CHAPTER NO. 556

# HOUSE BILL NO. 494

# INTRODUCED BY NATHE

# IN THE HOUSE

January 31, 1979	Introduced and referred to Committee on Local Government.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass.
	Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.
IN THE SEN	ATE
February 22, 1979	Introduced and referred to Committee on Local Government.
March 24, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1979	Second reading, pass consideration.
March 27, 1979	Second reading, concurred in.
	On motion rules suspended. Bill placed on calendar for third reading this day.
	Third reading, concurred in as amended.

## IN THE HOUSE

March 28,		Returned from second house. Concurred in as amended.
March 31,	1979	Second reading, amendments adopted.

# April 2, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

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LC 1468/01

INTRODUCED BY DENNIS NATTA A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE. CLARIFY. AND AMEND THE LAWS RELATING TO PUBLIC WATER SUPPLIES: AMENDING SECTIONS 75-6-102 THROUGH 75-6-104. 75-6-106, 75-6-107, 75-6-112, AND 75-6-113, HCA.\* BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 75-6-102, MCA, is amended to read: "75-6-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply: (1) "Board" means the board of health and environmental sciences provided for in 2-15-2104. (2) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes, or other wastes creating a hazard to human health. (3) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21. (4) "Drainage" means rainfall, surface, and subsoil water. (5) "Safe Drinking Water Act" means 42 USC 300f and

24 (5) "Safe Drinking Water Act" means 42 USC 300f and
 25 regulations at Title 40\* CFR\* Parts 141 and 142\*

1 <u>(5)(6)</u> "Industrial waste" means any waste substance 2 from the processes of business or industry or from the 3 development of any natural resource, together with any 4 sewage that may be present.

5 <u>(7) "Maximum contaminant level" means the maximum</u> 6 <u>permissible level of a contaminant in water which is</u> 7 <u>delivered to any user of a public water supply system</u>.

8 (6)[8] "Other waste" means garbage, municipal refuse, 9 decayed wood, sawdust, shavings, bark, lime, sand, ashes, 10 offal, night soil, oil, grease, tar, heat, chemicals, dead 11 animals, sediment, wrecked or discarded equipment, 12 radioactive materials, solid waste, and all other substances 13 that may pollute state waters.

14 (77)[9] "Person" means any individual, firmy 15 corporation, water-or-ice-compony--public--institutiony 16 <u>associations partnerships</u> municipality, or other political 17 subdivision of the state<u>s or federal agency</u>.

101(10) "Pollution" means contamination or other 18 19 alteration of the physical, chemical, or biological 20 properties of any state waters which exceeds that permitted 21 by Montana water quality standards, including but not 22 limited to standards relating to change in temperature, 23 taste, color, turbidity, or odor or the discharge or introduction of any liquid, gaseous, solid, radioactive, or 24 25 other substance into any state water which will or is likely

> -2- HB 494 INTRODUCED BILL

to create a nuisance or render the waters harwful;
 detrimental, or injurious to public health, recreation;
 safety, welfare, livestock, wild animals, birds, fish, or
 other wildlife. A discharge which is authorized under the
 pollution discharge permit rules of the board is not
 pollution under this chapter.

7 (9)(11) "Public water supply system" means a system 8 for the provision of water for human consumption from any 9 community well, water hauler for cisterns, water bottling 10 plant, water dispenser, or other water supply that serves 10 11 or more families, or 25 or more persons for <u>daily</u> or <u>has at</u> 12 <u>least 10 service connections</u> at least 60 days out of the 13 calendar year.

14 <u>ti0)[121</u> "Sewage" means water-carried waste products 15 from residences, public buildings, institutions, or other 16 buildings, including discharge from human beings, together 17 with groundwater infiltration and surface water present.

18 <u>(11)(13)</u> "State waters" means any body of water.
19 irrigation system, or drainage system, either surface or
20 underground."

21 Section 2. Section 75-6-103, MCA, is amended to read: 22 "75-6-103. Duties of the board. (1) The board has 23 general supervision over all state waters which are directly 24 or indirectly being used by a person for a public water 25 supply system or domestic purposes or as a source of ice.

