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LC 0589/01

1	Sanate BILL NO. 269
2	INTRODUCED BY Blaylock
3	V BY REQUEST
4	OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69. 6 CHAPTER 49, TO GIVE THE STATE PRIMARY ENFORCEMENT 7 RESPONSIBILITY UNDER THE FEDERAL SAFE DRINKING WATER ACT; 8 AUTHORIZING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES Q TO ESTABLISH SAFE DRINKING WATER STANDARDS; AUTHORIZING THE 10 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO 11 ADMINISTER AND ENFORCE THE PROVISIONS OF TITLE 69, CHAPTER 12 49; PROVIDING FOR THE ISSUANCE OF VARIANCES; REQUIRING THAT 13 LABORATORIES PERFORMING ANALYSIS OF PUBLIC WATER SUPPLIES BE 14 LICENSED: PROVIDING FOR THE COLLECTION OF CIVIL PENALTIES: 15 AMENDING SECTIONS 69-4902, 69-4903, 69-4904, AND 69-4907, 16 R.C.M. 1947.* 17

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

20 Section 1. Section 69-4902, R.C.M. 1947, is amended to 21 read as follows:

m69-4902. Definitions. As used in this chapter, unless
the context clearly indicates otherwise<u>, the following</u>
definitions_apply:

25 (1) "Contamination" means impairment of the quality of

INTRODUCED BILL

state waters by sewagen or industrial <u>e.or.other</u> wastes
 creating a hazard to human health<u>t</u>.

3 (2) "Pollution" means the ofteration of ony of the properties-of-state-waters-which--is--detrimental--to--their 4 5 most--beneficial--uset contamination or other alteration of 6 the physical, chemical, or biological properties of any 7 state waters which exceeds that permitted by Montana water 8 quality standards, including but not limited to standards 9 relating to change in temperature, taste, color, turbidity, 10 or odor or the discharge or introduction of any liquid. 11 daseous. solid. radioactives or other substance into any 12 state water which will or is likely to create a nuisance for 13 render the waters barsful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild 14 15 animals, birds, fish, or other wildlife. A discharge which 16 is authorized under the pollution discharge permit rules of 17 the board is not "pollution" under this chapter. 18 (3) "Drainage" means rainfall, surface, and subsoil 19 water; 20 (4) "Sewage" means domestic--and--wanufacturing--filth 21 and--wastet water-carried waste products from residences: 22 public buildings, institutions, or other buildings, 23 including discharge from human beings or animals together 24 with ground water infiltration and surface water present. 25 (5) "State waters" means any body of water, irrigation

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		1	read as follows:
1	system, or drainage system either surface or underground:	- 2	<pre>"69-4903. Functions: powers: and duties of the board</pre>
2	(6) "Public water supply" means <u>the provision of water</u>	_	- ····· • • • • •
3	<u>for human consumption from</u> any community well≠ water hauler	3	of-health-and-environmental-sciences. Theboardofhealth
4	for cisterns, water bottling plant, water dispenser, or	. 4	andenvironmentalsciencesshallt (1) Have <u>The board has</u>
5	other water supply that serves ten-{ 10 } or more families, or	5	general supervision over all state waters which are directly
6	tw enty-five-(25) or more persons on-a-regular-and-continuous	6	or indirectly being used ay a person for a public water
7	besist for at least 60 days out of the calendar year.	7	supply or domestic purposesy or as a source of icet.
8	(7) "Person" means any person <u>individual</u>, firm,	8	(2) *dopt The board shall adopt rules and standards
9	corporation, water or ice company, public institution,	9	and-issueorderstopreventpollutionandprotectthe
10	municipality, or other political subdivision of the state.	10	qu slity-ofwaterandforthe-collection-and-analysis-of
11	[8] "Department" means the department of health and	11	samples-of-water-used-fordrinkingordomesticpurposesy
12	environmental sciences provided for in Title 824, chapter 6.	12	givinglegalnoticeoftheadoptionbypublication-or
13	[9] "Board" means the board of health and	13	p osting-and-by-filing-a-copy-in-the-affice-of-the-cler kof
14	environmental sciences provided for in Title 82A, chapter 6.	14	themunicipalityorcountywhere-the-rule-or-standard-is
15	(10) "Industrial waste" means any waste substance from	15	effective, concerning:
16	the processes of business or industry or from the	16	<u>(a) maximum contaminant levels for waters that are or</u>
17	development of any natural resource together with any sewage	17	will be used as a public water supply:
18	that_may_be_present.	18	<pre>(b) fees for services rendered by the department in</pre>
19	(11) "Other waste" means garbage, municipal refuse.	19	analyzing water and conducting inspections:
20	decayed_woodi_sawdust;shayings;_bark; lime;_sand;_ashes;	20	<u>(c)_monitoring+_record_keeping+_and_reportingby</u>
21	offal, night soil; oil, grease, tar, heat, chemicals, dead	21	persons who own or operate a public water supply:
2.2	animals, sediment, wrecked or discarded equipment,	22	<u>(d) requiring public notice to all users of a public</u>
23	radioactive materials, solid waste, and all other substances	23	<u>water supply when a person has been granted a variance or is</u>
24	<u>that may pollute state waters.</u> "	24	<u>in violation of this chapter or a rule or order issued</u>
25	Section 2. Section 69-4903, R.C.M. 1947, is amended to	25	pursuant to this chapter:

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1	(e) the issuance of licenses by the department to
2	laboratories that conduct analysis of public water supplies:
3	(f) the siting, construction, operation, and
4	modification of a public water supply:
5	(g) the collection and analysis of samples of water
6	<u>used for drinking or domestic purposes:</u>
7	(h) the issuance of variances as authorized by this
8	chapter: and
9	(i) any other requirement necessary for the protection
10	of public health as described in this chapter.
11	(3) The board may issue orders necessary to fully
12	implement the provisions of this chapter."
13	Section 3. Section 69-4904, R.C.M. 1947, is amended to
14	read as follows:
15	"69-4904. Powers and duties of the department of
16	healthand-environmental-sciences. The department of-health
17	and-environmental-sciences shall:
18	(1) Upon upon its own initiative or complaint to the
19	department y or to the mayor or health officer of a
20	municipality or to the managing board or officer of a public
21	institution, make an investigation of alleged pollution of a
22	water supply, and, if required, prohibit the continuance of
23	the pollution by ordering removal of the cause of pollution;
24	(2) Have <u>have</u> waters examined to determine their
25	purity and the possibility that they may endanger public

1 health:

(3) Consult consult and advise authorities of cities
and townsy and persons having or about to construct systems
for water supply, drainage, waste water, and sewage as to
the most appropriate source of water supply and the best
method of assuring its purity;

7 (4) *dvise advise persons as to the best method of
8 purifying and disposing of their drainage, sewage, or waste
9 water with reference to the existing and future needs of
10 other persons and to prevent pollution;

11 (5) Consult consult with persons engaged in or 12 intending to engage in manufacturing or other business whose 13 drainager or sewage may tend to pollute waters as to the 14 best method of preventing pollution;

(6) fix collect fees for services rendered in
analyzing water and conducting inspections to cover costs of
the service and deposit receipts the fees collected in the
general-fund an earmarked revenue fund for use by the
department;
(7) Establish establish and maintain experiment

