# HOUSE BILL NO. 482

# INTRODUCED BY COCCHIARELLA, GOULD, STANG

# IN THE HOUSE

JANUARY 28, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.

JANUARY 30, 1989 FIRST READING.

FEBRUARY 15, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 16, 1989 PRINTING REPORT.

FEBRUARY 18, 1989 SECOND READING, DO PASS.

- FEBRUARY 20, 1989 ENGROSSING REPORT.
- FEBRUARY 21, 1989 THIRD READING, PASSED. AYES, 90; NOES, 7.
  - TRANSMITTED TO SENATE.

ON NATURAL RESOURCES.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE SENATE

FEBRUARY 28, 1989

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FIRST READING.

MARCH 9, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 10, 1989 SECOND READING, CONCURRED IN.

MARCH 13, 1989 THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.

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LC 0051/01

INTRODUCED BY Continently 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO DELEGATE REVIEW 5 6 POWERS TO QUALIFIED LOCAL DEPARTMENTS OF HEALTH FOR SMALL 7 PUBLIC WATER AND SEWER PROJECTS: AND AMENDING SECTIONS 8 75-6-102 AND 75-6-112, MCA." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 NEW SECTION. Section 1. Submission and approval of 12 public water and sever construction. (1) A person shall 13 submit necessary maps, plans, and specifications to the 14 department for its review and approval before the person may 15 construct, alter, or extend any public: 16 (a) water supply system; 17 (b) water distribution system; 18 sewer system; (c) 19 (d) drainage system; 20 (e) wastewater system; or 21 (f) sewage disposal system. 22 (2) If a local department of health has established 23 satisfactory review programs, the department may delegate to 24 the local department of health review of: (a) public water systems that have less than 10 25

Montana Legislative council

1 service connections to year-round residents; and

(b) public sewage systems that treat effluent by
application below the soil surface and that have less than
l0 service connections to year-round residents.

5 Section 2. Section 75-6-102, MCA, is amended to read:
6 "75-6-102. Definitions. As used in this part, unless
7 the context clearly indicates otherwise, the following
8 definitions apply:

9 (1) "Board" means the board of health and
10 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.

14 (3) "Department" means the department of health and
15 environmental sciences provided for in Title 2, chapter 15,
16 part 21.

17 (4) "Drainage" means rainfall, surface, and subsoil18 water.

19 (5) "Industrial waste" means any waste substance from
20 the processes of business or industry or from the
21 development of any natural resource, together with any
22 sewage that may be present.

23 (6) "Maximum contaminant level" means the maximum
24 permissible level of a contaminant in water which is
25 delivered to any user of a public water supply system.

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1 (7) "Other waste" means garbage, municipal refuse, 2 decayed wood, sawdust, shavings, bark, lime, sand, ashes, 3 offal, night soil, oil, grease, tar, heat, chemicals, dead 4 animals, sediment, wrecked or discarded equipment, 5 radioactive materials, solid waste, and all other substances 6 that may pollute state waters.

7 (8) "Person" means any individual, corporation,
8 association, partnership, municipality, other political
9 subdivision of the state, or federal agency.

10 (9) "Pollution" means contamination or other 11 alteration of the physical, chemical, or biological 12 properties of any state waters which exceeds that permitted 13 by Montana water guality standards, including but not 14 limited to standards relating to change in temperature, taste, color, turbidity, or odor or the discharge or 15 16 introduction of any liquid, gaseous, solid, radioactive, or 17 other substance into any state water which will or is likely 18 to create a nuisance or render the waters harmful, 19 detrimental, or injurious to public health, recreation, 20 safety, welfare, livestock, wild animals, birds, fish, or 21 other wildlife. A discharge which is authorized under the 22 pollution discharge permit rules of the board is not pollution under this chapter. 23

(10) "Public sewage system" means a system of
 collection, transportation, treatment, or disposal of sewage

that is designed to serve or serves 10 or more families or
 25 or more persons daily for a period of at least 60 days
 out of the calendar year.

4 (t0)(11) "Public water supply system" means a system
5 for the provision of water for human consumption from any
6 community well, water hauler for cisterns, water bottling
7 plant, water dispenser, or other water supply that serves 10
8 or more families or 25 or more persons daily or has at least
9 10 service connections at least 60 days out of the calendar
10 year.