(2) The board shall adopt rules and standards 1 concernina: 2 (a) maximum contaminant levels for waters that are or а will be used <del>as</del> <u>for</u> a public water supply <u>system;</u> 4 (b) fees for services rendered by the department in 5 analyzing water and conducting inspections; (c) monitoring, recordkeeping, and reporting by 1 persons who own or operate a public water supply system; R (d) requiring public notice to all users of a public 9 water supply system when a person has been granted a 10 variance or exemption or is in violation of this part or a 11 12 rule or order issued pursuant to this part; 13 (e) the issuance of licenses by the department to laboratories that conduct analysis of public water supplies 14 15 supply systems; 16 (f) the siting, construction, operation, and 17 modification of a public water supply system; 18 (g) the collection and analysis of samples of water 19 used for drinking or domestic purposes; 20 (h) the issuance of variances and exemptions as

21 authorized by the federal Safe Drinking Water Act and this 22 part; and

23 (i) any other requirement necessary for the protection24 of public health as described in this part.

25 (3) The board may issue orders necessary to fully

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LC 1468/01

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1 implement the provisions of this part." Section 3. Section 75-6-104, MCA, is amended to read: 2 ٦ "75-6-104. Duties of department. The department shall: (1) upon its own initiative or complaint to the 4 department, to the mayor or health officer of a 5 municipality, or to the managing board or officer of a á public institution, make an investigation of alleged 7 pollution of a water supply system and, if required, 8 9 prohibit the continuance of the pollution by ordering removal of the cause of pollution; 10

(2) have waters examined to determine their purity
 <u>quality</u> and the possibility that they may endanger public
 health;

14 (3) consult and advise authorities of cities and towns 15 and persons having or about to construct systems for water 16 supply, drainage, wastewater, and sewage as to the most 17 appropriate source of water supply and the best method of 18 assuring its purity quality;

19 (4) advise persons as to the best method of purifying
20 treating and disposing of their drainage, sewage, or
21 westewater with reference to the existing and future needs
22 of other persons and to prevent pollution;

(5) 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

1 preventing pollution;

2 (6) collect fees for services rendered in analyzing
3 water and conducting inspections to cover costs of the
4 service and deposit the fees collected in an earmarked
5 revenue fund for use by the department;

and the second second

6 (7) establish and maintain experiment stations and 7 conduct experiments to study the best methods of purifying 8 <u>treating</u> water, drainage, wastewater, sewage, and industrial 9 waste to prevent ppllution, including investigation of 10 methods used in other states;

(8) enter on premises at reasonable times to determine
 sources of pollution or danger to water supplies supply
 systems and whether rules and standards of the board are
 being obeyed;

15 (9) enforce and administer the provisions of this16 part;

17 (10) establish a plan for the provision of safe
 18 drinking water under emergency circumstances;

(11) maintain an inventory of public water supplies
 supply\_systems and establish a program for conducting
 sanitary surveys; and

(12) enter into agreements with local boards of health
wherever appropriate for the performance of surveys and
inspections under the provisions of this part."

25 Section 4. Section 75-6-106, MCA, is amended to read:

-- HB 494

LC 1468/01

1 \*75-6-106. Licensing of Taboratories. (1) No laboratory analysis of water taken from a public water Z supply system or any report of such an analysis required by 3 this part or a rule adopted under this part may be accepted 4 by the department or board unless the analysis or report is 5 ٨ made by the laboratory of the department or by a laboratory 7 licensed by the department for such purposes. The department 8 shall issue a license to any laboratory that can meet criteria for licensing established in the rules adopted by 9 10 the board.

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

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

Section 5. Section 75-6-107, MCA, is amended to read: 17 \*75-6-107. Verience Variances and exemptions. The 18 19 department may grant a variance or exemption from the requirements of this part or the rules adopted under this 20 21 part pursuant to the terms and conditions of the variance 22 and exemption rules adopted by the board. A variance or 23 exemption granted pursuant to this section shall be 24 accompanied by a compliance plan specifying a time schedule 25 for compliance. A person aggrieved by a decision of the

department to grant, deny, revoke, or modify a variance or 1 exemption may appeal the department's decision to the board 2 as provided in the Montana Administrative Procedure Act." ٦ Section 6. Section 75-6-112, MCA, is amended to read: 4 #75-6-112. Prohibited acts. A person shall not: 5 (1) discharge polluting--matter--of--eny-kind sewages 6 drainage, industrial wastes or other wastes that will 7 pollute--the-quality cause pollution of state waters used by 8 a person for domestic use or as a source of for a public 9 water supply by-a-cityy-towny-public-institutiony system or 10 water or ice company; 11 (2) discharge humon-excrementy sewage, drainage, 12 refuser-or-polluting-motter industrial waster or other waste 13 into any state waters or on the banks of any state waters or 14 into any abandoned or operating water well unless the 15 sewage, drainage, refuse,--or--polluting--water industrial 16 waster or other waste is purified-to-render-it-hormless 17 18 treated as prescribed by the state board; (3) build or operate any railroad, logging road, 19 20 logging camp, or electric or manufacturing plant of any kind on any watershed of a public water supply system unless: 21 (a) the water supply is protected from pollution by 22 sanitary precautions prescribed by the state board; and 23 (b) a permit has been issued by the department after 24