21 stations and conduct experiments to study the best methods
22 of purifying water, drainage, waste water, sewage, and
23 industrial waste to prevent pollution, including
24 investigation of methods used in other states;

25 (8) Enter enter on premises at reasonable times to

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I determine sources of pollution or danger to water supplies z and whether rules and standards of the board are being 3 obeyed; 4 (9) Notify-the-attorney-general-of-violations-of--laws 5 on--pollution--of--state--waters* enforce and administer the 6 provisions of this chapter: 7 (10) establish a plan for the provision of safe я drinking water under emergency circumstances: 9 (11) maintain an inventory of public water supplies and 10 establish a program for conducting sanitary surveys; and 11 (12) enter_into_agreements_with local boards of health 12 wherever appropriate for the performance of surveys and 13 inspections under the provisions of this chapter." 14 Section 4. There is a new R.C.M. section numbered 15 69-4905-1 that reads as follows: 16 69-4905.1. Variance. The department may grant a 17 variance from the requirements of this chapter or the rules 18 adopted under this chapter pursuant to the terms and 19 conditions of the variance rules adopted by the board. A 20 variance granted pursuant to this section shall be 21 accompanied by a compliance plan specifying a time schedule Z2 for compliance. A person aggrieved by a decision of the 23 department to grant, dany, revoke, or modify a variance may 24 appeal the department's decision to the board as provided in 25 the Montana Administrative Procedure Act.

Section 5. There is a new R.C.M. section numbered 1 69-4905.2 that reads as follows: 2 з 69-4905.2. Licensing of laboratories. (1) No laboratory analysis of water taken from a public water 4 supply or any report of such an analysis required by this 5 6 chapter or a rule adopted under this chapter may be accepted by the department or board unless the analysis or report is 7 8 made by the laboratory of the department or by a laboratory licensed by the department for such purposes. The department 9 shall issue a license to any laboratory that can meet 10 11 criteria for licensing established in the rules adopted by 12 the board. (2) An application for a license under this section 13 shall be made on forms furnished by the department. 14 (3) A person aggrieved by a decision of the department 15 to grant, deny, or revoke a license may appeal the 16 17 department's decision to the board as provided in the Montana Administrative Procedure Act. 18 19 Section 6. Section 69-4907, R.C.M. 1947, is amended to 20 read as follows: *69-4907. Appeal from rule or standard -- injunction 21 22 to require compliance -- penalties. (1) A person aggrieved 23 by a rule, or standard, or order of the board adopted or 24 issued pursuant to this chapter may appeal to the district 25 court as provided in the Nontana Administrative Procedure

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1	<u>Act</u> . While the appeal is pending, the rule <u>s</u> or standard <u>s</u> or
2	order of-the-board is in force. The-departmentmayrequest
3	aninjunction-from-the-district-court-to-require-compliance
4	with-rules-and-standards.
5	<u>(2) The department may seek an injunction from the</u>
6	appropriate district court to require compliance with this
7	<u>chapter or a rule or order issued as authorized by this</u>
8	<u>chaoter. The department may also initiate an action to</u>
9	collect a civil penalty as provided in this section.
10	(3) A person who violates this chapter or a rule or
11	orderissued as authorized by this chapter shall be subject
12	to a civil penalty of not more than \$5.000. Each day of
13	violation is a separate violation. Penalties collected shall
14	be_deposited_in_the_general_fund.*

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STATE OF MONTANA

REQUEST NO. 531-77

FISCAL NOTE

Form BD-15

In	compliance	with	a writter	request receiv	ed February 10		<u>. 77. </u>	there is	hereby s	ubmitted a	a Fiscal No	te
for	SB 269			pur	suant to Chapter 53	3, Laws of Mont	tana, 1965	· Thirty	Ninth Le	egislative A	Assembly.	
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members												
of	the Legislatu	ire u	oon reque	st.								

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise Title 69, Chapter 49, to give the state primary enforcement responsibility under the federal safe drinking water act; authorizing the Board of Health and Environmental Sciences to establish safe drinking water standards; authorizing the Department of Health and Environmental Sciences to administer and enforce the provisions of Title 69, Chapter 49; providing for the issuance of variances; requiring that laboratories performing analysis of public water supplies be licensed; and providing for the collection of civil penalties.

ASSUMPTIONS:

1. Matching requirements for the proposed legislation will remain at 25% state and 75% federal.

2. 1.00 FTE employee, a water systems training officer, would be added to the staff.

FISCAL IMPACT:	FY78	FY79	Total
Personal services	\$ 9,220	\$9,080	\$18,300
Operating expenses	780	(_4,080)	(3,300)
Additional cost of proposed legislation	\$10,000	\$5,000	\$15,000

Of the increase of \$15,000 for the biennium, \$3,750 will come from the states general fund and \$11,250 from federal sources.

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BUDGET DIRECTOR -Office of Budget and Program Planning Date: ______77____

45th Legislature

Approved by Committee on Public Health, Welfare & Safety rate BILL NO. 269 L 2 INTRODUCED BY BY REQUEST 3 OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69. 6 CHAPTER 49, TO GIVE THE STATE PRIMARY ENFORCEMENT 7 RESPONSIBILITY UNDER THE FEDERAL SAFE DRINKING WATER ACT; я

AUTHORIZING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES 9 TO ESTABLISH SAFE DRINKING WATER STANDARDS; AUTHORIZING THE 10 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO 11 ADMINISTER AND ENFORCE THE PROVISIONS OF TITLE 69. CHAPTER 12 49; PROVIDING FOR THE ISSUANCE OF VARIANCES; REQUIRING THAT 13 LABORATORIES PERFORMING ANALYSIS OF PUBLIC WATER SUPPLIES BE 14 ITCENSED: PROVIDING FOR THE COLLECTION OF CIVIL PENALTIES; 15 AMENDING SECTIONS 69-4902, 69-4903, 69-4904, AND 69-4907, 16 R.C.M. 1947." 17

18

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

20 Section 1. Section 69-4902, R.C.N. 1947, is amended to 21 read as follows:

r69-4902. Definitions. As used in this chapter, unless
the context clearly indicates otherwise<u>, the following</u>
definitions_apply:

25 (1) "Contamination" means impairment of the quality of

SECOND READING

1 state waters by sewage, or industrial, or other wastes 2 creating a hazard to human health # 3 (2) "Pollution" means the--alteration--of-any-of-the 4 properties-of-state-waters-which--is--detrimental--to--their most--beneficial--user contamination or other alteration of 5 6 the physical chemical or bidlogical properties of any 7 state waters which exceeds that permitted by Montana water 8 guality standards, including but not limited to standards Q. relating to change in temperature, tastes color, turbidity, 10 or odor or the discharge or introduction of any liquid. 11 gaseous, solid, radioactive, or other substance into any 12 state water which will or is likely to create a nuisance or 13 render the waters harmful, detrimental, or injurious to 14 public health, recreation, safety, welfare, livestock, wild 15 animals, birds, fish, or other wildlife. A discharge which 16 is authorized under the pollution discharge permit rules of 17 the board is not "pollution" under this chapter. 18 (3) "Drainage" means rainfall, surface, and subsoil 19 water 1. 20 (4) "Sewage" means domestic--and--manufacturing--filth 21 and--wastet water-carried waste products from residences. 22 public buildings, institutions, or other buildings, 23 including discharge from human beings or animals together 24 with ground water infiltration and surface water present. (5) "State waters" means any body of water, irrigation 25

