

1 *Senate* BILL NO. *393*  
 2 INTRODUCED BY *Brown, R. Smith*  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR  
 5 ENFORCEMENT OF THE STATE AIR AND WATER POLLUTION LAWS BY THE  
 6 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AGAINST  
 7 PERSONS RESIDENT IN CANADA AND PERSONS WHO CANNOT BE LOCATED  
 8 IN MONTANA; AMENDING SECTIONS 69-3906, 69-3921.1, 69-4802,  
 9 AND 69-4820.1, R.C.M. 1947; PROVIDING AN IMMEDIATE EFFECTIVE  
 10 DATE."  
 11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Section 69-3906, R.C.M. 1947, is amended to  
 14 read as follows:  
 15 "69-3906. Definitions. Unless the context requires  
 16 otherwise, in this act: (1) "Air contaminant" means dust,  
 17 fumes, mist, smoke, other particulate matter, vapor, gas,  
 18 odorous substances, or any combination thereof.  
 19 (2) "Air pollution" means the presence in the outdoor  
 20 atmosphere of one or more air contaminants in a quantity and  
 21 for a duration which is or tends to be injurious to human  
 22 health or welfare, animal or plant life, or property, or  
 23 would unreasonably interfere with the enjoyment of life,  
 24 property, or the conduct of business.  
 25 (3) "Emission" means a release into the outdoor

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1 atmosphere of air contaminants.  
 2 (4) "Person" means an individual, partnership, firm,  
 3 association, municipality, public or private corporation,  
 4 subdivision or agency of the state, trust, estate, or any  
 5 other legal entity and includes persons resident in Canada.  
 6 (5) "Advisory council" means the air pollution control  
 7 advisory council provided for in section 82A-606.  
 8 (6) "Board" means the board of health and  
 9 environmental sciences, provided for in section 82A-605.  
 10 (7) "Department" means the department of health and  
 11 environmental sciences, provided for in Title 82A, chapter  
 12 6."  
 13 Section 2. Section 69-3921.1, R.C.M. 1947, is amended  
 14 to read as follows:  
 15 "69-3921.1. Civil penalties ~~--- actions against~~  
 16 defendants not found in Montana. (1) Any person who violates  
 17 any provision of this chapter, or any rule enforced  
 18 thereunder or any order made pursuant thereto, shall be  
 19 subject to a civil penalty not to exceed one thousand  
 20 dollars (\$1,000). Each day of violation shall constitute a  
 21 separate violation. The department may institute and  
 22 maintain in the name of the state any enforcement  
 23 proceedings hereunder. Upon request of the department, the  
 24 attorney general or the county attorney of the county of  
 25 violation shall petition the district court to impose,

1 assess and recover the civil penalty. The civil penalty is  
2 in lieu of the criminal penalty provided for in section  
3 69-3921.

4 (2) ~~Legal Action under subsection (1) of this section is~~  
5 not a bar to enforcement of this chapter, or of rules or  
6 orders made under it, by injunction or other appropriate  
7 civil remedies.

8 ~~(b) An action under subsection (1) or to enforce this~~  
9 ~~chapter or the rules or orders made under it may be brought~~  
10 ~~in the district court of any county where a violation occurs~~  
11 ~~or is threatened if the defendant cannot be located in~~  
12 ~~Montana.~~

13 (3) Monies collected hereunder shall be deposited in  
14 the state general fund."

15 Section 3. Section 69-4802, R.C.M. 1947, is amended to  
16 read as follows:

17 "69-4802. Definitions. Unless the context requires  
18 otherwise in this chapter:

19 (1) "Sewage" means water-carried waste products from  
20 residences, public buildings, institutions, or other  
21 buildings including discharge from human beings or animals  
22 together with ground water infiltration and surface water  
23 present.