11 (11) (12) "Safe Drinking Water Act" means 42 U.S.C. 300f 12 and regulations at Title 40, CFR, Parts 141 and 142.

13 (12)(13) "Sewage" means water-carried waste products 14 from residences, public buildings, institutions, or other 15 buildings, including discharge from human beings, together 16 with groundwater infiltration and surface water present.

17 (13)(14) "State waters" means any body of water, 18 irrigation system, or drainage system, either surface or 19 underground."

Section 3. Section 75-6-112, MCA, is amended to read:
"75-6-112. Prohibited acts. A person shall may not:
(1) discharge sewage, drainage, industrial waste, or

(1) discharge sewage, drainage, industrial waste, of
other wastes that will cause pollution of state waters used
by a person for domestic use or as a source for a public
water supply system or water or ice company;

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### LC 0051/01

(2) discharge sewage, drainage, industrial waste, or
 other waste into any state waters or on the banks of any
 state waters or into any abandoned or operating water well
 unless the sewage, drainage, industrial waste, or other
 waste is treated as prescribed by the board;

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

9 (a) the water supply is protected from pollution by10 sanitary precautions prescribed by the board; and

11 (b) a permit has been issued by the department after 12 approval of detailed plans and specifications for sanitary 13 precautions;

(4) construct, alter, or extend any <u>public</u> system of
water supply, water distribution, sewer, drainage,
wastewater, or sewage disposal without first submitting
necessary-maps<sub>7</sub>-plans<sub>7</sub>-and-specifications-to-the--department
for-its <u>complying with the appropriate provisions for</u> review
and approval <u>as required in [section 1];</u>

(5) operate or maintain any public water supply system
 which exceeds a maximum contaminant level established by the
 board unless he has been granted or has an application
 pending for a variance or exemption pursuant to this part."
 <u>NEW SECTION.</u> Section 4. Extension of authority. Any
 existing authority to make rules on the subject of the

1 provisions of [this act] is extended to the provisions of 2 [this act].

3 NEW SECTION. Section 5. Codification instruction.

4 [Section 1] is intended to be codified as an integral part

5 of Title 75, chapter 6, part 1, and the provisions of Title

6 75, chapter 6, part 1, apply to [section 1].

-End-

# STATE OF MONTANA - FISCAL NOTE Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB482, as introduced.

# DESCRIPTION OF PROPOSED LEGISLATION:

An Act to allow the Department of Health and Environmental Sciences to delegate review powers to qualified local Departments of Health for small Public Water and Sewer projects; and amending Sections 75-6-102 and 75-6-112 MCA. ASSUMPTIONS:

1. Since DHES does not charge for review and approval of public water and sewer systems under Title 75, chapter 6, Part 1, there would be no loss of revenue or financial impact.

FISCAL IMPACT: There is no fiscal impact.

# EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

This bill will result in an additional workload on the local Departments of Health that seek delegation of review authority for water and sewage systems not currently reviewed by them. The financial impact cannot be estimated because we do no know how many projects would be reviewed under this provision.

### TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

The bill would modify Sections 75-6-102 and 75-6-112 of existing legislation.

RAY SHACKLEFORD, BUDGET DIRECTOR DAT OFFICE OF BUDGET AND PROGRAM PLANNING

COCCHIARELLA, PRIMARY SPONSOR

Fiscal Note	for HB482, as	introduced
		HB 482

51st Legislature

HB 0482/02

#### APPROVED BY COMM. ON LOCAL GOVERNMENT

1	HOUSE BILL NO. 482	
2	INTRODUCED BY COCCHIARELLA, GOULD, STANG	
3		
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT	
5	OF HEALTH AND ENVIRONMENTAL SCIENCES TO DELEGATE REVIEW	
6	POWERS TO QUALIFIED LOCAL BEPARTMENTS-OF-HEALTH GOVERNMENTS	
7	FOR SMALL PUBLIC WATER AND SEWER PROJECTS; TO ALLOW THE	
8	BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES	
9	RELATING TO THE DELEGATION OF REVIEW; AND AMENDING SECTIONS	
10	SECTION 75-6-102 AND-75-6-112, MCA."	
11		
12	STATEMENT OF INTENT	
13	A statement of intent is required for [this act]	
14	because section 1(2) grants rulemaking authority to the	

board of health and environmental sciences. The board would 15 adopt rules governing the delegation to local governments of 16 review of small public water systems and extensions or 17 alterations of existing public water and sewer systems. 18

