
Insert: ", enables the department to administer a wellhead protection program that involves certification of local wellhead protection areas and review of wellhead protection area ordinances. In administering this program, the department may perform only those functions provided for by the federal Safe Drinking Water Act and this section"
17. Page 7  
Following: line 26  
Insert: "(2) A supplier of a public water supply system may



voluntarily submit for department review and approval a petition to establish a wellhead protection program for the system."  
Renumber: subsequent subsections

18. Page 7, lines 28 and 29  
Following: "system" on line 28  
Strike: "or" through "located" on line 29

19. Page 7, line 30  
Strike: "requirements"  
Insert: "criteria and thresholds"

20. Page 8, line 5  
Following: "shall"  
Insert: "confer with the supplier of the public water supply system and shall then"

21. Page 8, line 10  
Following: "subsection"  
Strike: "(3)"  
Insert: "(4)"

22. Page 8, line 14  
Following: "with"  
Insert: "and may not duplicate"

23. Page 8, line 15  
Following: "other"  
Insert: "federal,"  
Following: "state"  
Insert: ", "

24. Page 8, lines 17 and 18  
Strike: subsection (6) in its entirety

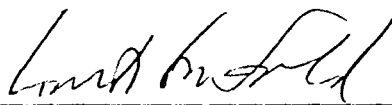
-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 30, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration SB 204 (first reading copy -- white), respectfully report that SB 204 be amended as follows and as so amended do pass.

Signed:   
Senator Lorents Grosfield, Chair


That such amendments read:

1. Page 1, following line 21.

Insert: "(2) Unless an alleged violation represents an imminent threat to human health, safety, or welfare or to the environment, the department shall first issue a letter notifying the person of the violation and requiring compliance. If the person fails to respond to the department's letter, then the department may take further action as provided in subsection (1)."

Renumber: subsequent subsection

-END-

  
Amd. Coord.  
Sec. of Senate

251410SC.SPV


SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 2, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration HB 147 (third reading copy -- blue), respectfully report that HB 147 be concurred in.

Signed: John Hertel  
Senator John R. Hertel, Chair

 Amd. Coord.

St Sec. of Senate

Sen. Ken Miller  
Senator (Carrying Bill)

491117SC.SRF

Amendments to Senate Bill No. 128  
First Reading Copy

Requested by Senator Grosfield  
For the Committee on Natural Resources

Prepared by Todd Everts  
January 27, 1995

1. Title, line 7.

Following: "76-13-102"

Insert: ", "

Strike: "AND"

Following: "76-13-201,"

Insert: "AND 76-13-209,"

2. Page 3, line 15.

Following: "be"

Strike: "placed in a"

Insert: "deposited in the state"

3. Page 3, line 16.

Strike: "account"

Insert: "fund pursuant to the provisions of 76-13-209"

4. Page 3.

Following: line 17

Insert: " Section 3. Section 76-13-209, MCA, is amended to read:

"76-13-209. Disposition of assessments. All sums collected pursuant to 76-13-201 and 76-13-207 shall must be promptly deposited in the state special revenue fund."

{*Internal References to 76-13-209: None.*}

Amendments to Senate Bill No. 153  
First Reading Copy

Requested by Senator Brooke  
For the Committee on Natural Resources

Prepared by Todd Everts  
January 26, 1995

1. Title, line 7.

Following: "BY RULE FOR"

Insert: "VOLUNTARY PROGRAMS FOR"

2. Title, lines 11 through 13

Strike: "ESTABLISHING" on line 11 through "REQUIREMENTS;" on line 13

Insert: "ALLOWING VOLUNTARY PARTICIPATION IN A WELLHEAD PROTECTION PROGRAM; AUTHORIZING COUNTY GOVERNMENTS TO ADOPT WELLHEAD PROTECTION AREA ORDINANCES;"

3. Statement of Intent, page 1, line 18

Following: "regarding"

Strike: "cross-connections and wellhead protection"

Insert: "the voluntary submission of petitions for cross-connection control programs"

4. Statement of Intent, page 1, line 19

Strike: "In regard to cross-connections, the"