24 (2) "Industrial waste" means any waste substance from  
25 the process of business or industry, or from the development

1 of any natural resource together with any sewage that may be  
2 present;

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

9 (4) "Contamination" means impairment of the quality of  
10 state waters by sewage, industrial wastes, or other wastes  
11 creating a hazard to human health;

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

25 (6) "Sewerage system" means a device for collecting or

1 conducting sewage, industrial wastes, or other wastes to an  
2 ultimate disposal point;

3 (7) "Treatment works" means works installed for  
4 treating or holding sewage, industrial wastes, or other  
5 wastes;

6 (8) "Disposal system" means a system for disposing of  
7 sewage, industrial, or other wastes, and includes sewerage  
8 systems and treatment works;

9 (9) "State waters" means any body of water, irrigation  
10 system, or drainage system either surface or underground;  
11 however, this subsection does not apply to irrigation waters  
12 where the waters are used up within the irrigation system  
13 and the waters are not returned to any other state waters;

14 (10) "Person" means the state, a political subdivision  
15 of the state, institution, firm, corporation, partnership,  
16 individual, or other entity and includes persons resident in  
17 Canada;

18 (11) "Council" means the state water pollution control  
19 advisory council provided for in section 82A-607;

20 (12) "Board" means the board of health and  
21 environmental sciences, provided for in section 82A-605;

22 (13) "Department" means the department of health and  
23 environmental sciences, provided for in Title 82A, chapter  
24 6;

25 (14) "Local department of health" means the staff,

1 including health officers, employed by a county, city,  
2 city-county, or district board of health;

3 (15) "Point source" means any discernible, confined and  
4 discrete conveyance, including but not limited to any pipe,  
5 ditch, channel, tunnel, conduit, well, discrete fissure,  
6 container, rolling stock, or vessel or other floating craft,  
7 from which pollutants are or may be discharged;

8 (16) "Owner or operator" means any person who owns,  
9 leases, operates, controls or supervises a point source;

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

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

22 Section 4. Section 69-4820.1, R.C.M. 1947, is amended  
23 to read as follows:

24 "69-4820.1. Additional enforcement remedies. (1) In  
25 addition to all other remedies created by this act, the

1 department is authorized to take appropriate enforcement  
2 action on its own initiative to:

3 (a) prevent, abate, and control the pollution of state  
4 waters;

5 (b) prevent, abate, and control any violation of a  
6 condition or limitation imposed by a permit issued under  
7 section 69-4806, R.C.M. 1947;

8 (c) prevent, abate, and control any violations of  
9 regulations relating to pretreatment standards.

10 (2) In furtherance of subsection (1) of this section,  
11 any person violating any condition, limitation, standard or  
12 other requirement established pursuant to this chapter may  
13 be served with a compliance order issued by the department.  
14 Such order must specify the condition, limitation, standard  
15 or other requirement violated and must set a time for  
16 compliance. However, in establishing a time for compliance,  
17 the department shall take into account the seriousness of  
18 the violation and any good faith efforts that have been made  
19 to comply with the condition, limitation, standard or other  
20 requirement that has been violated. The compliance order  
21 issued under this section shall be personally served by an  
22 authorized representative of the department.

23 (3) The department is authorized to commence a civil  
24 action seeking appropriate relief, including a permanent or  
25 temporary injunction, for any violation which would be

1 subject to a compliance order under subsection (2) of this  
2 section. Any action under this subsection may be commenced  
3 in the district court of any county in which the defendant  
4 is located or resides or is doing business or any county  
5 where a violation occurs or is threatened if the defendant  
6 cannot be located in Montana, and the court shall have  
7 jurisdiction to restrain such violation and to require  
8 compliance.

9 (4) Any person found to be in violation of a  
10 condition, limitation, standard or other requirement  
11 established pursuant to this section shall be subject to the  
12 penalty provisions of section 69-4823, R.C.M. 1947.

13 (5) For the purpose of this subsection, the term  
14 "person" shall mean, in addition to the definition contained  
15 in section 69-4802, R.C.M. 1947, any responsible corporate  
16 officer."