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system, or drainage system either surface or underground; 1 2 (6) "Public water supply" means the provision of water for human consumption from any community well, water hauler 3 for cisterns, water bottling plant, water dispenser, or 4 other water supply that serves ten-(10) or more families, or 5 twenty-five-{25} or more persons on-a-regular-and-continuous 6 7 besist for at least 60 days out of the calendar year. (7) "Person" means any person individual, firm, а corporation, water or ice company, public institution, 9 10 municipality, or other political subdivision of the state. 11 (8) "Department" means the department of health and 12 environmental sciences provided for in Title 82A. chapter 6. 13 191 "Board" means the board of health and 14 environmental sciences provided for in Title 82A, chapter 6. 15 (10) ""Industrial waste" means any waste substance from the processes of business or industry or from the 16 17 development of any natural resource together with any sewage 18 that may be present. 19 (11) "Other waste" means garbade, municipal refuses 20 decayed woods sawdust, shavings, bark, lime, sand, ashes, 21 offali night soil; oil; grease; tar; heat; chemicals; dead 22 animals, sediment, wrecked or discarded equipment. **Z**3 radioactive materials, solid waste, and all other substances 24 that may pollute state waters." 25 Section 2. Section 69-4903, R.C.M. 1947, is amended to

1 read as follows: 2 *69-4903. Functions, powers, and duties of the board 3 of-health-and-environmental-sciences. The--board--of--health and--environmental--sciences--shallt (1) Have The board has 4 general supervision over all state waters which are directly 5 6 or indirectly being used by a person for a public water 7 supply or domestic purposesy or as a source of icet, 8 (2) #dopt The board shall adopt rules and standards 9 and-issue--prders--to--prevent--pollution--and--protect--the 10 auality--of--water--and--far--the-collection-and-analysis-of 11 samples-of-water-used-for--drinking--or--domestic--purposesy diving--least--notice--of--the--adoption--by--publication-of 12 13 postingy-and-by-filing-a-copy-in-the-office-of-the-clerk--of the--sunicipality--or--county--where-the-rule-or-standard-is 14 15 effectives concerning: 16 fat maximum contaminant levels for waters that are or 17 will be used as a public water supply: 18 (b) fees for services rendered by the department in 19 analyzing water and conducting inspections. 20 (c) monitoring, record keeping, and reporting by 21 persons who own or operate a public water supply: 22 (d) requiring public notice to all users of a public 23 water supply when a person has been granted a variance or is 24 in violation of this chapter or a rule or order issued 25 pursuant to this chapter:

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z	laboratories_that_conduct_analysis_of_public_water_supplies;
3	(f) the siting, construction, operation, and
4	modification_of_a_public_water_supply:
5	(g) the collection and analysis of samples of water
6	<u>used_for_drinking_or_domestic_purposes:</u>
7	<pre>(h1_the_issuance_of_variances_as_authorized_by_this</pre>
8	chapter: and
9	(i) any other requirement necessary for the protection
10	of public health as described in this chapter.
11	(3) The board may issue orders necessary to fully
12	implement_the_provisions_of_this_chapter."
13	Section 3. Section 69-4904; R.C.M. 1947; is amended to
14	read as follows:
15	₩69-4904. Powers and duties of the department of
16	healthand-environmental-sciences. The dapartment of-health
17	end-environmentol-sciences shall:
18	(1) Upon upon its own initiative or complaint to the
19	departmenty or to the mayor or health officer of a
20	municipality or to the managing board or officer of a public
21	institution, make an investigation of alleged pollution of a
22	water supply, and, if required, prohibit the continuance of
23	the pollution by ordering removal of the cause of pollution;
24	(2) Have have waters examined to determine their
25	purity and the possibility that they may endanger public

(e) the issuance of licenses by the department to

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Z (3) Consult: consult and advise authorities of cities and townsy and persons having or about to construct systems 3 4 for water supply, drainage, waste water, and sewage as to the most appropriate source of water supply and the best 5 6 method of assuring its purity; 7 (4) #dvise advise persons as to the best method of 8 purifying and disposing of their drainage, sewage, or waste 9 water with reference to the existing and future needs of 10 other persons and to prevent pollution; 11 (5) Consult consult with persons engaged in or 12 intending to engage in manufacturing or other business whose 13 drainage, or sewage may tend to pollute waters as to the best method of preventing pollution; 14 15 (6) Fix collect fees for services rendered in 16 analyzing water and conducting inspections to cover costs of 17 the service and deposit receipts the fees collected in the 18 general-fund an earmarked revenue fund for use by the 19 department; 20 (7) Establish establish and maintain experiment stations and conduct experiments to study the best methods 21 22 of purifying water, drainage, waste water, sewage, and 23 industrial waste to prevent pollution, including

25 (8) Enter enter on premises at reasonable times to

investigation of methods used in other states;

determine sources of pollution or danger to water supplies
 and whether rules and standards of the board are being
 obeyed;

4 (9) Notify-the-attorney-general-of-violations-of--laws
5 on--pollution--of--state--watersw enforce and administer the
5 provisions of this chapter:

7 <u>(10) establish a plan for the provision of safe</u>
8 <u>drinking water under emergency circumstancesi</u>

9 <u>(11) maintain an inventory of public water supplies and</u>
 10 <u>establish a program for conducting Sanitary surveys; and</u>

 11
 (12) enter_into_agreements_with_local boards of health

 12
 wherever appropriate for_the_performance_of_surveys_and

13 inspections under the provisions of this chapter."

14 Section 4. There is a new R.C.M. section numbered 15 69-4905.1 that reads as follows:

69-4905.1. Variance. The department may grant a 16 17 variance from the requirements of this chapter or the rules 18 adopted under this chapter pursuant to the terms and 19 conditions of the variance rules adopted by the board. A 20 variance granted pursuant to this section shall be 21 accompanied by a compliance plan specifying a time schequle 22 for compliance. A person aggrieved by a decision of the 23 department to grant, deny, revoke, or modify a variance may 24 appeal the department's decision to the board as provided in 25 the Montana Administrative Procedure Act.

Section 5. There is a new R.C.M. section numbered
 69-4905.2 that reads as follows:

3 69-4905-2- Licensin: of laboratories. (1) No laboratory analysis of water taken from a public water 4 5 supply or any report of such an analysis required by this chapter or a rule adopted under this chapter may be accepted 6 by the department or board unless the analysis or report is 7 made by the laboratory of the department or by a laboratory 8 licensed by the department for such purposes. The department 9 10 shall issue a license to any laboratory that can meet criteria for licensing established in the rules adopted by 11 12 the board.

13 (2) An application for a license under this section14 shall be made on forms furnished by the department.

15 (3) A person aggrieved by a decision of the department
16 to grant, deny, or revoke a license may appeal the
17 department's decision to the board as provided in the
18 Montana Administrative Procedure Act.