The rules are intended to establish criteria that would 19 be used to determine whether a division of a local 20 government has a review program suitable for delegation of 21 review. The rules would specify the acceptable level of 22 expertise and other factors necessary for local review and, 23 if review authority has been granted, the circumstances 24 under which the authority should be terminated or reviewed. 25

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1 The rules are also intended to address the size of 2 public water and sewer systems that would be subject to 3 local review.

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

NEW SECTION. Section 1. Submission ---- and ---- approval 6 7 DELEGATION OF REVIEW of SMALL public water and sever 8 construction. (1) A--person--shall--submit-necessary-maps; 9 plans,-and-specifications-to-the-department-for--its--review 10 and--approval--before--the--person--may-construct;-alter;-or 11 extend-any-public:

12 {a}--water-supply-system;

13 (b)--water-distribution-system;

14 {c}--sewer-system;

15 (d)--drainage-system;

16 (e)--wastewater-system;-or

tf)--sewage-disposal-system: 17

18	<pre>{2} If a local departmentofhealth GOVERNMENT</pre>
19	REQUESTS A DELEGATION AND THE APPROPRIATE DIVISION OF THE
20	LOCAL GOVERNMENT has established satisfactory review
21	programs, the department may delegate to the DIVISION OF
22	local department-of-health GOVERNMENT review of:
23	(a) <u>SMALL</u> public water <u>AND</u> SEWER systems that-have
24	<pre>tessthant0service-connections-to-year-round-residents;</pre>

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25 and

> HB 482 SECOND READING

(b) public--sewage--systems--that--treat--effluent--by
 application--below--the-soil-surface-and-that-have-less-than
 i0-service-connections-to-year-round-residents EXTENSIONS OR
 ALTERATIONS OF EXISTING PUBLIC WATER AND SEWER SYSTEMS THAT
 INVOLVE 50 OR FEWER CONNECTIONS.

6 (2) THE BOARD MAY ADOPT RULES REGARDING THE DELEGATION 7 OF REVIEW AUTHORITY TO DIVISIONS OF LOCAL GOVERNMENT.

8 Section 2. Section 75-6-102, MCA, is amended to read:
9 "75-6-102. Definitions. As used in this part, unless
10 the context clearly indicates otherwise, the following
11 definitions apply:

12 (1) "Board" means the board of health and13 environmental sciences provided for in 2-15-2104.

14 (2) "Contamination" means impairment of the quality of
15 state waters by sewage, industrial wastes, or other wastes
16 creating a hazard to human health.

17 (3) "Department" means the department of health and
18 environmental sciences provided for in Title 2, chapter 15,
19 part 21.

20 (4) "Drainage" means rainfall, surface, and subsoil21 water.

(5) "Industrial waste" means any waste substance from
the processes of business or industry or from the
development of any natural resource, together with any
sewage that may be present.

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

4 (7) "Other waste" means garbage, municipal refuse, 5 decayed wood, sawdust, shavings, bark, lime, sand, ashes, 6 offal, night soil, oil, grease, tar, heat, chemicals, dead 7 animals, sediment, wrecked or discarded equipment, 8 radioactive materials, solid waste, and all other substances 9 that may pollute state waters.

10 (8) "Person" means any individual, corporation,
11 association, partnership, municipality, other political
12 subdivision of the state, or federal agency.

13 (9) "Pollution" means contamination or other 14 alteration of the physical, chemical, or biological properties of any state waters which exceeds that permitted 15 by Montana water guality standards, including but not 16 17 limited to standards relating to change in temperature, taste, color, turbidity, or odor or the discharge or 18 19 introduction of any liquid, gaseous, solid, radioactive, or other substance into any state water which will or is likely 20 to create a nuisance or render the waters harmful, 21 22 detrimental, or injurious to public health, recreation, 23 safety, welfare, livestock, wild animals, birds, fish, or other wildlife. A discharge which is authorized under the 24 pollution discharge permit rules of the board is not 25

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1 pollution under this chapter.

