

HB 348 INTRODUCED BY HARPER, ET AL.  
PUBLIC WATER SUPPLY PROTECTION -- APPROVAL OF  
DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES  
FOR CONSTRUCTION  
BY REQUEST OF DEPARTMENT OF HEALTH &  
ENVIRONMENTAL SCIENCES

1/21 INTRODUCED  
1/21 REFERRED TO HUMAN SERVICES & AGING  
1/29 HEARING  
1/29 COMMITTEE REPORT--BILL PASSED  
2/09 REREFERRED TO HUMAN SERVICES & AGING  
2/16 TABLED IN COMMITTEE

1 House BILL NO. 348  
 2 INTRODUCED BY Harold Spacht  
 3 BY REQUEST OF THE DEPARTMENT OF  
 4 HEALTH AND ENVIRONMENTAL SCIENCES

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE  
 7 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MUST APPROVE  
 8 A WATER SUPPLY, WATER DISTRIBUTION, SEWER, DRAINAGE,  
 9 WASTEWATER, OR SEWAGE DISPOSAL SYSTEM BEFORE ITS  
 10 CONSTRUCTION, ALTERATION, OR EXTENSION IS COMMENCED;  
 11 PROHIBITING VIOLATION OF THE LAW OR RULES PROTECTING PUBLIC  
 12 WATER SUPPLIES OR OF THE TERMS OF AN APPROVAL ISSUED  
 13 RELATING TO PUBLIC WATER SUPPLIES; AND AMENDING SECTION  
 14 75-6-112, MCA."

15  
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 17 Section 1. Section 75-6-112, MCA, is amended to read:  
 18 "75-6-112. Prohibited acts. A person shall not:  
 19 (1) discharge sewage, drainage, industrial waste, or  
 20 other wastes that will cause pollution of state waters used  
 21 by a person for domestic use or as a source for a public  
 22 water supply system or water or ice company;  
 23 (2) discharge sewage, drainage, industrial waste, or  
 24 other waste into any state waters or on the banks of any  
 25 state waters or into any abandoned or operating water well

1 unless the sewage, drainage, industrial waste, or other  
 2 waste is treated as prescribed by the board;  
 3 (3) build or operate any railroad, logging road,  
 4 logging camp, or electric or manufacturing plant of any kind  
 5 on any watershed of a public water supply system unless:  
 6 (a) the water supply is protected from pollution by  
 7 sanitary precautions prescribed by the board; and  
 8 (b) a permit has been issued by the department after  
 9 approval of detailed plans and specifications for sanitary  
 10 precautions;  
 11 (4) construct, alter, or extend commence construction,  
 12 alteration, or extension of any system of water supply,  
 13 water distribution, sewer, drainage, wastewater, or sewage  
 14 disposal without--first-submitting before he submits to the  
 15 department necessary maps, plans, and specifications to--the  
 16 department for its review and approval the department  
 17 approves those maps, plans, and specifications;  
 18 (5) operate or maintain any public water supply system  
 19 which exceeds a maximum contaminant level established by the  
 20 board unless he has been granted or has an application  
 21 pending for a variance or exemption pursuant to this part;  
 22 (6) violate any provision of this part or rule issued  
 23 under this part; or  
 24 (7) violate any condition or requirement of any  
 25 approval issued pursuant to this part."



1        NEW SECTION. Section 2. Severability. If a part of  
2 this act is invalid, all valid parts that are severable from  
3 the invalid part remain in effect. If a part of this act is  
4 invalid in one or more of its applications, the part remains  
5 in effect in all valid applications that are severable from  
6 the invalid applications.

7        NEW SECTION. Section 3. Extension of authority. Any  
8 existing authority of the department of health and  
9 environmental sciences to make rules on the subject of the  
10 provisions of this act is extended to the provisions of this  
11 act.

-End-

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

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