Section 6. Section 69-4907, R.C.M. 1947, is amended to
 read as follows:

21 "69-4907. Appeal from rule or standard -- injunction 22 to require compliance <u>-- penalties. (1)</u> A person aggriaved 23 by a rule<u>r</u> or standard<u>r or order of-the-board adopted or</u> 24 <u>issued pursuant_t2 this chapter</u> may appeal to the district 25 court <u>as provided in the Montana Administrative Procedure</u>

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1	<u>Act</u> . While the appeal is pending, the rule <u></u> o r standard <u>, or</u>
2	<u>order</u> of-the-boord is in force. The-departmentmayrequest
з	aninjunction-from-the-district-court-to-require-compliance
4	with-rules-and-standards*
5	(2) The department may seek an injunction from the
6	appropriate district court to require compliance with this
7	chapter or a rule or order issued as authorized by this
8	<u>chapter. The department may also initiate an action to</u>
9	collect a civil penalty as provided in this section.
10	(3) A person who violates this chapter or a rule or
11	order_issued as authorized by this chapter shall be subject
12	to a civil penalty of not more than \$5.000. Each day of
13	violation is a separate violation. Penalties collected shall
14	be deposited in the general fund."

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1	SENATE BILL NO. 269	1	state waters by sewage, or industrial <u>, or other</u> wastes
2	INTRODUCED BY BLAYLOCK	2	creating a hazard to human health ;
3	BY REQUEST	3	(2) "Pollution" means the alteration of any of the
4	OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES	4	proportion-ofstatevatorsvhish-is-detrinental-to-thoir
5		5	acst beneficial ace; contamination or other alteration of
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO BEVISE TITLE 69,	6	the physical, chemical, or biological properties of any
7	CHAPTER 49, TO GIVE THE STATE PRIMARY ENFORCEMENT	7	state waters which exceeds that permitted by Montana water
8	RESPONSIBILITY UNDER THE PEDERAL SAPE DRINKING WATER ACT;	8	quality standards, including but not limited to standards
9	AUTHORIZING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES	9	relating to change in temperature, taste, color, turbidity,
10	TO ESTABLISH SAFE DRINKING WATER STANDARDS; AUTHORIZING THE	10	or odor or the discharge or introduction of any liquid.
11	DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO	11	gaseous, solid, radioactive, or other substance into any
12	ADMINISTER AND ENFORCE THE PROVISIONS OF TITLE 69, CHAPTER	12	state water which will or is likely to create a nuisance or
13	49; PROVIDING FOR THE ISSUANCE OF VARIANCES; REQUIRING THAT	13	render the waters harmful, detrimental, or injurious to
14	LABORATORIES PERFORMING ANALYSIS OF PUBLIC WATER SUPPLIES BE	14	public health, recreation, safety, welfare, livestock, wild
15	LICENSED; PROVIDING FOR THE COLLECTION OF CIVIL PENALTIES;	15	animals, birds, fish, or other wildlife, A discharge which
16	AMENDING SECTIONS 69-4902, 69-4903, 69-4904, AND 69-4907,	16	is authorized under the pollution discharge permit rules of
17	R.C.E. 1947."	17	the board is not "pollution" under this chapter.
18		18	(3) "Drainage" means rainfall, surface, and subsoil
19	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	19	water+ <u>.</u>
20	Section 1. Section 69-4902, R.C.M. 1947, is amended to	20	(4) "Sevage" means domostis-and manufacturing-filth
21	read as follows:	21	and waste; water-carried waste products from residences.
22	#69_4902. Definitions. As used in this chapter, unless	22	public buildings, institutions, or other buildings,
23	the context clearly indicates otherwise <u>, the following</u>	23	including discharge from human beings or animals together
24	definitions apply:	24	with ground water infiltration and surface water present.
25	(1) "Contamination" means impairment of the quality of	25	(5) "State waters" means any body of water, irrigation
	THIRD READING		-2 SB 269

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1	system, or drainage system either surface or underground t_{1}
2	(6) "Public water supply" means <u>the provision of water</u>
3	for <u>buman consumption from</u> any community well, water bauler
4	for cisterns, water bottling plant, water dispenser, or
5	other water supply that serves ten_(10) or more families, or
6	twenty_five-{25} or more persons on-a-regular-and-continuous
7	basic; for at least 60 days out of the calendar year.
8	(7) "Person" means any person <u>individual</u> , firm,
9	corporation, water or ice company, public institution,
10	municipality, or other political subdivision of the state.
11	(8) "Department" means the department of health and
12	environmental sciences provided for in Title 824, chapter 6.
13	(9) "Board" means the board of health and
14	environmental sciences provided for in Title 821, chapter 6.
15	(10) "Industrial waste" means any waste substance from
16	the processes of business or industry or from the
17	<u>development of any natural resource together with any sevage</u>
18	that may be present.
19	(111 "Other waste" means garbage, municipal refuse,
20	decayed wood, sawdust, shavings, bark, lime, sand, ashes,
21	<u>offal, pight soil, oil, grease, tar, heat, chemicals, dead</u>
22	apimals, sediment, wrecked or discarded equipment,
23	radioactive materials, solid waste, and all other substances
24	that may pollute state waters."
25	Section 2. Section 69-4903, R.C.H. 1947, is amended to

<u>pollute_state_waters</u> "									
tion	2.	Section	69-4903,	R.C.H.	1947,	is	amended	to	

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1 read as follows: 2 *69-4903. Functions, powers, and duties of the board of-health-and environmental-seiences. the--beard--ef--health 3 4 and--cevironecatel--sciences-shall; (1) Have The board has general supervision over all state waters which are directly 5 or indirectly being used by a person for a public water 6 supply or domestic purposes, or as a source of ice+. 7 (2) Adopt The board shall adopt rules and standards 8 9 stality---of---vater---and---for---the-collection-ond-analycig-of 10 8229108-0f-4450F-4868-foF--dfiking--0f---det6416--Puppe86; 11 4iving-logal-metica-ef--the--adoption--by--publication-of 12 posting,_asd-by_filing_a-copy_ia_the_office-of-the-office-of-the-olork--of 13 14 15 effective, concerning: 16 (a) maximum contaminant levels for waters that are or 17 will be used as a public water supply: 18 (b) fees for services rendered by the department in 19 analyzing water and conducting inspections: 20 (c) monitoring, record keeping, and reporting by 21. persons who own or operate a public water supply: 22 (d) requiring public notice to all users of a rublic 23 water supply when a person has been granted a wariance or is 24 in violation of this chapter or a rule or order issued 25 pursuant to this chapter:

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(e) the issuance of licenses by the department to 1 laboratories that conduct analysis of public water supplies; 2 3 (f) the siting, construction, operation, and modification of a public water supply: a 5 (q) the collection and analysis of samples of water used for drinking or domestic purposes; 6 7 (b) the issuance of variances as authorized by this 8 chapter: and (i) any other requirement necessary for the protection 9 10 of public health as described in this chapter. 11 (3) The board may issue orders necessary to fully 12 implement the provisions of this chapter." 13 Section 3. Section 69-4904. R.C.E. 1947, is amended to 14 read as follows: 15 #69-4904. Powers and duties of the department of 16 health--and-onvironmental-seignses. The department of-health 17 and-environmental-sciences shall: 18 (1) Upon upon its own initiative or complaint to the department- or to the mayor or health officer of a 19 municipality or to the managing board or officer of a public 20 21 institution. make an investigation of alleged pollution of a 22 water supply, and, if required, prohibit the continuance of 23 the pollution by ordering removal of the cause of pollution; 24 (2) Have have waters examined to determine their 25 purity and the possibility that they may endanger public

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1 health;