2 (10) "Public sewage system" means a system of 3 collection, transportation, treatment, or disposal of sewage 4 that is designed to serve or serves 10 or more families or 5 25 or more persons daily for a period of at least 60 days 6 out of the calendar year.

7 (10)(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 daily or has at least 12 10 service connections at least 60 days out of the calendar 13 year.

14 (11)(12) "Safe Drinking Water Act" means 42 U.S.C. 300f 15 and regulations at Title 40, CFR, Parts 141 and 142.

16 (12)(13) "Sewage" means water-carried waste products 17 from residences, public buildings, institutions, or other 18 buildings, including discharge from human beings, together 19 with groundwater infiltration and surface water present.

20 (+3)(14) "State waters" means any body of water, 21 irrigation system, or drainage system, either surface or 22 underground."

Section -3. - Section -75 6 -112r -MCAr - is -amended -to - read:
 "75-6-112r - Prohibited -actsr - A - person - shall - may - not:

25 (1)--discharge--sewage7--drainage7-industrial-waste7-or

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other-wastes-that-will-cause-pollution-of-state-waters--used ٦ 2 by--a--person--for--domestic-use-or-as-a-source-for-a-public water-supply-system-or-water-or-ice-company; 3 (2)--discharge-sewage,-drainage,-industrial--waster-or 4 other--waste--into--any--state-waters-or-on-the-banks-of-any 5 state-waters-or-into-any-abandoned-or-operating--water--well 6 unless--the--sewage---drainage---industrial--waster-or-other 7 waste-is-treated-as-prescribed-by-the-board; 8 9 +3)--build--or--operate--any--raitroady--togging--roady logging-camp,-or-electric-or-manufacturing-plant-of-any-kind 10 on-any-watershed-of-a-public-water-supply-system-unless; 11 (a)--the--water--supply--is-protected-from-pollution-by 12 sanitary-precautions-prescribed-by-the-board;-and 13 (b)--a-permit-has-been-issued-by-the--department--after 14 15 approval--of--detailed-plans-and-specifications-for-sanitary precautions; 16 f4)--construct7-alter7-or-extend-any-public--system--of 17 18 water---supply;---water---distribution;---sewer;---drainage; wastewater;-or--sewage--disposal--without--first--submitting 19 necessary--maps;-plans;-and-specifications-to-the-department 20 for-its-complying-with-the-appropriate-provisions-for-review 21 and-approval-as-required-in-(section-1); 22 (5)--operate-or-maintain-any-public-water-supply-system 23 which-exceeds-a-maximum-contaminant-level-established-by-the 24 25 board-unless-he-has--been--granted--or--has--an--application

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1 pending--for-a-variance-or-exemption-pursuant-to-this-part."
2 <u>NEW SECTION.</u> Section 3. Extension of authority. Any
3 existing authority to make rules on the subject of the
4 provisions of [this act] is extended to the provisions of
5 [this act].

6 <u>NEW SECTION.</u> Section 4. Codification instruction. 7 [Section 1] is intended to be codified as an integral part 8 of Title 75, chapter 6, part 1, and the provisions of Title 9 75, chapter 6, part 1, apply to [section 1].

-End-

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HOUSE BILL NO. 482 1 INTRODUCED BY COCCHIARELLA, GOULD, STANG 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT 4 OF HEALTH AND ENVIRONMENTAL SCIENCES TO DELEGATE REVIEW 5 POWERS TO QUALIFIED LOCAL DEPARTMENTS-OF-HEALTH GOVERNMENTS 6 FOR SMALL PUBLIC WATER AND SEWER PROJECTS; TO ALLOW THE 7 BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES 8 RELATING TO THE DELEGATION OF REVIEW; AND AMENDING SECTIONS 9 SECTION 75-6-102 AND-75-6-112, MCA." 10

11

#### STATEMENT OF INTENT

13 A statement of intent is required for [this act] 14 because section 1(2) grants rulemaking authority to the 15 board of health and environmental sciences. The board would 16 adopt rules governing the delegation to local governments of 17 review of small public water systems and extensions or 18 alterations of existing public water and sewer systems.