Insert: "The"

Following: "legislature"

Strike: "anticipates that"

Insert: "is aware that currently cross-connections of sources of contamination with a public water supply system are illegal, but there are no state standards for cross-connection control devices and no mechanism exists for public water suppliers to implement cross-connection control programs. The legislature grants the board the authority to set"

5. Statement of intent, page 1, line 20.

Strike: "will be developed"

6. Statement of Intent, page 1, line 22.

Following: "require"

Insert: "that any cross-connection control program voluntarily submitted for approval require the"

7. Statement of Intent, page 1, lines 24 through 26

Strike: "Deadlines" on line 24 through "systems." on line 26

8. Statement of Intent, page 1, line 28 through page 2, line 30  
Strike: line 28 through page 2, line 3 in their entirety

9. Page 3, line 15.

Following: "system"

Insert: "that serves a school"

10. Page 3, line 19.

Following: "system"

Insert: "that serves a school"

11. Page 6, line 17.

Following: "requirements"

Insert: "for the review and approval of programs that may be voluntarily submitted by suppliers of public water supply systems"

12. Page 6, lines 18 through 21.

Strike: "i" on line 18 through "(ii)" on line 21

13. Page 6, line 22

Following: "i"

Insert: "and"

14. Page 6, lines 23 and 24

Strike: subsection (l) in its entirety

Renumber: subsequent subsection

15. Page 7, lines 23 through 25

Following: "program" on line 23

Insert: "-- voluntary petitions"

Strike: "department" on line 23 through "the" on line 25

16. Page 7, line 26

Following: "300h-7"

Insert: ", enables the department to administer a wellhead protection program that involves certification of local wellhead protection areas and review of wellhead protection area ordinances. In administering this program, the department may perform only those functions provided for by the federal Safe Drinking Water Act and this section"

17. Page 7

Following: line 26

Insert: "(2) A supplier of a public water supply system may voluntarily submit for department review and approval a petition to establish a wellhead protection program for the system."

Renumber: subsequent subsections

18. Page 7, lines 28 and 29  
Following: "system" on line 28  
Strike: "or" through "located" on line 29

19. Page 7, line 30  
Strike: "requirements"  
Insert: "criteria and thresholds"

20. Page 8, line 5  
Following: "shall"  
Insert: "confer with the supplier of the public water supply system and shall then"

21. Page 8, line 10  
Following: "subsection"  
Strike: "(3)"  
Insert: "(4)"

22. Page 8, line 14  
Following: "with"  
Insert: "and may not duplicate"

23. Page 8, line 15  
Following: "other"  
Insert: "federal,"  
Following: "state"  
Insert: ", "

24. Page 8, lines 17 and 18  
Strike: subsection (6) in its entirety

**DRAFT DISCUSSION BILL FOR THE SENATE**  
**NATURAL RESOURCES COMMITTEE**

1-27-95

SENATE BILL NO. 153

INTRODUCED BY \_\_\_\_\_

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT CONFORMING CERTAIN DEFINITIONS TO THE FEDERAL SAFE DRINKING WATER ACT; AUTHORIZING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO  
① ESTABLISH REQUIREMENTS BY RULE FOR VOLUNTARY PROGRAMS FOR CROSS-CONNECTIONS; SPECIFYING THE WATER SUPPLY, SEWAGE, AND WASTE SYSTEMS THAT REQUIRE REVIEW AND APPROVAL OF PLANS AND SPECIFICATIONS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; MODIFYING THE LAWS TO REQUIRE CERTIFIED OPERATORS FOR NONTRANSIENT  
② ~~NONCOMMUNITY WATER SYSTEMS; ESTABLISHING A WELLHEAD PROTECTION PROGRAM; AUTHORIZING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO ESTABLISH RULES REGARDING WELLHEAD PROTECTION REQUIREMENTS~~ ALLOWING VOLUNTARY PARTICIPATION IN A WELLHEAD PROTECTION PROGRAM; AUTHORIZING LOCAL AND COUNTY GOVERNMENTS TO ADOPT WELLHEAD PROTECTION AREA ORDINANCES; AND AMENDING SECTIONS 37-42-101, 37-42-102, 75-6-102, 75-6-103, AND 75-6-112, MCA."