25

2 (3) Consult consult and advise authorities of cities 3 and towns, and persons having or about to construct systems 4 for water supply, drainage, waste water, and sewage as to 5 the most appropriate source of water supply and the best 6 method of assuring its purity;

7 (4) Advise advise persons as to the best method of
8 purifying and disposing of their drainage, sewage, or waste
9 water with reference to the existing and future meeds of
10 other persons and to prevent pollution;

(5) Consult consult with persons engaged in or
intending to engage in manufacturing or other business whose
drainage, or sewage may tend to pollute waters as to the
best method of preventing pollution;

15 (6) Fix collect fees for services rendered in 16 analyzing water and <u>conducting</u> inspections to cover costs of 17 the service and deposit seecipts <u>the fees collected</u> in the 18 general fund <u>an earmarked revenue fund for use by the</u> 19 department;

(7) Betablish establish and maintain experiment
stations and conduct experiments to study the best methods
of purifying water, drainage, waste water, sewage, and
industrial waste to prevent pollution, including
investigation of methods used in other states;

(8) **Fator** enter on premises at reasonable times to

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determine sources of pollution or danger to water supplies
 and whether rules and standards of the board are being
 obeyed;

4 (9) Notify-the attorney-general-of-violations-of laws
5 on pollution of state-waters, enforce and administer the
6 provisions of this chapter:

7 (10) establish a plan for the provision of safe

8 <u>drinking water under emergency circumstances:</u>

9 (11) maintain an inventory of public water supplies and
 10 establish a program for conducting sanitary surveys; and

 11
 1121 enter into agreements with local boards of health

 12
 wherever appropriate for the performance of surveys and

13 inspections under the provisions of this chapter."

14 Section 4. There is a new R.C.M. section numbered
15 69-4905.1 that reads as follows:

16 69-4905.1. Variance. The department may grant a 17 variance from the requirements of this chapter or the rules 18 adopted under this chapter pursuant to the terms and 19 conditions of the variance rules adopted by the bcard. 1 variance granted pursuant to this section shall be 20 21 accompanied by a compliance plan specifying a time schedule 22 for compliance. A person aggrieved by a decision of the 23 department to grant, deny, revoke, or modify a variance may 24 appeal the department's decision to the board as provided in 25 the Montana Administrative Procedure Act.

Section 5. There is a new R.C.H. section numbered
 69-4905.2 that reads as follows:

of laboratories. (1)No 3 69-4905.2. Licensing laboratory analysis of water taken from a public water 4 supply or any report of such an analysis required by this 5 chapter or a rule adopted under this chapter may be accepted 6 by the department or board unless the analysis or report is 7 8 made by the laboratory of the department or by a laboratory licensed by the department for such purposes. The department 9 shall issue a license to any laboratory that can meet 10 criteria for licensing established in the rules adopted by 11 12 the board.

13 (2) An application for a license under this section
14 shall be made on forms furnished by the department.

15 (3) A person aggrieved by a decision of the department
16 to grant, deny, or revoke a license may appeal the
17 department's decision to the board as provided in the
18 Montana Administrative Procedure Act.

19 Section 6. Section 69-4907, R.C.H. 1947, is amended to
20 read as follows:

21 "69-4907. Appeal from rule or standard — injunction 22 to require compliance <u>— penalties. (1)</u> A person aggrieved 23 by a rule, or standard, or order of the board adopted or 24 <u>issued pursuant to this chapter</u> may appeal to the district 25 court <u>ac_provided_in_the_Heptapa_Administrative_Precedure</u>

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1 104. While the appeal is pending, the rule, or standard, or 2 order of-the-beard is in force. The-department-may--request an--injunction-from-the-district-court-to-require-scapliance 3 4 with-rules-and-standards. 5 (2) The department may seek an injunction from the 6 appropriate district court to require compliance with this 7 chapter or a rule or order issued as authorized by this 8 chapter. The department may also initiate an action to 9 collect a civil penalty as provided in this section. 10 (3) - 1 pores the violates this sheptor or a sale of 11 order -- ingued ag authorized by this obseter shall be outlest 12 to a civil pergity of not sere than \$5,000, fach day of 13 Tiolation_ig-a_coparato_violation._Peralticg_collected_shall 14 be deposited is the second feed, (3) PREALTY FOR 15 VIOLATIONS. ANT PERSON VICLATING THIS ACT OR BEGULATIONS 16 PRESCRIBED BY THE DEPARTMENT UNDER THIS ACT. SHALL BE GUILTY 17 OF A HISDEBEABOR AND, UPON CONVICTION, SHALL BE FINED NOT 18 LESS THAN \$50 NOR MORE THAN \$500. FACH DAI UPON BHICH A 19 VIOLATION OF THIS ACT OCCURS SHALL BE CONSIDERED & SEPARATE 20 OFFERSE."

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HOUSE OF REPRESENTATIVES, PUBLIC HEALTH, WELFARE AND SAFETY COMM. Amendments to SENATE BILL 269. March 10, 1977

1. Amend title, line 17.
Following: "1947"
Insert: "; AND REPEALING SECTION 69-4908, R.C.M. 1947"

2. Amend page 9 Following: line 20 Insert: "Section 7. Repealer. Section 69-4908, R.C.M. 1947, is repealed."

AS AMENDED BE CONCURRED IN

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1	SENATE BILL NO. 269
2	INTRODUCED BY BLAYLOCK
3	BY REQUEST
4	OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69.
7	CHAPTER 49. TO GIVE THE STATE PRIMARY ENFORCEMENT
8	RESPONSIBILITY UNDER THE FEDERAL SAFE DRINKING WATER ACT;
9	AUTHDRIZING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
10	TO ESTABLISH SAFE DRINKING WATER STANDARDS; AUTHORIZING THE
11	DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO
12	ADMINISTER AND ENFORCE THE PROVISIONS OF TITLE 69, CHAPTER
13	49; PROVIDING FOR THE ISSUANCE OF VARIANCES; REQUIRING THAT
14	LABORATORIES PERFORMING ANALYSIS OF PUBLIC WATER SUPPLIES BE
15	LICENSED; PROVIDING FOR THE COLLECTION OF CIVIL PENALTIES;
16	AMENDING SECTIONS 69-4902, 69-4903, 69-4904, AND 69-4907,
17	R.C. M. 1947 <u>: AND REPEALING SECTION 69-4908, R.C. M. 1947</u> .
18	
19	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
20	Section 1. Section 69-4902, R.C.N. 1947, is amended to
21	read as follows:
22	#69-4902. Definitions. As used in this chapter, unless
23	the context clearly indicates otherwise <u>t the following</u>
24	definitions_apply:
25	(1) "Contamination" means impairment of the quality of