17 Section 5. Effective date. This act is effective on  
18 its passage and approval.

-End-

Approved by Committee  
on Judiciary

SENATE BILL NO. 393

INTRODUCED BY BROWN, R. SMITH

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20 atmosphere of one or more air contaminants in a quantity and  
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22 health or welfare, animal or plant life, or property, or  
23 would unreasonably interfere with the enjoyment of life,  
24 property, or the conduct of business.

25 (3) "Emission" means a release into the outdoor

1 atmosphere of air contaminants.

2 (4) "Person" means an individual, partnership, firm,  
3 association, municipality, public or private corporation,  
4 subdivision or agency of the state, trust, estate, or any  
5 other legal entity and includes persons resident in Canada.

6 (5) "Advisory council" means the air pollution control  
7 advisory council provided for in section 82A-606.

8 (6) "Board" means the board of health and  
9 environmental sciences, provided for in section 82A-605.

10 (7) "Department" means the department of health and  
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18 thereunder or any order made pursuant thereto, shall be  
19 subject to a civil penalty not to exceed one thousand  
20 dollars (\$1,000). Each day of violation shall constitute a  
21 separate violation. The department may institute and  
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23 proceedings hereunder. Upon request of the department, the  
24 attorney general or the county attorney of the county of  
25 violation shall petition the district court to impose,

1 assess and recover the civil penalty. The civil penalty is  
 2 in lieu of the criminal penalty provided for in section  
 3 69-3921.

4 (2) (a) Action under subsection (1) of this section is  
 5 not a bar to enforcement of this chapter, or of rules or  
 6 orders made under it, by injunction or other appropriate  
 7 civil remedies.

8 (b) An action under subsection (1) or to enforce this  
 9 chapter or the rules or orders made under it may be brought  
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 23 present.

24 (2) "Industrial waste" means any waste substance from  
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1 of any natural resource together with any sewage that may be  
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3 (3) "Other wastes" means garbage, municipal refuse,  
 4 decayed wood, sawdust, shavings, bark, lime, sand, ashes,  
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 7 radioactive materials, solid waste, and all other substances  
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9 (4) "Contamination" means impairment of the quality of  
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12 (5) "Pollution" means contamination, or other  
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 17 taste, color, turbidity, or odor; or discharge of any  
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 20 or render the waters harmful, detrimental, or injurious to  
 21 public health, recreation, safety, welfare, livestock, wild  
 22 animals, birds, fish, or other wildlife. A discharge which  
 23 is authorized under the pollution discharge permit rules of  
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11 however, this subsection does not apply to irrigation waters  
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22 (13) "Department" means the department of health and  
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25 (14) "Local department of health" means the staff,

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6 container, rolling stock, or vessel or other floating craft,  
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10 (17) "Standard of performance" means a standard adopted  
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12 which reflects the greatest degree of effluent reduction  
13 achievable through application of the best available  
14 demonstrated control technology, processes, operating  
15 methods, or other alternatives, including, where  
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19 prohibition on quantities, rates and concentrations of  
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21 are discharged into state waters."

22 Section 4. Section 69-4820.1, R.C.M. 1947, is amended  
23 to read as follows:

24 "69-4820.1. Additional enforcement remedies. (1) In  
25 addition to all other remedies created by this act, the

1 department is authorized to take appropriate enforcement  
2 action on its own initiative to:

3 (a) prevent, abate, and control the pollution of state  
4 waters;

5 (b) prevent, abate, and control any violation of a  
6 condition or limitation imposed by a permit issued under  
7 section 69-4806, R.C.M. 1947;

8 (c) prevent, abate, and control any violations of  
9 regulations relating to pretreatment standards.

10 (2) In furtherance of subsection (1) of this section,  
11 any person violating any condition, limitation, standard or  
12 other requirement established pursuant to this chapter may  
13 be served with a compliance order issued by the department.  
14 Such order must specify the condition, limitation, standard  
15 or other requirement violated and must set a time for  
16 compliance. However, in establishing a time for compliance,  
17 the department shall take into account the seriousness of  
18 the violation and any good faith efforts that have been made  
19 to comply with the condition, limitation, standard or other  
20 requirement that has been violated. The compliance order  
21 issued under this section shall be personally served by an  
22 authorized representative of the department.