25 approval of detailed plans and specifications for sanitary

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-8-

### LC 1468/01

1	↓recautions;		
2	(4) construct, alter, or extend any system of water	1	(3) Enforcement remedies under this section are
		2	cumulative, and enforcement of this part or rules or orders
3	supply, water distribution, sewer, drainage, wastewater, or	3	issued under it by injunction or other appropriate remedy is
4	sewage disposal without first submitting necessary maps_ end	4	not_barred.
5	plans <u>.</u> and specifications to the department for its advice	5	(4) Civil fines collected pursuant to this section
6	<u>review</u> and approvalu <u>i</u>		
7	(5) operate or maintain any public water supply system	6	shall be deposited in the state general fund.*
,	[2]Uperate_ut_manutani_auy_public_mater_supply_system	7	<u>NEW SECTION.</u> Section 8. Review of master planning
8	which exceeds a maximum contaminant level established by the	8	areas. Maps, plans and specifications required by
9	board unless he bas been granted or bas an application	9	75-6-112(4) may not, be reviewed or approved by the
10	pending for a variance or exemption pursuant to this part."		department for master planning areas adopted pursuant to
11	Section 7. Section 75-6-113, MCA, is amended to read:	10	Title 76, chapter 3, until the department has received from
12	"75-6-113. Penalty Penaltiss. [1] Any A person	11	the local governing body the lot fees and notices of
13	violating who violates this part or any rule or order of the	12	certification required by 76-4-105(2) and 76-4-127.
14	board-or-department issued under the provisions of this part		
15	shall be guilty of a misdemeanor and upon conviction shall	14	Section 9. Saving clause. This act does not affect
16	be fined not less than \$50 or more than \$500. Each day upon	17	rights and duties that matured, penalties that were
10	be trited not less than abo of more than above cath day upon	16	incurred, or proceedings that were begun before the
17	which a violation of this part <u>or any rule or order of the</u>	17	effective date of this act.
18	<u>board under it</u> occurs shall be considered a separate	18	Section 10. Severability. If a part of this act is
19	offense.	19	invalid, all valid parts that are severable from the invalid
20	12) <u>A person who violates this part or any rule or</u>	20	part remain in effect. If a part of this act is invalid in
21	order of the board issued under the provisions of this part	21	one or more of its applications, the part remains in effect
22	is <u>subject</u> also to a civil penalty of not less than \$50 or	22	in all valid applications that are severable from the
23	more than \$500. Each day upon which a violation of this part	23	invalid applications.
24	or any rule or order of the board under it occurs is a		-End-

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-9-

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separate violation.

46th Legislature

LC 1468/01

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LC 1468/01

INTRUDUCED BY DENNIS NATTA 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE. 4 5 CLARIFY. AND AMEND THE LAWS RELATING TO PUBLIC WATER SUPPLIES: AMENDING SECTIONS 75-6-102 THROUGH 75-6-104. 6 7 75-6-106, 75-6-107, 75-6-112, AND 75-6-113, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 75-6-102, MCA, is amended to read: 10 #75-6-102. Definitions. As used in this part, unless 11 12 the context clearly indicates otherwise, the following definitions apply: 13 (1) "Board" means the board of health and environmental 14 15 sciences provided for in 2-15-2104. (2) "Contamination" means impairment of the quality of 16 state waters by sewage, industrial wastes, or other wastes 17 creating a hazard to human health. 18 (3) "Department" means the department of health and 19 20 environmental sciences provided for in Title 2, chapter 15, 21 part 21. (4) "Drainage" means rainfall, surface, and subsoil 22 23 water. 24 (5) "Safe Drinking Water Act" means 42 USC 300f and 25 regulations at Title 40. CFR. Parts 141 and 142.

from the processes of business or industry or from the 2 development of any natural resource, together with any 3 sewage that may be present. (7) "Maximum contaminant level" means the maximum 5 permissible level of a contaminant in water which is 5 delivered to any user of a public water supply system. 7 +++(8) #Other waite\* means garbage, municipal refuse. 8 decayed wood, sawdust, shavings, bark, lime, sand, ashes, 9 10 offal, night soil, oil, grease, tar, heat, chemicals, dead 11 animals. sediment. wrecked or discarded equipment. radioactive materials, solid waste, and all other substances 12 13 that may pollute state waters. 14 +7+191 "Person" means any individual, f÷#### 15 corporation, water--or--ice--componyy--public--institutiony association, partnership, municipality, or other political 16 17 subdivision of the state, or federal agency. 18 f0f(10) "Pollution" means contamination or other 19 alteration of the physical. chemical. or biological 20 properties of any state waters which exceeds that permitted 21 by Montana water guality standards, including but not 22 limited to standards relating to change in temperature. 23 taste, color, turbidity, or odor or the discharge or 24 introduction of any liquid, gaseous, solid, radioactive, or 25 other substance into any state water which will or is likely