The rules are intended to establish criteria that would be used to determine whether a division of a local government has a review program suitable for delegation of review. The rules would specify the acceptable level of expertise and other factors necessary for local review and, if review authority has been granted, the circumstances under which the authority should be terminated or reviewed.



1 The rules are also intended to address the size of 2 public water and sewer systems that would be subject to 3 local review.

4

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

6 <u>NEW SECTION.</u> Section 1. Submission----and----approval 7 <u>DELEGATION OF REVIEW</u> of <u>SMALL</u> public water and newer 8 construction. (1) A--person--shall--submit-necessary-maps; 9 plans;-and-specifications-to-the-department-for--its--review 10 and--approval--before--the--person--may-construct;-alter;-or 11 extend-any-public;

12 ta)--water-supply-system;

13 fb;--water-distribution-system;

14 tc)--sewer-system;

15 (d)--drainage-system;

- 16 te)--wastewater-system;-or
- 17 (f)--sewage-disposal-system:

18 (2) If a local department-of--health <u>GOVERNMENT</u> 19 <u>REQUESTS A DELEGATION AND THE APPROPRIATE DIVISION OF THE</u> 20 <u>LOCAL GOVERNMENT</u> has established satisfactory review 21 programs, the department may delegate to the <u>DIVISION OF</u> 22 local department-of-health <u>GOVERNMENT</u> review of:

(a) <u>SMALL</u> public water <u>AND\_SEWER</u> systems that--have
 tess--than--t0--service-connections-to-year-round-residents;
 and

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THIRD READING

(b) public--sewage--systems--that--treat--effluent--by
 application--below--the-soil-surface-and-that-have-less-than
 i0-service-connections-to-year-round-residents <u>EXTENSIONS OR</u>
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14 (2) "Contamination" means impairment of the quality of
15 state waters by sewage, industrial wastes, or other wastes
16 creating a hazard to human health.

17 (3) "Department" means the department of health and
18 environmental sciences provided for in Title 2, chapter 15,
19 part 21.

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the processes of business or industry or from the
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11 association, partnership, municipality, other political
12 subdivision of the state, or federal agency.

13 (9) "Pollution" means contamination other or 14 alteration of the physical, chemical, or biological 15 properties of any state waters which exceeds that permitted by Montana water quality standards, including but not 16 17 limited to standards relating to change in temperature, 18 taste, color, turbidity, or odor or the discharge or introduction of any liquid, gaseous, solid, radioactive, or 19 20 other substance into any state water which will or is likely 21 to create a nuisance or render the waters harmful, 22 detrimental, or injurious to public health, recreation, 23 safety, welfare, livestock, wild animals, birds, fish, or other wildlife. A discharge which is authorized under the 24 pollution discharge permit rules of the board is not 25

- 4 -

- 3-

HB 482

1	pollution under this chapter.	1	other-wastes-that-will-cause-pollution-of-state-watersused
2	(10) "Public sewage system" means a system of	2	byapersonfordomestic-use-or-as-a-source-for-a-public
3	collection, transportation, treatment, or disposal of sewage	3	water-supply-system-or-water-or-ice-company;
4	that is designed to serve or serves 10 or more families or	4	<del>(2)discharge-sewage;-drainage;-industrialwaste;or</del>
5	25 or more persons daily for a period of at least 60 days	. 5	otherwasteintoanystate-waters-or-on-the-banks-of-any
6	out of the calendar year.	6	state-waters-or-into-any-abandoned-or-operatingwaterwell
7	<del>(10)</del> "Public water supply system" means a system	7	uniessthesewage;drainage;industriaiwaste;-or-other
8	for the provision of water for human consumption from any	8	waste-is-treated-as-prescribed-by-the-board;
9	community well, water hauler for cisterns, water bottling	9	<del>(3)</del> buildoroperateanyrailroad <sub>7</sub> loggingroad7
10	plant, water dispenser, or other water supply that serves 10	10	logging-camp-or-electric-or-manufacturing-plant-of-any-kind
11	or more families or 25 or more persons daily or has at least	11	on-any-watershed-of-a-public-water-supply-system-unless:
12	10 service connections at least 60 days out of the calendar	12	<pre>(a)thewatersupplyis-protected-from-pollution-by</pre>
13	year.	13	sanitary-precautions-prescribed-by-the-board;-and
14	<pre>tit+(12) "Safe Drinking Water Act" means 42 U.S.C. 300f</pre>	14	tb)a-permit-has-been-issued-by-thedepartmentafter
15	and regulations at Title 40, CFR, Parts 141 and 142.	15	approvalofdetailed-plans-and-specifications-for-sanitary
16	<pre>(13) "Sewage" means water-carried waste products</pre>	16	precautions;
17	from residences, public buildings, institutions, or other	17	<del>(4)</del> construct;-aiter;-or-extend any- <u>public</u> systemof
18	buildings, including discharge from human beings, together	18	watersupply;waterdistribution;sewer;drainage;
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20	<pre>ti3+<u>(14)</u> "State waters" means any body of water,</pre>	20	necessarymaps;-plans;-and-specifications-to-the-department
21	irrigation system, or drainage system, either surface or	21	for-its-complying-with-the-appropriate-provisions-for-review
22	underground."	22	and-approval-as-required-in-fsection-11;
23	Section-3Section-75-6-112, MCA; -is-amended-toread:	23	<pre>(5)operate-or-maintain-any-public-water-supply-system</pre>
24	"75-6-117Prohibited-actsA-person-shall-may-not:	24	which-exceeds-a-maximum-contaminant-level-established-by-the
25	(1)dischargesewage;drainage;-industrial-waste;-or	25	board-unless-he-hasbeengrantedorhasanapplication
			-6- HB 482
	-5- HB 482		-0- ND 402