REFERENCE BILL

1	state waters by sewage <u>s</u> or industrial <u>s or other</u> wastes
2	creating a hazard to human health <u>ta</u>
3	(2) "Pollution" means the olterationofonyofthe
4	propertiesofstatewaterswhich-is-detrimental-to-their
5	most-beneficial-uset contamination or other alteration of
6	the physical. chemical. or biological properties of any
ť	state waters which exceeds that permitted by Montana water
8	quality_standardsincluding_but_not_limited_to_standards
9	relating to change in temperature, tastes color, turbidity,
10	or odor or the discharge or introduction of any liquid.
11	gaseous, solid, radioactive, or other substance into any
12	<u>state water which will or is likely to create a nuisance or</u>
13	render the waters harmful, detrimental, or injurious to
14	public_health.recreation.safety.welfare.livestock.wild
15	animals, birds, fish, or other wildlife, A_discharge_which
16	is authorized under the pollution discharge permit rules of
17	the board is not "pollution" under this chapter.
18	(3) "Drainage" means rainfall, surface, and subsoil
19	water _{te}
20	(4) "Sewage" means domesticand-manufacturing-filt h
21	and-waster water-carried_waste_products_from_residencess
22	<u>publicbuildingsinstitutionsorotherbuildings.</u>
23	including discharge from human beings or-conimate together
24	with ground water infiltration and surface water present.
25	(5) "State waters" means any body of water, irrigation

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1	
-	system, or drainage system either surface or underground;
2	(6) "Public water supply" means <u>the provision of water</u>
3	for human consumption from any community well, water hauler
4	for cisterns, water bottling plant, water dispenser, or
5	other water supply that serves twn- {10 } or more families , or
6	twenty-five-t25t or more persons on-a-regular-and-continuous
۲	bosist for at least 60 days out of the calendar year.
8	(7) "Person" means any p erson <u>individual</u>, firm,
9	corporation, water or ice company, public institution,
10	municipality, or other political subdivision of the state.
11	(8) "Department" means the department of health and
12	environmental sciences provided for in Title 82A, chapter 6.
13	(9) "Board" means the board of health and
14	environmental sciences provided for in Title 82A, chapter 6.
15	(10) "Industrial waste" means any waste substance from
16	the processes of business or industry or from the
17	development of any natural resource together with any sewage
18	<u>that may be present.</u>
19	(11) "Other waste" means garbages municipal refuses
20	decayed_woods_sawdusts_shavingss_barks_limessandsashess
21	<u>offal, night_soil, oil, grease, tar, heat, chemicals, dead</u>
22	animals. sediment, wrecked or discorded equipment.
23	radioactive materials, solid waste, and all other substances
24	that may pollute state waters,"
25	Section 2. Section 69-4903, R.C.N. 1947, is amended to

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1	read as follows:
2	469-4903. Functions, powers, and duties of the board
3	of-health-and-environmental-sciences. Theboardofhealth
4	andenvironmentalsciencesshall+ (1) Have <u>The board has</u>
5	general supervision over all state waters which are directly
6	or indirectly being used by a person for a public water
7	supply or domestic purposes, or as a source of ice_{a}
8	(2) Adopt The board shall adopt rules and standards
9	and-issueorderstopreventpollutionandprotectthe
10	qualityofweterondforthe-collection-ond-onalysis-of
11	somples-of-water-used-fordrinkingordomesticpurposesv
12	g ivinglagalnoticeoftheadoptionbypublication-or
13	posting-and-by-filing-a-copy-in-the-office-of-the-clerkof
14	the
15	effectives concerning:
16	<u>(a) maximum contaminant levels for waters that are or</u>
17	will be used as a public water supply:
18	<u>(b) fees for services rendered by the department in</u>
19	analyzing water and conducting inspections:
20	(c) conitoring record keeping, and reporting by
21	persons_who_own_or_operate_a_public_water_supply:
22	(d) requiring public notice to all users of a public
23	<u>water_supply_when_a_person_has_been_granted_a_variance_or_is</u>
24	in violation of this chapter or a rule or order issued
25	<u>pursuant to this chapter:</u>

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ı	(e) the issuance of licenses by the department to
2	laboratories that conduct analysis of public water supplies:
3	(f) the siting. construction. operation. and
4	modification of a public water supplys
5	(g) the collection and analysis of samples of water
6	used for drinking or domestic purposes:
7	(h) the issuance of variances as authorized by this
8	<u>chapter; and</u>
9	(i)
10	of public health as described in this chapter.
11	(3) The board may issue orders necessary to fully
12	implement the provisions of this chapter."
13	Section 3. Section 69-4904; R.C.N. 1947; is amended to
14	read as follows:
15	#69-4904。 Powers and duties of the department of
16	healthend-environmental-sciences. The department of-health
17	and-environmental-sciences shall:
18	(1) Upon upon its own initiative or complaint to the
19	departmenty or to the mayor or healtn officer of a
20	municipality or to the managing board or officer of a public
21	institution, make an investigation of alleged pollution of a
22	water supplyy and, if required, prohibit the continuance of
23	the pollution by ordering removal of the cause of pollution;
24	(2) H ave <u>have</u> waters examined to determine their
25	purity and the possibility that they may endanger public

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healtn; 1 2 (3) Consult consult and advise authorities of cities 3 and townsy and persons having or about to construct systems for water supply, drainage, waste water, and sewage as to 4 5 the most appropriate source of water supply and the best method of assuring its purity; 6 i (4) Advise advise persons as to the best method of 8 purifying and disposing of their drainage, sewage, or waste water with reference to the existing and future needs of 9 10 other persons and to prevent pollution; 11 (5) Consult with persons engaged in or 12 intending to engage in manufacturing or other business whose drainagev or sewage may tend to pollute waters as to the 13 14 best wethod of preventing pollution; 15 (6) Fix collect fees for services rendered in analyzing water and <u>conducting</u> inspections to cover costs of 16 17 the service and deposit receipts the fees collected in the 18 general-fund an earwarked revenue fund for use by the 19 department; 20 (7) Establish establish and maintain experiment stations and conduct experiments to study the best methods 21 22 of purifying water, drainage, waste water, sewage, and 23 industrial waste to prevent pollution, including 24 investigation of methods used in other states;

25 (8) Enter enter on premises at reasonable times to

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1 determine sources of pollution or danger to water supplies 2 and whether rules and standards of the board are being 3 obeved: 4 (9) Notify-the-attorney-gameral-of-violations-of--laws on--pollution--of--state--watersy enforce and administer, the 5 provisions of this chapter: 6 7 (10) establish a plan for the provision of safe 8 drinking water under emergency circumstances: 9 (11) maintain an inventory of public water supplies and 10 establish a program for conducting sanitary surveys; and 11 (12) enter into agreements with local boards of health 12 wherever appropriate for the performance of surveys and 13 inspections under the provisions of this chapter." 14 Section 4. There is a new R.C.M. section numbered 15 69-4905.1 that reads as follows: 16 69-4905.1. Variance. The department may grant a variance from the requirements of this chapter or the rules 17 adopted under this chapter pursuant to the terms and 18 conditions of the variance rules adopted by the board. A 19 variance granted pursuant to this section shall be 20 accompanied by a compliance plan specifying a time schedule 21 for compliance. A person aggrieved by a decision of the 22 23 department to grant, deny, revoke, or modify a variance may 24 appeal the department's decision to the board as provided in the Montana Administrative Procedure Act. 25

69-4905.2 that reads as follows: 69-4905.2. Licensing of laboratories. (1) No 3 laboratory analysis of water taken from a public water 4 supply or any report of such an analysis required by this 5 chapter or a rule adopted under this chapter may be accepted 6 7 by the department or board unless the analysis or report is 8 made by the laboratory of the department or by a laboratory licensed by the department for such purposes. The department q 10 shall issue a license to any laboratory that can meet criteria for licensing established in the rules adopted by 11 12 the board. 13 (2) An application for a license under this section 14 shall be made on forms furnished by the department. (3) A person aggrieved by a decision of the department 15 grant, deny, or revoke a license may appeal the 16 to 17 decartment's decision to the board as provided in the 18 Montana Administrative Procedure Act. 19 Section 6. Section 69-4907, R.C.M. 1947, is amended to 20 read as follows:

Section 5. There is a new B.C.M. section numbered

21 "69-4907, Appeal from rule or standard -- injunction 22 to require compliance - penalties. (1) A person aggrieved 23 by a rule, of standard, or order of the board adopted or issued pursuant to this chapter may appeal to the district 24 25 court ac provided in the montane Linipiperative Presedure

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1 het. While the appeal is pending, the rule, or standard, or order of the board is in force. The department -- may -- request 2 3 an-injunction from the district court to require compliance 8 with-rules-and-standards. 5 (2) The department may seek an injunction from the 6 appropriate district court to require compliance with this 7 chapter or a rule or order issued as authorized by this 8 chapter. The department may also initiate an action to 9 collect a civil penalty as provided in this section. 10 (3) - A person who vielated this chapter or - rule - or 11 order iscued as authorized by this shapter shall be subject 12 to a citil populty of set sets than \$5,000, Bech day of 13 Tiolation_is_c_sopareto_vieletion_Popaltion_collegied_chell 14 be deposited in the general fundy (3) PENALTY FOR 15 VIOLATIONS. ANY PERSON VIOLATING THIS ACT OB BEGULATIONS PRESCRIBED BY THE DEPARTMENT UNDER THIS ACT. SHALL BE GUILTY 16 17 OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE FINED NOT 18 LESS THAN \$50 NOR MORE THAN \$500. BACH DAY UPON WHICH A VIOLATION OF THIS ACT OCCUBS SHALL BE CONSIDERED A SEPARATE 19 20 OFFENSE." 21 SECTION 7. REPEALER. SECTION 69-4908, R.C.M. 1947, IS 22 REPEALED.

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1	SENATE BILL NO. 269	1
2	INTRODUCED BY BLAYLOCK	2
3	BY REQUEST	3
4	OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES	4
5		5
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69,	6
7	CHAPTER 49, TO GIVE THE STATE PRIMARY ENFORCEMENT	7
8	RESPONSIBILITY UNDER THE FEDERAL SAFE DRINKING WATER ACT;	8
9	AUTHORIZING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES	9
10	TO ESTABLISH SAFE DRINKING WATER STANDARDS; AUTHORIZING THE	10
11	DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO	11
12	ADMINISTER AND ENFORCE THE PROVISIONS OF TITLE 69. CHAPTER	12
13	49; PROVIDING FOR THE ISSUANCE OF VARIANCES; REQUIRING THAT	13
14	LABORATORIES PERFORMING ANALYSIS OF PUBLIC WATER SUPPLIES BE	14
15	LICENSED; PROVIDING FOR THE COLLECTION OF CIVIL PENALTIES;	15
16	AMENDING SECTIONS 69-4902, 69-4903, 69-4904, AND 69-4907,	16
17	R.C.M. 1947 <u>: AND REPEALING SECTION 69-4908; R.C.M. 1947</u> ."	17
18		18
19	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	19
20	Section 1. Section 69-4902, R.C.H. 1947, is amended to	20
21	read as follows:	21
22	9-4902. Definitions. As used in this chapter. unless	22
23	the context clearly indicates otherwise. the following	23
24	definitions_apply:	
25	(1) "Contamination" means impairment of the quality of	25
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state waters by sewage, or industrial, or other wastes 1 2 creating a hazard to human healtht. (2) "Pollution" means the alteration -- of -- any -- of -- the 3 properties--of--state--waters--which-is-detrimental-to-their 4 most-beneficial-uset contamination or other alteration of 5 the physical, chemical, or biological properties of any 6 7 state waters which exceeds that permitted by Montana_ water 8 quality_standards,_including_but_not_limited_to_standards 9 relating to change in temperature, taste, color, turbidity, 10 or or the discharge or introduction of any liquid. 11 gaseous, solid, radioactive, or other substance into any state water which will or is likely to create a nuisance or 12 13 render the waters harmful. detrimental. or injurious to 14 public health. recreation. safety. welfare. livestock. wild 15 animals, birds, fish, or other wildlife. A discharge which 16 is authorized under the pollution discharge permit rules of 17 the board is not "pollution" under this chapter. 18 (3) "Drainage" means rainfall, surface, and subsoil 19 water_{f1} (4) "Sewage" means domestic--and-manufacturing-filth 20 and-wastet water-carried waste products from residences. 21 22 public buildings, institutions, or other buildings, 23 including discharge from human beings or-enimels together 24 with ground water infiltration and surface water present.

(5) "State waters" means any body of water, irrigation

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REFERENCE BILL Governor's Amend. Included

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system, or drainage system either surface or undergroundt_ 1 2 (6) "Public water supply" means the provision of water 3 for __human consumption_from any community well, water hauler 4 for cisterns, water bottling plant, water dispenser, or 5 other water supply that serves ten-f10 or more families or twenty-five-125t or more persons on-a-regular-and-continuous 6 7 basist for at least 60 days out of the calendar year. 8 (7) "Person" means any person individual, firm, 9 corporation, water or ice company, public institution, 10 municipality, or other political subdivision of the state. 11 (8) "Department" means the department of health and 12 environmental sciences provided for in Title 82A, chapter 6. 13 (9) "Board" means the board of health and 14 environmental sciences provided for in Title 82A. chapter 6. 15 (10) "Industrial waste" means any waste substance from 16 the processes of business or industry or from the 17 development of any natural resource together with any sewage 18 that may be present. 19 [11] "Other_waste" means_garbage, municipal_refuse; 20 decayed wood, sawdust, shavings, bark, lime, sand, ashes, 21 offal, night soil, oil, grease, tar, heat, chemicals, dead 22 animals, sediment, wrecked or discarded equipment. 23 radioactive materials, solid waste, and all other substances 24 that may pollute state waters." 25 Section 2. Section 69-4903, R.C.N. 1947, is amended to

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SB 269

1 read as follows: 2 #69-4903. Functions, powers, and duties of the board 3 of-health-and-environmental-sciences. The--baard--of--health 4 end--environmental--sciences--shall+ (1) Have Ine board has 5 general supervision over all state waters which are directly 6 or indirectly being used by a person for a public water 7 supply or domestic purposes r or as a source of icet. 8 (2) Adopt The board shall adopt rules and standards 9 and-issue--orders--to--prevent--pollution--and--protect--the 10 quality--of--water--and--for--the-collection-and-analysis-of 11 samples-of-water-used-for--drinking--or--domestic--purposesy 12 giving--legal--notice--of--the--adoption--by--publication-or 13 posting-and-by-filing-g-copy-in-the-office-of-the-clerk-of 14 the--municipality--or--county--where-the-rule-or-standard-is effectives concerning; 15 16 (a) maximum contaminant levels for waters that are or 17 will be used as a public water supply: 18 (b) fees for services rendered by the department in 19 analyzing water and conducting inspections: 20 (c) monitoring, record keeping, and reporting by persons who own or operate a public water supply: 21 22 (d) requiring public notice to all users of a public 23 water supply when a person has been granted a variance or is 24 in violation of this chapter or a rule or order issued 25 pursuant to this chapter:

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1	(a) the issuance of licenses by the department to
2	<u>laboratories_that_conduct_analysis_of_public_water_supplies;</u>
3	(f) the siting, construction, operation, and
4	modification of a public water supply:
5	(g) the collection and analysis of samples of water
6	used for drinking or domestic purposes:
7	(h) the issuance of variances as authorized by this
8	chapter: and
9	(i) any other requirement necessary for the protection
10	of public health as described in this chapter.
11	(3) The board may issue orders necessary to fully
12	implement the provisions of this chapters"
13	Section 3. Section 69-4904, R.C.M. 1947, is amended to
14	read as follows:
15	#69-4904. Powers and duties of the department of
16	healthand-environmental-sciences. The department of-health
17	and-environmental-sciences shall:
17 18	
	and-environmental-sciences shall:
18	and-environmental-sciences shall: (1) Upon upon its own initiative or complaint to the
18 19	and-environmental-sciences shall: (1) Upon upon its own initiative or complaint to the department , or to the mayor or health officer of a
18 19 20	and-environmental-sciences shall: (1) Upon upon its own initiative or complaint to the departmenty or to the mayor or health officer of a municipality or to the managing board or officer of a public
18 19 20 21	and-environmental-sciences shall: (1) Upon upon its own initiative or complaint to the departmenty or to the mayor or health officer of a municipality or to the managing board or officer of a public institution, make an investigation of alleged pollution of a
18 19 20 21 22	and-environmental-sciences shall: (1) Upon upon its own initiative or complaint to the departmenty or to the mayor or health officer of a municipality or to the managing board or officer of a public institution, make an investigation of alleged pollution of a water supply; and, if required, prohibit the continuance of
18 19 20 21 22 23	and-environmental-sciences shall: (1) Upon upon its own initiative or complaint to the department, or to the mayor or health officer of a municipality or to the managing board or officer of a public institution, make an investigation of alleged pollution of a water supply, and, if required, prohibit the continuance of the pollution by ordering removal of the cause of pollution;

l health;

2 (3) tonsult consult and advise authorities of cities
3 and townsw and persons having or about to construct systems
4 for water supply, drainage, waste water, and sewage as to
5 the most appropriate source of water supply and the best
6 method of assuring its purity;

7 (4) Advise <u>advise</u> persons as to the best method of
8 purifying and disposing of their drainage, sewage, or waste
9 water with reference to the existing and future needs of
10 other persons and to prevent pollution;

(5) Consult consult with persons engaged in or
 intending to engage in manufacturing or other business whose
 drainage, or sewage may tend to pollute waters as to the
 best method of preventing pollution;

15 (6) fix <u>collect</u> fees for services rendered in 16 analyzing water and <u>conducting</u> inspections to cover costs of 17 the service and deposit receipts the fees collected in the 18 general-fund an <u>earmarked</u> revenue fund for use by the 19 department;

(7) Establish establish and maintain experiment
stations and conduct experiments to study the best methods
of purifying water, drainage, waste water, sewage, and
industrial waste to prevent pollution, including
investigation of methods used in other states;

25 (8) Enter anter on premises at reasonable times to

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1	determine sources of pollution or danger to water supplies
2	and whether rules and standards of the board are being
3	obeyed;
4	(9) Notify-the-attorney-general-of-violations-oflaws
5	onpollutionofstatewatersw enforce and administer the
6	provisions of this chapter:
7	(10) establish a plan for the provision of safe
8	drinking_water_under_emergency_circumstances:
9	(11) maintain an inventory of public water supplies and
10	establish a program for conducting sanitary surveys; and
11	(12) enter into agreements with local boards of health
12	wherever appropriate for the performance of surveys and
13	inspections under the provisions of this chapter."
14	Section 4. There is a new R.C.M. section numbered
15	69-4905.1 that reads as follows:
16	69-4905.1. Variance. The department may grant a
17	variance from the requirements of this chapter or the rules
18	adopted under this chapter pursuant to the terms and
19	conditions of the variance rules adopted by the board. A
20	variance granted pursuant to this section shall be
21	accompanied by a compliance plan specifying a time schedule
22	for compliance. A person agarieved by a decision of the
23	department to grant, deny, revoke, or modify a variance may
24	appeal the department's decision to the board as provided in
25	the Montana Administrative Procedure Act.

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1	Section 5. There is a new R.C.M. section numbered
2	69-4905.2 that reads as follows:
3	69-4905.2. Licensing of laboratories. (1) No
4	laboratory analysis of water taken from a public water
5	supply or any report of such an analysis required by this
6	chapter or a rule adopted under this chapter may be accepted
7	by the department or board unless the analysis or report is
8	made by the laboratory of the department or by a laboratory
9	licensed by the department for such purposes. The department
10	shall issue a license to any laboratory that can meet
11	criteria for licensing established in the rules adopted by
12	the board.
13	(2) An application for a license under this section
14	shall be made on forms furnished by the department.
15	(3) A person aggrieved by a decision of the department
16	to grant, deny, or revoke a license may appeal the
17	department's decision to the board as provided in the
18	Montana Administrative Procedure Act.
19	Section 6. Section 69-4907, R.C.M. 1947, is amended to
20	read as follows:
21	#69-4907. Appeal from rule or standard injunction
22	to require compliance <u> penalties</u> . (1) A person agorieved
23	by a rule <u>s</u> or standard <u>s or order</u> of-the-board <u>adopted or</u>
24	issued oursuant to this chapter may appeal to the district

court <u>mar-provided-in-the-Montana-Administrative-Procedure</u>

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1	Act. While the appeal is pending, the rules or standards or
2	order of-the-board is in force. The-departmentmayrequest
3	aninjunction-from-the-district-court-to-require-compliance
4	with-rules-and-standards.
5	121 The department may seek an injunction from the
6	appropriatedistrictcourt to_require_compliance_with_this
7	<u>chapter or a rule or order issued as authorized by this</u>
8	<u>chapter. The department may also initiate an action to</u>
9	collect a civil penalty as provided in this section.
10	<u> 131A-person-who-violates_this_chapter-oraruleor</u>
11	<u>orderissued_os_outhorized_by_this_chapter_shall_be_subject</u>
12	<u>to-s-civil-pensity-of-not-more-then-45,000vEach-day-of</u>
13	<u>violation-is-a-separate-violations-fenalties-collected-shall</u>
14	bedepositedinthegeneralfunds (3) PENALTY FOR
15	VIOLATIONS. ANY PERSON VIOLATING THIS ACT BRREQUATIONS
16	PRESERIBER-BYTHE-REPARTMENT-UNDER OR ANY RULE OR ORDER DE
17	THE BOARD OR DEPARIMENT ISSUED UNDER THE PROVISION OF THIS
18	ACT. SHALL BE GUILTY OF A MISDEMEANOR AND. UPON CONVICTION.
19	SHALL BE FINED NOT LESS THAN \$50 NOR MORE. THAN \$500. EACH
20	DAY_UPON_HHICH_A_VIOLATION_OF_THIS_ACT_OCCURS_SHALL_BE
21	CONSIDERED_A_SEPARATE_DEFENSE."
22	SECTION 7. REPEALER. SECTION 69-4908, R.C.M. 1947, IS
23	REPEALED.
	-End-

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