STATEMENT OF INTENT

A statement of intent is provided for this bill because 75-6-103 directs the board of health and  
③ environmental sciences to develop rules regarding ~~cross-connections and wellhead protection~~ the voluntary submission of petitions for cross-connection control programs.

④ ~~In regard to cross-connections, the~~ The legislature anticipates that is aware that currently cross-connection of sources of contamination with a public water supply system are illegal, but there are no state standards for cross connection control devices and no mechanism exists for public water suppliers to implement cross-connection control programs. The legislature grants the board the authority to set

⑤ ~~minimum standards and requirements will be developed~~ to ensure that a public water supply does not become contaminated when the system is connected to another nonpublic water supply or to a possible source of contamination. The standards and requirements must be consistent with other rules adopted



6 under Title 75, chapter 6, and may require that any cross-connection control program voluntarily submitted for approval require installation of specific types of cross-connection control devices in accordance with

7 industry standards. ~~Deadlines for compliance with these standards and requirements may be staggered in a manner that is consistent with federal safe drinking water guidelines, with larger systems having earlier deadlines than smaller systems.~~ The rules may include model standards and requirements for recommended implementation by public water supply system suppliers. In adopting rules for discontinuation of service for failure to comply with the requirements of an approved cross-connection program, the board shall conform the procedures for termination and reinstatement of service as closely as possible to the procedures used by the public service commission regarding termination and reinstatement of service by a public water system.

*Strike this*

8 ~~In regard to wellhead protection, the legislature anticipates that the rules will provide detailed guidance to the department of health and environmental sciences and to local governing bodies regarding the development and certification of wellhead protection areas and the adoption of wellhead protection area ordinances. The rules should describe both the processes and substantive requirements for certification of wellhead protection areas and for review of proposed ordinances and verification of their compliance with Title 75, chapter 6.~~

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

Section 1. Section 37-42-101, MCA, is amended to read:

"37-42-101. Purpose. It is hereby found and declared that the health and welfare of Montana citizens are jeopardized by persons not properly qualified to operate the water supply systems and that Montana's state waters are endangered by persons not properly qualified to operate the wastewater treatment plants. It is declared that the public policy of this state is to control protect the public health and safety by certifying these persons working in these occupations ~~in order to protect the public health and safety.~~"

Section 2. Section 37-42-102, MCA, is amended to read:

"37-42-102. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Certificate" means a certificate of competency issued by the department, stating that the

operator holding the certificate has met the requirements for the specified operator classification of the certification program.

(2) "Community water system" means the term as defined in 75-6-102.

(3) "Council" means the water and wastewater operators' advisory council provided for in 2-15-2105.

~~(3)~~(4) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

~~(4)~~ "Montana's waters" means all streams and lakes (including all rivers and lakes bordering on the state), wells, springs, irrigation systems, marshes, watercourses, waterways, drainage systems, and other bodies of water, surface and underground, natural or artificial, publicly or privately owned.

(5) "Nontransient noncommunity water system" means a public water supply system that is not a community water system and that regularly serves at least 25 of the same persons for at least 6 months a year.

~~(5)~~(6) "Operator" means the person in direct responsible charge of the operation of a water treatment plant, water distribution system, or wastewater treatment plant.

(7) "State waters" means the term as defined in 75-6-102.

~~(6)~~(8) "Wastewater treatment plant" means a facility that:

(a) is designed to remove solids, bacteria, or other harmful constituents of sewage, industrial wastes, or other wastes and which;

(b) discharges an effluent directly into this state's state waters; and which serves 10 or more families or serves an industry employing 10 or more persons

(c) is part of either an industrial waste discharge system or a public sewage system as defined in 75-6-102.

~~(7)~~(9) "Water distribution system" means that portion of the water supply system in which water is conveyed from the water treatment plant or other supply source to the premises of the consumer and ~~which serves 10 or more families or supplies an industry employing 10 or more persons~~ that is part of a community water system or a nontransient noncommunity water system.