pending--for-a-variance-or-exemption-pursuant-to-this-part.<sup>#</sup>
NEW SECTION. Section 3. Extension of authority. Any
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A statement of intent is required for [this act] 13 because section 1(2) grants rulemaking authority to the 14 board of health and environmental sciences. The board would 15 adopt rules governing the delegation to local governments of 16 review of small public water systems and extensions or 17 alterations of existing public water and sewer systems. 18

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NEW SECTION. Section 1. Submission ---- and ---- approval 6 DELEGATION OF REVIEW of SMALL public water and sever 7 construction. (1) A--person--shall--submit-necessary-maps; . plans,-and-specifications-to-the-department-for--its--review 9 and--approval--before--the--person--may-constructy-altery-or 10 extend-any-public: 11

fat--water-supply-system; 12

13 tb;--water-distribution-system;

14 tet--sever-system;

4

15 td;--drainage-system;

fet--wastewater-system; or 16

(f)---sewage-disposal-system-17

(2) If a local department--of---health GOVERNMENT 18 REQUESTS A DELEGATION AND THE APPROPRIATE DIVISION OF THE 19 LOCAL GOVERNMENT has established satisfactory review 20 programs, the department may delegate to the DIVISION OF 21 local department-of-health GOVERNMENT review of: 22

(a) SMALL public water AND SEWER systems that-have 23 less--than--l0--service-connections-to-year-round-residents; 24 25 and

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1	(b) <b>publicsewagesystems</b> thattreateffluentby
2	applicationbelowthe-soil-surface-and-that-have-less-than
3	te-service-connections-to-year-round-residents EXTENSIONS OR
4	ALTERATIONS OF EXISTING PUBLIC WATER AND SEWER SYSTEMS THAT
5	INVOLVE 50 OR FEWER CONNECTIONS.
6	(2) THE BOARD MAY ADOPT RULES REGARDING THE DELEGATION
7	OF REVIEW AUTHORITY TO DIVISIONS OF LOCAL GOVERNMENT.
8	Section 2. Section 75-6-102, MCA, is amended to read:
9	"75-6-102. Definitions. As used in this part, unless
10	the context clearly indicates otherwise, the following
11	definitions apply:
12	(1) "Board" means the board of health and
13	environmental sciences provided for in 2-15-2104.
14	(2) "Contamination" means impairment of the quality of
15	state waters by sewage, industrial wastes, or other wastes
16	creating a hazard to human health.
17	(3) "Department" means the department of health and
18	environmental sciences provided for in Title 2, chapter 15,
19	part 21.
20	(4) "Drainage" means rainfall, surface, and subsoil
21	water.
22	(5) "Industrial waste" means any waste substance from
23	the processes of business or industry or from the
24	development of any natural resource, together with any
25	sewage that may be present.
	•

1 (6) "Maximum contaminant level" means the maximum 2 permissible level of a contaminant in water which is 3 delivered to any user of a public water supply system.