23 (3) The department is authorized to commence a civil  
24 action seeking appropriate relief, including a permanent or  
25 temporary injunction, for any violation which would be

1 subject to a compliance order under subsection (2) of this  
2 section. Any action under this subsection may be commenced  
3 in the district court of any county in which the defendant  
4 is located or resides or is doing business or any county  
5 where a violation occurs or is threatened if the defendant  
6 cannot be located in Montana, and the court shall have  
7 jurisdiction to restrain such violation and to require  
8 compliance.

9 (4) Any person found to be in violation of a  
10 condition, limitation, standard or other requirement  
11 established pursuant to this section shall be subject to the  
12 penalty provisions of section 69-4823, R.C.M. 1947.

13 (5) For the purpose of this subsection, the term  
14 "person" shall mean, in addition to the definition contained  
15 in section 69-4802, R.C.M. 1947, any responsible corporate  
16 officer."

17 ~~Section 5--Effective--date--This act is effective on~~  
18 ~~its passage and approval~~

--End--



SENATE BILL NO. 393

INTRODUCED BY BROWN, R. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR ENFORCEMENT OF THE STATE AIR AND WATER POLLUTION LAWS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AGAINST PERSONS RESIDENT IN CANADA AND PERSONS WHO CANNOT BE LOCATED IN MONTANA; AMENDING SECTIONS 69-3906, 69-3921.1, 69-4802, AND 69-4820.1, R.C.M. 1947; ~~PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

Section 1. Section 69-3906, R.C.M. 1947, is amended to read as follows:

"69-3906. Definitions. Unless the context requires otherwise, in this act: (1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

(2) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in a quantity and for a duration which is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life, property, or the conduct of business.

(3) "Emission" means a release into the outdoor

atmosphere of air contaminants.

(4) "Person" means an individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state, trust, estate, or any other legal entity and includes persons resident in Canada.

(5) "Advisory council" means the air pollution control advisory council provided for in section 82A-606.

(6) "Board" means the board of health and environmental sciences, provided for in section 82A-605.

(7) "Department" means the department of health and environmental sciences, provided for in Title 82A, chapter 6."

Section 2. Section 69-3921.1, R.C.M. 1947, is amended to read as follows:

"69-3921.1. Civil penalties ~~== actions against~~ defendants not found in Montana. (1) Any person who violates any provision of this chapter, or any rule enforced thereunder or any order made pursuant thereto, shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000). Each day of violation shall constitute a separate violation. The department may institute and maintain in the name of the state any enforcement proceedings hereunder. Upon request of the department, the attorney general or the county attorney of the county of violation shall petition the district court to impose,

1 assess and recover the civil penalty. The civil penalty is  
 2 in lieu of the criminal penalty provided for in section  
 3 69-3921.

4 (2) (a) Action under subsection (1) of this section is  
 5 not a bar to enforcement of this chapter, or of rules or  
 6 orders made under it, by injunction or other appropriate  
 7 civil remedies.

8 ~~(b) An action under subsection (1) or to enforce this~~  
 9 ~~chapter or the rules or orders made under it may be brought~~  
 10 ~~in the district court of any county where a violation occurs~~  
 11 ~~or is threatened if the defendant cannot be located in~~  
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13 (3) Monies collected hereunder shall be deposited in  
 14 the state general fund."

15 Section 3. Section 69-4802, R.C.M. 1947, is amended to  
 16 read as follows:

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7 jurisdiction to restrain such violation and to require  
8 compliance.

9 (4) Any person found to be in violation of a  
10 condition, limitation, standard or other requirement  
11 established pursuant to this section shall be subject to the  
12 penalty provisions of section 69-4823, R.C.M. 1947.

13 (5) For the purpose of this subsection, the term  
14 "person" shall mean, in addition to the definition contained  
15 in section 69-4802, R.C.M. 1947, any responsible corporate  
16 officer."