~~(8)~~(10) "Water supply system" means the system of pipes, structures, and facilities through which the water is obtained, treated, sold, distributed, or otherwise offered to the public for household use or use by humans and ~~which that serves 10 or more families or serves an industry employing 10 or more persons~~ is part of a community water system or a nontransient noncommunity water system.

~~(9)~~(11) "Water treatment plant" means that portion of the water supply system ~~which~~ that alters either the physical, chemical, or bacteriological quality of the water rendering it safe and palatable for human use."

Section 3. Section 75-6-102, MCA, is amended to read:

"75-6-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

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

(2) "Certified wellhead protection area" means an area certified by the department that protects the surface and subsurface area surrounding a source of ground water for a public water supply system through which contaminants may move toward and reach the source of supply.

~~(3)~~ (3) "Community water system" means ~~any~~ a public water supply system that serves at least ~~10~~ 15 service connections used by year-round residents or ~~that~~ regularly serves at least 25 year-round residents.

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

(5) "Cross-connection" means a connection between a public water supply system and another water supply system, either public or private, or a wastewater or sewer line or other potential source of contamination so that a flow of water into or contamination of the public water supply system from the other source of water or contamination is possible.

~~(4)~~(6) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

~~(5)~~(7) "Drainage" means rainfall, surface, and subsoil water.

~~(6)~~(8) "Industrial waste" means any waste substance from the processes of business or industry or from the development of ~~any~~ a natural resource, together with any sewage that may be present.

(9) "Industrial waste discharge system" means a system that discharges industrial waste into state waters.

~~(7)~~(10) "Maximum contaminant level" means the maximum permissible level of a contaminant in water ~~which~~ that is delivered to ~~any~~ a user of a public water supply system.

(11) "Montana wellhead protection program" means a program administered by the department to certify wellhead protection areas and review wellhead protection ordinances.

~~(8)~~(12) "Other waste" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

~~(9)~~(13) "Person" means ~~any~~ an individual, corporation, association, partnership, municipality, other political subdivision of the state, or federal agency.

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

~~(11)~~(15) "Public sewage system" means a system of collection, transportation, treatment, or disposal of sewage that ~~is designed to serve or serves~~ 10 15 or more families or 25 or more persons daily for a period of at least 60 days ~~out of the~~ in a calendar year.

~~(12)~~(16) "Public water supply system" means a system for the provision of water for human consumption from ~~any~~ a community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that ~~is designed to serve or~~ has at least 15 service connections or that regularly serves ~~10 or more families or~~ at least 25 ~~or more persons daily or has at least 10 service connections for~~ a period of at least 60 days ~~out of the~~ in a calendar year.

~~(13)~~(17) "Safe Drinking Water Act" means 42 U.S.C. 300f and regulations at Title 40, CFR, ~~Parts~~ parts 141 and 142.

~~(14)~~(18) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings, together with ground water infiltration and surface water present.

~~(15)~~(19) "State waters" means ~~any~~ a body of water, irrigation system, or drainage system, either surface or underground.

~~(16)~~(20) "Transient noncommunity water system" means ~~any~~ a public water supply system that is not a community water system and that ~~serves~~ does not regularly serve at least 25 of the same persons

~~on a transient basis for at least 6 months a year."~~

Section 4. Section 75-6-103, MCA, is amended to read:

"75-6-103. Duties of the board. (1) The board has general supervision over all state waters ~~which~~ that are directly or indirectly being used by a person for a public water supply system or domestic purposes or as a source of ice.

