

1 *House* BILL NO. *186*
 2 INTRODUCED BY *Member Vincent Harper*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DISCLOSURE OF
 5 INFORMATION RELATING TO CONTAMINANTS BY DISCHARGERS OF
 6 CRITICAL MATERIALS INTO THE AIR, WATER, OR ENVIRONMENT OF
 7 THE STATE AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE
 8 ACT."

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

11 Section 1. Short title. This act shall be known and
 12 may be cited as the "Pollution Disclosure Act of 1975".

13 Section 2. Legislative purpose. It is the legislative
 14 purpose of this act to establish a regularized, systematic
 15 program of self-monitoring and self-disclosure by industries
 16 which emit, discharge, or dispose of potentially critical
 17 materials.

18 Section 3. Definitions. As used in this act:

19 (1) "Department" means department of health and
 20 environmental sciences.

21 (2) "Person" means any individual, partnership, firm,
 22 association, municipality, public or private corporation,
 23 subdivision or agency of the state, trust, estate or any
 24 other legal entity.

25 Section 4. Director designates critical materials. The

1 director of the department, upon the advice of the divisions
 2 of air and water quality of the department, shall designate
 3 as "critical materials" those materials which have a
 4 substantial potential to adversely affect the quality of
 5 water or air or the environment of the state if allowed to
 6 enter the same. Formal designation shall be adopted by the
 7 director as a rule and filed in a "critical materials"
 8 registry of the department by January 1, 1976.

9 Section 5. Reports to be filed. Any person conducting
 10 any industrial or commercial (as distinguished from
 11 agricultural and livestock, other than slaughter process)
 12 process who discharges any critical materials into the water
 13 or air of the state, and any person who changes his
 14 operation or process so as to substantially affect the
 15 discharge of critical materials, shall, unless exempted by
 16 the director of the department because of the minimal amount
 17 of such materials discharged, file a report at intervals as
 18 directed by the department, but not less often than
 19 annually, setting forth:

- 20 (1) the nature of the source causing the discharge;
- 21 (2) a list of materials used in, and incidental to the
- 22 source's industrial or commercial operation; and
- 23 (3) the estimated annual total gallons or pounds of
- 24 liquid, gaseous or solid wastes, and levels, concentrations,
- 25 or quantities of emissions of air pollutants and discharges

1 of water pollutants expected to be emitted during the
 2 ensuing twelve (12) months. This estimate shall include,
 3 but not be limited to, process and cooling water to be
 4 discharged into the water, the air, or a sewer system; and

5 (4) the measured or calculated annual, and average
 6 daily gallons or pounds of liquid, gaseous, or solid wastes,
 7 and levels, concentrations, or quantities of emissions of
 8 air pollutants and discharges of water pollutants that were
 9 emitted during the preceding twelve (12) months. This shall
 10 include, but not be limited to, process and cooling water
 11 discharged into the water, the air, or a sewer system; and

12 (5) such current information about pollution
 13 emissions, discharges or disposals, or such other
 14 information, as the department may, by regulation, require.

15 Section 6. Department may investigate. The department
 16 may enter during business hours any of the premises or
 17 offices or places of business of any person who is subject
 18 to this act, for the purpose of investigating or examining
 19 any aspect of the person's operation and processes, and any
 20 records, documents or papers relating to the activities
 21 described in this act.

22 Section 7. Violations -- enjoined -- penalties. (1) A
 23 person who violates any provision of this act shall be
 24 enjoined from operation, upon petition of the attorney
 25 general or any of his deputies, to any district court of

1 this state, until such time as he complies with the
 2 provisions of this act.

3 (2) A person who continues to violate any provision of
 4 this act is guilty of a misdemeanor and shall be fined not
 5 to exceed one thousand dollars (\$1,000).

6 (3) It is the duty of the attorney general and his
 7 deputies to enforce this act.

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