(5)(6) "Industrial waste" means any waste substance

HB494 THIRD READING 1 to create a nuisance or render the waters harmful.
2 detrimental, or injurious to public health, recreation.
3 safety, welfare, livestock, wild animals, birds, fish, or
4 other wildlife. A discharge which is authorized under the
5 pollution discharge permit rules of the board is not
6 pollution under this chapter.

7 (9)(11) "Public water supply system" means a system 8 for the provision of water for human consumption from any 9 community well, water hauler for cisterns, water bottling 10 plant, water dispenser, or other water supply that serves 10 11 or more families, or 25 or more persons for <u>dailys</u> or has at 12 <u>least 10 service connections</u> at least 60 days out of the 13 calendar year.

14 <u>t101121</u> "Sewage" means water-carried waste products
15 from residences, public buildings, institutions, or other
16 buildings, including discharge from human beings, together
17 with groundwater infiltration and surface water present.

18 (13) "State waters" means any body of water.
19 irrigation system. or drainage system. either surface or
20 underground."

21 Section 2- Section 75-6-103, 4CA, is amended to read: 22 "75-6-103- Duties of the board- {1} The board has 23 general supervision over all state waters which are directly 24 or indirectly being used by a person for a public water 25 supply <u>system</u> or domestic purposes or as a source of ice.

(2) The board shall adopt rules and standards 1 2 concerning: (a) maximum contaminant levels for waters that are or 3 will be used es for a public water supply system; 4 (b) fees for services rendered by the department in 5 analyzing water and conducting inspections; 6 (c) monitoring, recordkeeping, and reporting by 7 persons who own or operate a public water supply system; 8 (d) requiring public notice to all users of a public 9 water supply system when a person has been granted a 10 variance or exemption or is in violation of this part or a 11 rule or order issued pursuant to this part; 12 (e) the issuance of licenses by the department to 13 laboratories that conduct analysis of public water supplies 14 sucoly systems; 15 (f) the siting, construction, 16 operation, and 17 modification of a public water supply system; 18 (q) the collection and analysis of samples of water 19 used for drinking or domestic purposes; 20 (h) the issuance of variances and exemptions as authorized by the federal Safe Drinking Water Act and this 21

22 part; and

23 (i) any other requirement necessary for the protection

- 24 of public health as described in this part.
- 25 (3) The board may issue orders necessary to fully

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LC 1468/01

-4-

implement the provisions of this part." 1 Section 3. Section 75-6-104, MCA, is amended to read: 2 #75-6-104. Duties of department. The department shall: 3 (1) upon its own initiative or complaint to the 4 mayor or health officer of a the department. to 5 municipality, or to the managing board or officer of a 5 public institution, make an investigation of alleged 7 pollution of a water supply system and, if required, e prohibit the continuance of the pollution by ordering 9 removal of the cause of pollution; 10

(2) have waters examined to determine their purity
 <u>quality</u> and the possibility that they may endanger public
 health;

14 (3) consult and advise authorities of cities and towns 15 and persons having or about to construct systems for water 16 supply, drainage, wastewater, and sewage as to the most 17 appropriate source of water supply and the best method of 18 assuring its purity guality;

(4) advise persons as to the best method of purifying
treating and disposing of their drainage, sewage, or
wastewater with reference to the existing and future needs
of other persons and to prevent pollution;

(>) 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: 1 (6) collect fees for services rendered in analyzing 2 water and conducting inspections to cover costs of the 3 service and deposit the fees collected in an earmarked 4 revenue fund for use by the department; 5 (7) establish and maintain experiment stations and 6 conduct experiments to study the best methods of purifying 7 treating water, drainage, wastewater, sewage, and industrial ß waste to prevent pollution, including investigation of Q methods used in other states; 10 (8) enter on premises at reasonable times to determine 11 12 sources of pollution or danger to water supplies supply systems and whether rules and standards of the board are 13 14 being obeyed; 15 (9) enforce and administer the provisions of this part: 16 (10) establish a plan for the provision of safe 17 drinking water under emergency circumstances; 18 (11) maintain an inventory of public water supplies 19 20 supply systems and establish a program for conducting 21 sanitary surveys; and 22 (12) enter into agreements with local boards of health

wherever appropriate for the performance of surveys and

Section 4. Section 75-6-106, MCA, is amended to read:

inspections under the provisions of this part."