(2) The board shall adopt rules and standards concerning:

(a) maximum contaminant levels for waters that are or will be used for a public water supply system;

(b) fees, as described in 75-6-108, for services rendered by the department;

(c) monitoring, recordkeeping, and reporting by persons who own or operate a public water supply ~~system~~ systems;

(d) requiring public notice to all users of a public water supply system when a person has been granted a variance or exemption or is in violation of this part or a rule or order issued pursuant to this part;

(e) the issuance of licenses by the department to laboratories that conduct analysis of public water supply systems;

(f) the siting, construction, operation, and modification of a public water supply system or public sewage system;

(g) the review of financial viability of a proposed public water supply system or public sewage system, as necessary to ensure the capability of the system to meet the requirements of this part;

(h) the collection and analysis of samples of water used for drinking or domestic purposes;

(i) the issuance of variances and exemptions as authorized by the federal Safe Drinking Water Act and this part;

(j) administrative enforcement procedures and administrative penalties authorized under this part; and

9 (k) standards and requirements FOR THE REVIEW AND APPROVAL OF PROGRAMS AS MAY VOLUNTARILY BE SUBMITTED BY PUBLIC WATER SUPPLY SYSTEM SUPPLIERS to prevent water supply contamination from a cross-connection, including:

10 (i) establishment of timeframes for implementation of the standards and requirements based on the size of the public water supply system; and

(ii) provisions to exempt cross-connections from the standards and requirements if all connected

(11)

systems are department-approved public water supply systems; AND

(12)

(l) requirements for certification of wellhead protection areas and review of wellhead protection area ordinances pursuant to [section 6]; and

~~(k)(m)(l)~~ any other requirement necessary for the protection of public health as described in this part.

(3) The board may issue orders necessary to fully implement the provisions of this part."

Section 5. Section 75-6-112, MCA, is amended to read:

"75-6-112. Prohibited acts. A person may not:

(1) discharge sewage, drainage, industrial waste, or other wastes that will cause pollution of state waters used by a person for domestic use or as a source for a public water supply system or water or ice company;

(2) discharge sewage, drainage, industrial waste, or other waste into any state waters or on the banks of any state waters or into any an abandoned or operating water well unless the sewage, drainage, industrial waste, or other waste is treated as prescribed by the board;

(3) build or operate any a railroad, logging road, logging camp, or electric or manufacturing plant of any kind on any a watershed of a public water supply system unless:

(a) the water supply is protected from pollution by sanitary precautions prescribed by the board; and

(b) a permit has been issued by the department after approval of detailed plans and specifications for sanitary precautions;

(4) commence construction, alteration, ~~or~~ extension or operation of any a system of water supply, or water distribution, that is designed to be a public water supply system or a system of sewer, drainage, wastewater waste, or sewage disposal that is designed to be a public sewage system or industrial waste discharge system before ~~he~~ the person submits to the department necessary maps, plans, and specifications for its review and the department approves those maps, plans, and specifications;

(5) operate or maintain any a public water supply system ~~which~~ that exceeds a maximum contaminant level established by the board unless ~~he~~ the person has been granted or has an application pending for a variance or exemption pursuant to this part;

(6) violate any provision of this part or a rule adopted under this part; or

(7) violate any condition or requirement of an approval issued pursuant to this part."

(13) NEW SECTION. Section 6. Montana wellhead protection program -- voluntary petitions. (1) ~~The department shall implement a Montana wellhead protection program that is approved by the United States environmental protection agency and that meets requirements of the federal Safe Drinking Water Act,~~  
 (14) including 42 U.S.C. 300h-7, enables the department to administer a wellhead protection program that involves certification of local wellhead protection areas and review of wellhead protection area ordinances.  
In administering this program, the department may perform only those functions provided for by the federal safe drinking water act and [this section].

(15) (2) A supplier of a public water supply system may voluntarily submit for department review and approval a petition to establish a wellhead protection program for the system.

~~(2)~~(3) The department may certify a wellhead protection area upon:

(16) (a) receipt of a petition by a supplier for a public water supply system ~~or by request of the governing body of the county in which the system is located;~~ and

(17) (b) making a determination that the wellhead protection area meets ~~requirements~~ criteria and thresholds for certification established by the Montana wellhead protection program.

~~(3)~~(4) (a) The governing body of the county in which a wellhead protection area or areas exist may adopt an ordinance to regulate, control, and prohibit conditions that threaten the quality of water used within the wellhead protection area or areas.

(18) (b) Prior to adopting a wellhead protection area ordinance, the governing body shall confer with the supplier of the public water supply system and shall then submit the ordinance to the department for review and verification that the ordinance is consistent with the requirements of this chapter.