17 ~~Section 5v--Effective--date--This act is effective on~~  
18 ~~its passage and approval~~

-End-

## 1 SENATE BILL NO. 393

2 INTRODUCED BY BROWN, R. SMITH

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR  
5 ENFORCEMENT OF THE STATE AIR AND WATER POLLUTION LAWS BY THE  
6 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AGAINST  
7 PERSONS RESIDENT IN CANADA AND PERSONS WHO CANNOT BE LOCATED  
8 IN MONTANA; AMENDING SECTIONS 69-3906, 69-3921.1, 69-4802,  
9 AND 69-4820.1, R.C.M. 1947; ~~PROVIDING AN IMMEDIATE EFFECTIVE~~  
10 ~~DATE.~~"

11

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

13 Section 1. Section 69-3906, R.C.M. 1947, is amended to  
14 read as follows:

15 "69-3906. Definitions. Unless the context requires  
16 otherwise, in this act: (1) "Air contaminant" means dust,  
17 fumes, mist, smoke, other particulate matter, vapor, gas,  
18 odorous substances, or any combination thereof.

19 (2) "Air pollution" means the presence in the outdoor  
20 atmosphere of one or more air contaminants in a quantity and  
21 for a duration which is or tends to be injurious to human  
22 health or welfare, animal or plant life, or property, or  
23 would unreasonably interfere with the enjoyment of life,  
24 property, or the conduct of business.

25 (3) "Emission" means a release into the outdoor

1 atmosphere of air contaminants.

2 (4) "Person" means an individual, partnership, firm,  
3 association, municipality, public or private corporation,  
4 subdivision or agency of the state, trust, estate, or any  
5 other legal entity and includes persons resident in Canada.

6 (5) "Advisory council" means the air pollution control  
7 advisory council provided for in section 82A-606.

8 (6) "Board" means the board of health and  
9 environmental sciences, provided for in section 82A-605.

10 (7) "Department" means the department of health and  
11 environmental sciences, provided for in Title 82A, chapter  
12 6."

13 Section 2. Section 69-3921.1, R.C.M. 1947, is amended  
14 to read as follows:

15 "69-3921.1. Civil penalties ~~== actions against~~  
16 ~~defendants not found in Montana.~~ (1) Any person who violates  
17 any provision of this chapter, or any rule enforced  
18 thereunder or any order made pursuant thereto, shall be  
19 subject to a civil penalty not to exceed one thousand  
20 dollars (\$1,000). Each day of violation shall constitute a  
21 separate violation. The department may institute and  
22 maintain in the name of the state any enforcement  
23 proceedings hereunder. Upon request of the department, the  
24 attorney general or the county attorney of the county of  
25 violation shall petition the district court to impose,

1 assess and recover the civil penalty. The civil penalty is  
2 in lieu of the criminal penalty provided for in section  
3 69-3921.

4 (2) ~~(a)~~ Action under subsection (1) of this section is  
5 not a bar to enforcement of this chapter, or of rules or  
6 orders made under it, by injunction or other appropriate  
7 civil remedies.

8 ~~(b) An action under subsection (1) or to enforce this~~  
9 ~~chapter or the rules or orders made under it may be brought~~  
10 ~~in the district court of any county where a violation occurs~~  
11 ~~or is threatened if the defendant cannot be located in~~  
12 ~~Montana.~~

13 (3) Moneys collected hereunder shall be deposited in  
14 the state general fund."

15 Section 3. Section 69-4802, R.C.M. 1947, is amended to  
16 read as follows:

17 "69-4802. Definitions. Unless the context requires  
18 otherwise in this chapter:

19 (1) "Sewage" means water-carried waste products from  
20 residences, public buildings, institutions, or other  
21 buildings including discharge from human beings or animals  
22 together with ground water infiltration and surface water  
23 present.