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

(8) "Person" means any individual, corporation, 10 association, partnership, municipality, other political 11 subdivision of the state, or federal agency. 12

(9) "Pollution" means contamination 13 or other alteration of the physical, chemical, or biological 14 15 properties of any state waters which exceeds that permitted 16 by Montana water quality standards, including but not limited to standards relating to change in temperature, 17 18 taste, color, turbidity, or odor or the discharge or introduction of any liquid, gaseous, solid, radioactive, or 19 20 other substance into any state water which will or is likely to create a nuisance or render the waters harmful, 21 22 detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or 23 other wildlife. A discharge which is authorized under the 24 25 pollution discharge permit rules of the board is not

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1	pollution under this chapter.	1	other-wastes-that-will-cause-pollution-of-state-watersused
2	(10) "Public sewage system" means a system of	2	byapersonfordomestic-use-or-as-a-source-for-a-public
3	collection, transportation, treatment, or disposal of sewage	3	water-supply-system-or-water-or-ice-company;
4	that is designed to serve or serves 10 or more families or	4	<del>{2}discharge-sewage;-drainage;-industriaiwaste;or</del>
5	25 or more persons daily for a period of at least 60 days	5	otherwasteintoanystate-waters-or-on-the-banks-of-any
6	out of the calendar year.	6	state-waters-or-into-any-abandoned-or-operatingwaterwell
7	<del>(10)</del> "Public water supply system" means a system	7	unlessthesewage;drainage;industrialwaste;-or-other
8	for the provision of water for human consumption from any	8	waste-is-treated-as-prescribed-by-the-board;
9	community well, water hauler for disterns, water bottling	9	(3)buildoroperateanyrailroad;loggingroad;
10	plant, water dispenser, or other water supply that serves 10	10	logging-campy-or-electric-or-manufacturing-plant-of-any-kind
11	or more families or 25 or more persons daily or has at least	11	on-any-watershed-of-a-public-water-supply-system-unless;
12	10 service connections at least 60 days out of the calendar	12	(a)thewatersupplyis-protected-from-pollution-by
13	year.	13	sanitary-precautions-prescribed-by-the-board;-and
14	<pre>tit(12) "Safe Drinking Water Act" means 42 U.S.C. 300f</pre>	14	(b)a-permit-has-been-issued-by-thedepartmentafter
15	and regulations at Title 40, CFR, Parts 141 and 142.	15	approvalofdetailed-plans-and-specifications-for-sanitary
16	<pre>(13) "Sewage" means water-carried waste products</pre>	16	precautions;
17	from residences, public buildings, institutions, or other	17	(4)construct;-alter;-or-extend-any- <u>public</u> systemof
18	buildings, including discharge from human beings, together	18	watersupply;waterdistribution;sewer;drainage;
19	with groundwater infiltration and surface water present.	19	wastewater;-orsewagedisposalwithoutfirstsubmitting
20	<del>(1</del> 37 <u>(14)</u> "State waters" means any body of water,	20	necessarymapsy-plansy-and-specifications-to-the-department
21	irrigation system, or drainage system, either surface or	21	for-its-complying-with-the-appropriate-provisions-for-review
22	underground."	22	and-approval-as-required-in-fsection-117
23	Section-3:Section-75-6-112;-MCA;-is-amended-toread:-	23	<pre>{5}operate-or-maintain-any-public-water-supply-system</pre>
24	*75-6-112Prohibited-actsA-person-shall- <u>may-not</u> :	24	which-exceeds-a-maximum-contaminant-level-established-by-the
25	(1)	25	board-unless-he-hasbeengrantedorhasanapplication

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pending--for-a-variance-or-exemption-pursuant-to-this-part."
 <u>NEW SECTION.</u> Section 3. Extension of authority. Any
 existing authority to make rules on the subject of the
 provisions of [this act] is extended to the provisions of
 [this act].

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6 <u>NEW SECTION.</u> Section 4. Codification instruction. 7 [Section 1] is intended to be codified as an integral part 8 of Title 75, chapter 6, part 1, and the provisions of Title 9 75, chapter 6, part 1, apply to [section 1].

-End-