(c) A wellhead protection area ordinance must be adopted using the procedures described in 7-5-103 through 7-5-107.

(19) ~~(4)~~(5) (a) An ordinance adopted under subsection ~~(3)~~(4) is limited in applicability to the certified wellhead protection area or areas within the county.

(b) For a wellhead protection area that is located in two or more counties, the proposed wellhead protection area ordinance must be adopted by each county in order for the ordinance to be effective.

(20) ~~(5)~~(6) A wellhead protection area ordinance adopted under this section may not conflict with and may not duplicate any other state, federal, or local law or regulation, including but not limited to zoning, fire codes, hazardous waste regulation under Title 75, chapter 10, part 4, or pesticide regulation under

Title 80, chapter 8.

(22) ~~(6)~~ The department shall maintain and, upon request, distribute a register of wellhead protection

SENATE NATURAL RESOURCES

EXHIBIT NO. 3

DATE 1-27-95

BILL NO SB-153

~~area ordinances adopted by local governing bodies.~~

NEW SECTION. Section 7. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 75, chapter 6, part 1, and the provisions of Title 75, chapter 6, part 1, apply to [section 6].

-END-



Amendments to Senate Bill No. 78  
First Reading Copy

Requested by Senator Foster  
For the Committee on Natural Resources

4

Prepared by Todd Everts  
January 24, 1995

1. Title, lines 6 through 9.  
Strike: "REMOVING" on line 6 through "QUALITY;" on line 9.
2. Title, line 12.  
Following: "SECTIONS"  
Strike: "75-5-103,"
3. Title, line 13.  
Strike: "75-5-405,"
4. Page 1, line 18 through page 4, line 8.  
Strike: Section 1 in its entirety  
Renumber: subsequent sections
5. Page 5, lines 14 through 25.  
Strike: Section 4 in its entirety  
Renumber: subsequent sections
6. Page 5, line 27 through page 6 line 25.  
Strike: Section 5 in its entirety  
Renumber: subsequent sections
7. Page 12, line 2.  
Strike: "7"  
Insert: "5"
8. Page 12, lines 4 through 7.  
Strike: "(1)" on line 4 through "[Section 8]" on line 7  
Insert: "[Section 5]"
9. Page 12, line 8.  
Strike: "8"  
Insert: "5"



MONTANA DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES  
WATER QUALITY DIVISION

7-5  
*Office Memorandum*

STATE NATURAL RESOURCES

EXHIBIT NO. 5

DATE 1-27-95

1-27-95 BILL NO. SB 78

TO: Steve Pilcher, Administrator  
FROM: John Arrigo, WQD JA  
DATE: January 25, 1995  
SUBJECT: MGWPCS Permit Exclusions

The following is a list of the activities that are excluded from Montana Ground Water Pollution Control System (MGWPCS) permits which are specified in ARM 16.20.1012. Note that although these facilities are not required to obtain permits, they must still comply with the nondegradation and water quality standards specified in the Water Quality Act.

1. Discharges or activities regulated under the federal Underground Injection Control Program -includes the disposal of oil field drilling muds or produced waters into deep wells and the disposal of waste water into shallow open-bottom drains.
2. Solid or hazardous waste management facilities licensed by the DHES 10
3. Natural persons disposing of their own normal household wastes on their own property.
4. Reserve pits and produced water pits employed in oil and gas field operations permitted by DNRC Oil and Gas Conservation Division. 1000
5. Agricultural irrigation facilities - ditches, drains, storage ponds, etc.
6. Subsurface disposal systems for sanitary wastes serving individual residences.
7. Subsurface disposal systems and public sewage treatment facilities reviewed and approved by the department under the public drinking water and health laws - sewage treatment plants, community septic systems and drainfields, trailer park sewage systems, etc.
8. Sewage treatment works approved by DHES prior to October 1982
9. In-situ mining of uranium controlled under the Montana in-situ mining of uranium control system.
10. Coal and hard rock mining operations permitted by DSL.
11. Projects reviewed by DNRC under the Major Facility Siting Act.