24 (2) "Industrial waste" means any waste substance from  
25 the process of business or industry, or from the development

1 of any natural resource together with any sewage that may be  
2 present;

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

9 (4) "Contamination" means impairment of the quality of  
10 state waters by sewage, industrial wastes, or other wastes  
11 creating a hazard to human health;

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

25 (6) "Sewerage system" means a device for collecting or

1 conducting sewage, industrial wastes, or other wastes to an  
2 ultimate disposal point;

3 (7) "Treatment works" means works installed for  
4 treating or holding sewage, industrial wastes, or other  
5 wastes;

6 (8) "Disposal system" means a system for disposing of  
7 sewage, industrial, or other wastes, and includes sewerage  
8 systems and treatment works;

9 (9) "State waters" means any body of water, irrigation  
10 system, or drainage system either surface or underground;  
11 however, this subsection does not apply to irrigation waters  
12 where the waters are used up within the irrigation system  
13 and the waters are not returned to any other state waters;

14 (10) "Person" means the state, a political subdivision  
15 of the state, institution, firm, corporation, partnership,  
16 individual, or other entity and includes persons resident in  
17 Canada;

18 (11) "Council" means the state water pollution control  
19 advisory council provided for in section 82A-607;

20 (12) "Board" means the board of health and  
21 environmental sciences, provided for in section 82A-605;

22 (13) "Department" means the department of health and  
23 environmental sciences, provided for in Title 82A, chapter  
24 6;

25 (14) "Local department of health" means the staff,

1 including health officers, employed by a county, city,  
2 city-county, or district board of health;

3 (15) "Point source" means any discernible, confined and  
4 discrete conveyance, including but not limited to any pipe,  
5 ditch, channel, tunnel, conduit, well, discrete fissure,  
6 container, rolling stock, or vessel or other floating craft,  
7 from which pollutants are or may be discharged;

8 (16) "Owner or operator" means any person who owns,  
9 leases, operates, controls or supervises a point source;

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

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

22 Section 4. Section 69-4820.1, R.C.M. 1947, is amended  
23 to read as follows:

24 "69-4820.1. Additional enforcement remedies. (1) In  
25 addition to all other remedies created by this act, the

1 department is authorized to take appropriate enforcement  
2 action on its own initiative to:

3 (a) prevent, abate, and control the pollution of state  
4 waters;

5 (b) prevent, abate, and control any violation of a  
6 condition or limitation imposed by a permit issued under  
7 section 69-4806, R.C.M. 1947;

8 (c) prevent, abate, and control any violations of  
9 regulations relating to pretreatment standards.

10 (2) In furtherance of subsection (1) of this section,  
11 any person violating any condition, limitation, standard or  
12 other requirement established pursuant to this chapter may  
13 be served with a compliance order issued by the department.  
14 Such order must specify the condition, limitation, standard  
15 or other requirement violated and must set a time for  
16 compliance. However, in establishing a time for compliance,  
17 the department shall take into account the seriousness of  
18 the violation and any good faith efforts that have been made  
19 to comply with the condition, limitation, standard or other  
20 requirement that has been violated. The compliance order  
21 issued under this section shall be personally served by an  
22 authorized representative of the department.

23 (3) The department is authorized to commence a civil  
24 action seeking appropriate relief, including a permanent or  
25 temporary injunction, for any violation which would be

1 subject to a compliance order under subsection (2) of this  
2 section. Any action under this subsection may be commenced  
3 in the district court of any county in which the defendant  
4 is located or resides or is doing business or any county  
5 where a violation occurs or is threatened if the defendant  
6 cannot be located in Montana, and the court shall have  
7 jurisdiction to restrain such violation and to require  
8 compliance.

9 (4) Any person found to be in violation of a  
10 condition, limitation, standard or other requirement  
11 established pursuant to this section shall be subject to the  
12 penalty provisions of section 69-4823, R.C.M. 1947.

13 (5) For the purpose of this subsection, the term  
14 "person" shall mean, in addition to the definition contained  
15 in section 69-4802, R.C.M. 1947, any responsible corporate  
16 officer."

17 ~~Section 5v--Effective--datev---This act is effective on~~  
18 ~~its passage and approval~~

--End--