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LC 1468/01

-5-

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#75-6-106. Licensing of Taboratories. (1)No 1 2 laboratory analysis of water taken from a public water supply system or any report of such an analysis required by 3 this part or a rule adopted under this part may be accepted 4 by the department or board unless the analysis or report is 5 made by the laboratory of the department or by a laboratory 6 licensed by the department for such purposes. The department 7 shall issue a license to any laboratory that can meet 8 criteria for licensing established in the rules adopted by 9 10 the board.

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

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

17 Section 5. Section 75-6-107, NCA, is amended to read: 18 \*75-6-107. Variance Variances and exemptions. The 19 department may grant a variance or exemption from the 20 requirements of this part or the rules adopted under this 21 part pursuant to the terms and conditions of the variance and exemption rules adopted by the board. A variance or 22 exemption granted pursuant to this section shall be 23 accompanied by a compliance plan specifying a time schedule 24 for compliance. A person aggrieved by a decision of the 25

department to grant, deny, revoke, or modify a variance or 1 exemption may appeal the department's decision to the board 2 as provided in the Montana Administrative Procedure Act." 3 Section 6. Section 75-6-112, MCA, is amended to read: \*75-6-112. Prohibited acts. A person shall not: 5 (1) discharge polluting-matter-of-ony-kind sewages 6 drainages industrial wastes or other wastes that will 7 pollute -- the quality cause pollution of state waters used by я a person for domestic use or as a source of for a public 9 water supply by-a-cityy-towny-public-institutiony system or 10 water or ice company; 11 (2) discharge human excrementy sewage, drainage, 12 13 refuses-or-polluting-metter industrial wastes or other waste into any state waters or on the banks of any state waters or 14 15 into any abandoned or operating water well unless the

18 treated as prescribed by the state board;

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

sewage, drainage, refuse, -- polluting -- water industrial

waster or other waste is purified-to-render-it-hormless

22 (a) the water supply is protected from pollution by23 sanitary precautions prescribed by the state board; and

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

-7-

LC 1468/01

-8-

### LC 1468/01

1	precautions;
2	(4) construct, alter, or extend any system of water
3	supply, water distribution, sewer, drainage, wastewater, or
4	sewage disposal without first submitting necessary maps <u>e</u> and
5	$plans_{\pm}$ and specifications to the department for its <del>advice</del>
6	ceview and approval <del>s;</del>
7	(5) <u>operate or maintain any public water supply system</u>
8	which exceeds a maximum contamioant level established by the
9	board unless he has been granted or has an application
10	pending for a variance or exemption pursuant to this parts"
11	Section 7. Section 75-6-113, MCA, is amended to read:
12	#75-6-113. <del>Penalty <u>Penalties</u>. <u>(1)</u> Any <u>A</u> person</del>
13	<del>violating who violates</del> this part or any rule or order <del>of the</del>
14	<del>board or department</del> issued under the provisions of this part
15	shall be guilty of a misdemeanor and upon conviction shall
16	be fined not less than \$50 or more than \$500. Each day upon
17	which a violation of this part <u>or any rule or order of the</u>
18	<u>board_under_it</u> _occurs_shall_be_considered_a_separate
19	offense.
20	(2) A person who violates this part or any rule or
21	order of the board issued under the provisions of this part
22	is subject also to a civil penalty of not less then \$50 or
23	Bore than \$500. Each day upon which a violation of this part
24	or any rule or order of the board under it occurs is a

-9-

25 separate violation.

1 (3) Enforcement remedies under this section are cueulatives and enforcement of this part or rules or orders 2 issued under it by injunction or other appropriate remedy is 3 not barred. 4 (4) Civil fines collected pursuant to this section 5 shall be deposited in the state general fund." 6 NEW SECTION. Section 8. Review of master planning 7 plans and specifications required by areas. Maps. 8 75-6-112(4) may not be reviewed or approved by the 9 department for master planning areas adopted pursuant to 10 Title 76, chapter 3, until the department has received from 11 12 the local governing body the lot fees and notices of certification required by 76-4-105(2) and 76-4-127. 13 Section 9. Saving clause. This act does not affect 14 15 rights and duties that matured, penalties that were 16 incurred, or proceedings that were begun before the 17 effective date of this act.

18 Section 10. Severability. If a part of this act is 19 invalid, all valid parts that are severable from the invalid 20 part remain in effect. If a part of this act is invalid in 21 one or more of its applications, the part remains in effect 22 in all valid applications that are severable from the 23 invalid applications.