MONTANA DEPARTMENT OF HEALTH <sup>SB-78</sup>  
AND ENVIRONMENTAL SCIENCES  
WATER QUALITY DIVISION

<sup>78</sup>  
*Office Memorandum*

1-27-95  
6

TO: Todd Everts, EQC  
FROM: John Arrigo, WQD *JA*  
DATE: January 25, 1995  
SUBJECT: DHES Permit Reclamation Bonds

Steve Pilcher requested that I provide information for Sen. Brooke on the types of permitted activities that would require reclamation bonds. Listed below are the general types of activities that have been issued Montana Ground Water Pollution Control System Permits and the necessary reclamation work that would require a bond.

<u>Activity (number permitted)</u>	<u>Reclamation requirements</u>
Fly ash or lime landfills and impoundments (4)	Treat and dispose of excess liquid, cap, regrade and revegetate landfill or impoundment
Gold recovery mills or cyanide heap heap leaches (10)	Neutralize tailings or waste rock, treat and dispose of excess liquid, cap, regrade and revegetate tailings impoundments or leach pads
Fuel-contaminated soil landfarms (7)	Regrade and revegetate landfarm
Impoundments for dairy waste water, manure wastes, boiler blowdown, etc. storage or disposal (18)	Treat and dispose of excess liquid, cap regrade and revegetate impoundment.

Assumption: Depending upon the nature of the operation, all of the above facilities will also have to complete the following reclamation activities: proper plugging and abandonment of monitoring wells, demolition and disposal of structures and buildings, and regrade and revegetate the disturbed lands, including roads.

Assumption: This does not include the 350 municipal or industrial waste water treatment and disposal facilities that discharge to streams under a MPDES permit. Reclamation of these facilities may include treatment and disposal of excess liquid, regrade and revegetate impoundments or lagoons, and demolition and disposal of structures or buildings.

CEMITE WATER...  
EXHIBIT NO. 69  
DATE 1-27-95  
BILL NO. SB-78

WATER QUALITY 16.20.1012

existing quality is higher than the established ground water quality standards for its classification must be maintained at that high quality in accordance with 75-5-303, MCA, and ARM Title 16, Chapter 20, subchapter 7. (History: Sec. 75-5-301, 75-5-303, MCA; IMP, Sec. 75-5-303, MCA; NEW, 1982 MAR p. 1942, Eff. 10/29/82; AMD, 1994 MAR p. 2136, Eff. 8/12/94.)

16.20.1012 EXCLUSIONS FROM PERMIT REQUIREMENTS (1) For the purposes of this subchapter, the following are not subject to the permit requirements of ARM 16.20.1013 through 16.20.1021:

- (a) discharges or activities regulated under the federal UIC program;
- (b) solid waste management systems licensed pursuant to ARM 16.14.501, et seq.;
- (c) natural persons disposing of their own normal household wastes on their own property,
- (d) hazardous waste management facilities permitted pursuant to ARM 16.44.601, et seq.;
- (e) water injection wells, reserve pits and produced water pits employed in oil and gas field operations and approved pursuant to ARM 36.22.1005, 36.22.1226 through 36.22.1234, and 16.20.916;
- (f) agricultural irrigation facilities;
- (g) stormwater disposal or stormwater detention facilities;
- (h) subsurface disposal systems for sanitary wastes serving individual residences;
- (i) subsurface disposal systems reviewed and approved by the department pursuant to Title 50, Chapters 50, 51 and 52, and systems reviewed and approved by the department or local authorities under Title 76, chapters 3 and 4;
- (j) existing treatment works reviewed and approved by the department prior to October 29, 1982;
- (k) facilities approved by the department pursuant to ARM 16.20.401;
- (l) in-situ mining of uranium facilities controlled under MIMUCS;
- (m) mining operations subject to operating permits or exploration licenses in compliance with the Strip and Underground Mine Reclamation Act, 82-4-201, et seq., MCA, or the Metal Mine Reclamation Act, 82-4-301, et seq., MCA;
- (n) projects reviewed under the provisions of the Major Facility Siting Act, Title 75, Chapter 20, MCA.