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HB494

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### LC 1468/01

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1	precautions;
2	(4) construct, alter, or extend any system of water
3	supply, water distribution, sewer, drainage, wastewater, or
4	sewage disposal without first submitting necessary maps_ and
5	$plans_1$ and specifications to the department for its advice
6	review and approvalu:
7	[5] operate or maintain any public water supply system
8	which exceeds a maximum contaminant level established by the
9	board unless he has been granted or bos an application
10	pending for a variance or exemption pursuant to this parts"
11	Section 7. Section 75-6-113, MCA, is amended to read:
12	<b>#75-6-113• <del>Pensity <u>Penalties</u>• <u>(1)</u> Any ≜ pe</del></b> rson
13	<del>violating who violates</del> this part or any rule or order <del>of the</del>
14	<del>board-or-department</del> issued under the provisions of this part
15	shall be guilty of a misdemeanor and upon conviction shall
16	be fined not less than \$50 or more than \$500. Each day upon
17	which a violation of this part <u>or any rule or order of the</u>
18	<u>board_under_it</u> occurs shall be considered a separate
19	offense.
20	121. A person who violates this part or any rule or
21	order of the board issued under the provisions of this part
<b>2</b> 2	is subject also to a civil penalty of not less then \$50 or

23 Bore than \$500. Each day upon which a violation of this part
 24 or any rule or order of the board under it occurs is a

25 separate violations

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1 (3) Enforcement remedies under this section are cumulative, and enforcement of this part or rules or orders 2 issued under it by injunction or other appropriate remedy is ٦ 4 not barred. (4) Civil fines collected pursuant to this section 5 shall be deposited in the state general fund." 6 7 NEW SECTION, Section 8. Review of master planning areas. Maps. plans and specifications required by 8 9 75-6-112(4) may not be reviewed or approved by the 10 department for master planning areas adopted pursuant to 11 Title 76, chapter 3, until the department has received from 12 the local governing body the lot fees and notices of 13 certification required by 76-4-105(2) and 76-4-127. 14 Section 9. Saving clause. This act does not affect 15 rights and duties that matured, penalties that were 16 incurred, or proceedings that were begun before the 17 effective date of this act. Section 10. Severability. If a part of this act is 18 19 invalid, all valid parts that are severable from the invalid 20 part remain in effect. If a part of this act is invalid in

21 one or more of its applications, the part remains in effect
22 in all valid applications that are severable from the
23 invalid applications.

-End-

HB494

-10-

-9-

HOUSE BILL NO. 494 1 1 INTRODUCED BY NATHE 2 2 3 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE, sewage that may be present. 4 4 CLARIFY, AND AMEND THE LAWS RELATING TO PUBLIC WATER 5 5 SUPPLIES: AMENDING SECTIONS 75-6-102 THROUGH 75-6-104. 6 6 75-6-106+ 75-6-107\* AND 75-6-112+ AND-75-6-113\* MCA.\* 7 7 8 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 9 Section 1. Section 75-6-102, MCA, is amended to read: 10 10 11 "75-6-102. Definitions. As used in this part, unless 11 12 the context clearly indicates otherwise, the following 12 13 definitions apply: 13 that may pollute state waters. (1) "Board" means the board of health and environmental 14 14 sciences provided for in 2-15-2104. 15 15 (2) "Contamination" means impairment of the quality of 16 16 17 subdivision of the states or federal agency. state waters by sewage, industrial wastes, or other wastes 17 18 16 creating a hazard to human health. (3) "Department" means the department of health and 19 19 environmental sciences provided for in Title 2, chapter 15. 20 20 21 part 21. 21 (4) "Drainage" means rainfall, surface, and subsoil 22 22 23 water. 23 (5) "Safe Drinking Water Act" means 42 USC 300f and 24 24 25 regulations at Title 40. CFR. Parts 141 and 142. 25

HB 0494/02

+5)161 "Industrial waste" means any waste substance from the processes of business or industry or from the development of any natural resource, together with any

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

f67(8) "Other waste" means garbage, municipal refuse, decayed wood+ sawdust+ shavings+ bark+ lime+ sand+ ashes+ offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances

(7)(9) "Person" means any individual, firmcorporation, water--or--ice--companyy--public--institution, association, partnership, municipality, or other political

(8)(10) "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of any state waters which exceeds that permitted by Montana water guality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor or the discharge or introduction of any liquid, gaseous, solid, radioactive, or other substance into any state water which will or is likely

-2-

REFERENCE BILL

HB 494

1 to create a nuisance or render the waters harmful, 2 detrimental, or injurious to public health, recreation, 3 safety, welfare, livestock, wild animals, birds, fish, or 4 other wildlife. A discharge which is authorized under the 5 pollution discharge permit rules of the board is not 6 pollution under this chapter.