(2) Notwithstanding the exclusions set forth in section (1) of this rule, all sources are subject to the provisions of ARM 16.20.1001 through 16.20.1003, 16.20.1010, 16.20.1011 and 16.20.1025. Furthermore, any excluded source which the department determines may be causing or is likely to cause violations

STATE NATURAL RESOURCES  
EXHIBIT NO. 7  
DATE 1-27-95  
BILL NO. SB 78

Amendments to Senate Bill No. 78  
First Reading Copy

Requested by Senator Foster  
For the Committee on Natural Resources

Prepared by Todd Everts  
January 24, 1995

n

1. Page 9, following line 29.

Insert: "(2) Unless an alleged violation represents an imminent threat to human health, safety, or welfare or to the environment, the department shall first issue a letter notifying the person of the violation and requiring compliance. If the person fails to respond to the department's letter, then the department may take further action as provided in (1)."

Renumber: subsequent subsection

2. Page 10, line 2.

Following: "chapter."

~~Insert: "However, the department may not seek the administrative or judicial penalties provided by 75-5-611, 75-5-615, and 75-5-631 through 75-5-633 when the person has promptly responded to the department's notification letter by remedying the violation so that significant harm to human health, safety, or welfare or to the environment may not result."~~

3. Page 12, line 2.

Strike: "7"

Insert: "8"

SENATE NATURAL RESOURCES  
EXHIBIT NO. 8  
DATE 1-27-95  
BILL NO. SB-204

Amendments to Senate Bill No. 204  
First Reading Copy

Requested by Senator Foster  
For the Committee on Natural Resources

Prepared by Todd Everts  
January 24, 1995

1. Page 1, following line 21.

Insert: "(2) Unless an alleged violation represents an imminent threat to human health, safety, or welfare or to the environment, the department shall first issue a letter notifying the person of the violation and requiring compliance. If the person fails to respond to the department's letter, then the department may take further action as provided in subsection (1)."

Renumber: subsequent subsection

EXHIBIT NO. 9

DATE 1-27-95

BILL NO. SB-147

AMENDMENT  
SENATE BILL NO. 147  
INTRODUCED COPY

1. Page 2, line ~~13~~ 14  
Following: "lands"  
Insert: ", except for lease renewals,"

DATE 1-27-95

SENATE COMMITTEE ON NAT. RESOURCES

BILLS BEING HEARD TODAY: Exec Action

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Vic ANDERSEN	DSL	SB-186	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JOHN ARRIGO	DHES	7	<input type="checkbox"/>	<input type="checkbox"/>
STEVE PITCHER	DHES	SB 78 SB 153 SB 204	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



MONTANA SENATE  
 1995 LEGISLATURE  
 NATURAL RESOURCES COMMITTEE  
 ROLL CALL VOTE

DATE 1-27-95 BILL NOSB 128 NUMBER 1

MOTION: Amendment

# SB012801. ATE

Passed 6-2

NAME	AYE	NO
VIVIAN BROOKE		
B.F. "CHRIS" CHRISTIAENS		
MACK COLE	✓	
WILLIAM CRISMORE		✓
MIKE FOSTER		✓
TOM KEATING		
KEN MILLER	✓	
JEFF WELDON	✓	
BILL WILSON	✓	
LARRY TVEIT, VICE CHAIRMAN	✓	
LORENTS GROSFIELD, CHAIRMAN	✓	

MONTANA SENATE  
 1995 LEGISLATURE  
 NATURAL RESOURCES COMMITTEE  
 ROLL CALL VOTE

DATE 1-27-95 BILL NO. SB 78 NUMBER 2

MOTION: AMENDMENT SB007802-9tc

Passed 6-3 on Roll Call Vote

NAME	AYE	NO
VIVIAN BROOKE		
B.F. "CHRIS" CHRISTIAENS		X
MACK COLE	X	
WILLIAM CRISMORE	X	
MIKE FOSTER	X	
TOM KEATING		
KEN MILLER	X	
JEFF WELDON		X
BILL WILSON	X	
LARRY TVEIT, VICE CHAIRMAN	X	
LORENTS GROSFIELD, CHAIRMAN		X