7 (9)(11) "Public water supply system" means a system 8 for the provision of water for human consumption from any 9 community well, water hauler for cisterns, water bottling 10 plant, water dispenser, or other water supply that serves 10 11 or more families, or 25 or more persons for <u>daily</u>, or <u>has at</u> 12 <u>least 10 service connections</u> at least 60 days out of the 13 calendar year.

14 <u>ft0f1121</u> "Sewage" means water-carried waste products 15 from residences, public buildings, institutions, or other 16 buildings, including discharge from human beings, together 17 with groundwater infiltration and surface water present.

18 <u>ttttf131</u> "State waters" means any body of water.
19 irrigation system. or drainage system. either surface or
20 underground."

Section 2. Section 75-6-103, MCA, is amended to read:
 #75-6-103. Duties of the board. (1) The board has
 general supervision over all state waters which are directly
 or indirectly being used by a person for a public water
 supply system or domestic purposes or as a source of ice.

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-3-

HB 494

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

3 (a) maximum contaminant levels for waters that are or

4 will be used as for a public water supply system;

5 (b) fees for services rendered by the department in
6 analyzing water and conducting inspections;

7 (c) monitoring, recordkeeping, and reporting by
8 persons who own or operate a public water supply <u>system;</u>

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

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

16 (f) the siting, construction, operation, and 17 modification of a public water supply system;

18 (g) the collection and analysis of samples of water

19 used for drinking or domestic purposes;

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

23 (i) any other requirement necessary for the protection

24 of public health as described in this part.

25 (3) The board may issue orders necessary to fully

H6 494

HB 0494/02

implement the provisions of this part."
Section 3. Section 75-6-104. MCA, is amended to read:
 "75-6-104. Duties of department. The department shall:
 (1) upon its own initiative or complaint to the
 department, 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 system and, if required,
 prohibit the continuance of the pollution by ordering
 removal of the cause of pollution;

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(2) have waters examined to determine their purity
 <u>quality</u> and the possibility that they may endanger public
 health;

14 (3) consult and advise authorities of cities and towns 15 and persons having or about to construct systems for water 16 supply, drainage, wastewater, and sewage as to the most 17 appropriate source of water supply and the best method of 18 assuring its purity guality;

19 (4) advise persons as to the best method of purifying
20 <u>ireating</u> and disposing of their drainage, sewage, or
21 wastewater with reference to the existing and future needs
22 of other persons and to prevent pollution;

(5) 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

1 preventing pollution;

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2 (6) collect fees for services rendered in analyzing
3 water and conducting inspections to cover costs of the
4 service and deposit the fees collected in an earmarked
5 revenue fund for use by the department;

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

(8) enter on premises at reasonable times to determine
 sources of pollution or danger to water supplies supply
 systems and whether rules and standards of the board are
 being obeyed;

15 (9) enforce and administer the provisions of this 16 part;

17 (10) establish a plan for the provision of safe
18 drinking water under emergency circumstances;

(11) maintain an inventory of public water supplies
 <u>supply\_systems</u> and establish a program for conducting
 sanitary surveys; and

(12) enter into agreements with local boards of health
 wherever appropriate for the performance of surveys and
 inspections under the provisions of this part.\*

25 Section 4. Section 75-6-106, MCA, is amended to read:

-6-

-5-

HB 494

HB 494

1 \*75-6-106. Licensing of laboratories. (1) No laboratory analysis of water taken from a public water 2 supply system or any report of such an analysis required by 3 this part or a rule adopted under this part may be accepted 4 by the department or board unless the analysis or report is 5 made by the laboratory of the department or by a laboratory 6 licensed by the department for such purposes. The department 7 shall issue a license to any laboratory that can meet 8 criteria for licensing established in the rules adopted by 9 10 the board.

11 (2) An application for a license under this section 12 shall be made on forms furnished by the department.

13 (3) A person aggrieved by a decision of the department 14 to grant, deny, or revoke a license may appeal the 15 department's decision to the board as provided in the 16 Hontana Administrative Procedure Act."

17 Section 5. Section 75-6-107, MCA, is amended to read: 18 #75-6-107. Variance Variances and exemptions. The 19 department may grant a variance or exemption from the 20 requirements of this part or the rules adopted under this part pursuant to the terms and conditions of the variance 21 and exemption rules adopted by the board. A variance or 22 23 exemption granted pursuant to this section shall be 24 accompanied by a compliance plan specifying a time schedule 25 for compliance. A person aggrieved by a decision of the department to grant, deny, revoke, or modify a variance or
 <u>exemption</u> may appeal the department's decision to the board
 as provided in the Nontana Administrative Procedure Act."

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

5 #75-6-112. Prohibited acts. A person shall not:

6 (1) discharge polluting-metter-of-eny-kind sewages 7 drainages\_industrial\_wastes\_or\_other\_wastes that will 8 pollute--the-quality cause pollution of state waters used by 9 a person for domestic use or as a source of <u>for\_a\_public</u> 10 water supply by-e-eity-towny-public-institutiony system or 11 water or ice company;

12 (2) discharge humon-excrementy sewage, drainage, 13 refuser-or-polluting-matter industrial\_waste, or\_other\_waste 14 into any state waters or on the banks of any state waters or 15 into any abandoned or operating water well unless the 16 sewage, drainage, refuser-or-polluting-water industrial 17 waste, or\_other\_waste is purified-to-render-it-harmless 18 treated as prescribed by the state board;

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

22 (a) the water supply is protected from pollution by23 sanitary precautions prescribed by the state board; and

(b) a permit has been issued by the department afterapproval of detailed plans and specifications for sanitary

-8-

-7-

HB 494

HB 494

H8 0494/02

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2	(4) construct, alter, or extend any system of water	2	cueulativer-ondrenforcementrof-this-part-or-rules-proorders
3	supply, water distribution, sewer, drainage, wastewater, or	3	issued-under-it-by-injunction-or-other-appropriate-remedy-is
4	sewage disposal without first submitting necessary maps_ and	4	not-segreda
5	plans_ and specifications to the department for its advice	5	141Eivilfinescollectedpursuantto-this-section
6	review and approvalu;	6	<u>shall-be-deposited-in-the-state-general-funds*</u>
7	<u>15)operate_or_maintain_any_public_water_supply_system</u>	7	<u>NEW-SEEFl&amp;Nw</u> Section-8wReview-ofmasterplanning
8	<u>which exceeds a maximum contaminant level established by the</u>	8	oreaseMapseplansandspecificationsrequiredby
9	<u>board_unless_be_bas_been_granted_or_bas_an_application</u>	9	75-6-112(4)maynotbereviewedorapprovedbythe
10	pending for a variance or exemption pursuant to this parts"	10	departmentformasterplanningareas-adopted-pursuant-to
11	Section-TeSection75-6-113e-MExeris-amanded-to-reade	11	Title-76y-chopter-3y-until-the-department-has-receivedfrom
12	#75-6-113+Penalty <u>Penaltias</u> + <u>111</u> Any <u>A</u> person	12	thetocatgoverningbodythetotfeesendnotices-of
13	violating- <u>who-violates</u> -this-part-or-any-rule-or-order-of-the	13	certificstion-required-by-76-4-185123-ond-76-4-127*
14	board-or-department-issued-under-the-provisions-of-this-part	14	Section 7. Saving clause. This act does not affect
15	shallbeguilty-of-a-misdemeanor-and-upon-conviction-shall	15	rights and duties that matured, penalties that were
16	be-fined-not-less-than-\$58-or-more-thon-\$588+-Each-dayupon	16	incurred, or proceedings that were begun before the
17	whichaviolation-of-this-part- <u>accany-culacaccacdaccafiths</u>	17	effective date of this act.
18	<u>boardunderit</u> occursshaiibeconsideredaseparate	18	Section 8. Severability. If a part of this act is
19	offense	19	invalid, all valid parts that are severable from the invalid
20	<u>ilicatopersoptrybottyielstestthistpertretest</u>	20	part remain in effect. If a part of this act is invalid in
21	<u>order_of_the_board_tisyed_under_the_provisions_of_thispart</u>	21	one or more of its applications, the part remains in effect
22	<u>ia</u>	22	in all valid applications that are severable from the
23	more_then_\$500x_fach_day_upon_which_s_violation_of_this_part	23	invalid applications.
24	or_opy_rule_or_order_of_the_poord=_underit_=occura=_is_=o		-End-
25	<u>acparate:violation</u>		

-9-

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HB 494

-10-

HB 494

# SENATE STANDING COMMITTEE REPORT (Local Government)

That House Bill No. 494, third reading bill, be amended as follows:

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1. Title, line 7.
Following: "75-6-107"
Strike: ","
Insert: "AND"
Following: "75-6-112"
Strike: "AND 75-6-113,"
2. Page 9, line 11.
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Strike: lines 11 through 13 on page 10 in their entirety.