

HOUSE BILL 263

Introduced by Cobb

1/19	Introduced
1/20	Referred to Natural Resources
1/20	First Reading
1/20	Fiscal Note Requested
1/26	Fiscal Note Received
1/26	Fiscal Note Printed
2/01	Hearing
2/10	Committee Report--Bill Passed as Amended
2/13	2nd Reading Do Not Pass

1 House BILL NO. 263  
2 INTRODUCED BY Cobb  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE TERM  
5 "PERMIT" AS IT PERTAINS TO WATER QUALITY LAWS; CLARIFYING  
6 THE PURPOSE OF PERMIT ISSUANCE; AND AMENDING SECTIONS  
7 75-5-103 AND 75-5-401, MCA."  
8

9 STATEMENT OF INTENT

10 A statement of intent is desirable for this bill because  
11 of the definition of "permit" in 75-5-103. The legislature  
12 intends that a pollutant discharge elimination system permit  
13 and a ground water pollution control system permit be  
14 defined as they are in rules currently in effect.  
15

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

17 **Section 1.** Section 75-5-103, MCA, is amended to read:

18 "75-5-103. Definitions. Unless the context requires  
19 otherwise, in this chapter, the following definitions apply:

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

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

25 (3) "Council" means the water pollution control

1 advisory council provided for in 2-15-2107.

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

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

8 (6) "Effluent standard" means any restriction or  
9 prohibition on quantities, rates, and concentrations of  
10 chemical, physical, biological, and other constituents which  
11 are discharged into state waters.

12 (7) "Industrial waste" means any waste substance from  
13 the process of business or industry or from the development  
14 of any natural resource, together with any sewage that may  
15 be present.

16 (8) "Local department of health" means the staff,  
17 including health officers, employed by a county, city,  
18 city-county, or district board of health.

19 (9) "Other wastes" means garbage, municipal refuse,  
20 decayed wood, sawdust, shavings, bark, lime, sand, ashes,  
21 offal, night soil, oil, grease, tar, heat, chemicals, dead  
22 animals, sediment, wrecked or discarded equipment,  
23 radioactive materials, solid waste, and all other substances  
24 that may pollute state waters.

25 (10) "Owner or operator" means any person who owns,

leases, operates, controls, or supervises a point source.

(11) "Permit" means a Montana pollutant discharge elimination system permit or a Montana ground water pollution control system permit as provided in rules adopted by the board.

(12) "Person" means the state, a political subdivision of the state, institution, firm, corporation, partnership, individual, or other entity and includes persons resident in Canada.

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

(14) "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of any state waters which exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or the discharge, seepage, drainage, infiltration, or flow of any liquid, gaseous, solid, radioactive, or other substance into any state water which will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health,

recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife. A discharge, seepage, drainage, infiltration or flow which is authorized under the pollution discharge permit rules of the board is not pollution under this chapter.

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

(16) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

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

(18) "State waters" means any body of water, irrigation system, or drainage system, either surface or underground; however, this subsection does not apply to irrigation waters where the waters are used up within the

1 irrigation system and the waters are not returned to any  
2 other state waters.

3 ~~{18}~~(19) "Treatment works" means works installed for  
4 treating or holding sewage, industrial wastes, or other  
5 wastes."

6 **Section 2.** Section 75-5-401, MCA, is amended to read:

7 "75-5-401. Board rules for permits. (1) The board shall  
8 adopt rules:

9 (a) governing application for permits to discharge  
10 sewage, industrial wastes, or other wastes into state  
11 waters, including rules requiring the filing of plans and  
12 specifications relating to the construction, modification,  
13 or operation of disposal systems;

14 (b) governing the issuance, denial, modification, or  
15 revocation of permits.

16 (2) The rules shall allow the issuance or continuance  
17 of a permit only if the department finds that operation  
18 consistent with the limitations of the permit will not  
19 result in pollution of any state waters, except that the  
20 rules may allow the issuance of a temporary permit under  
21 which pollution may result if the department insures that  
22 such permit contains a compliance schedule designed to meet  
23 all applicable effluent standards and water quality  
24 standards in the shortest reasonable period of time.

25 (3) The rules shall provide that the department may

1 revoke a permit if the department finds that the holder of  
2 the permit has violated its terms, unless the department  
3 also finds that the violation was accidental and  
4 unforeseeable and that the holder of the permit corrected  
5 the condition resulting in the violation as soon as was  
6 reasonably possible.

7 (4) The board may adopt rules governing reclamation of  
8 sites disturbed by construction, modification, or operation  
9 of disposal systems for which a bond is voluntarily filed by  
10 a permittee pursuant to 75-5-405, including rules for the  
11 establishment of criteria and procedures governing release  
12 of the bond or other surety and release of portions of a  
13 bond or other surety.

14 (5) The purpose of a permit issued under this chapter  
15 is to minimize the effects of water degradation on other  
16 uses of the water resource."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0263, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill defines the term "permit" as it pertains to water quality laws and clarifies the purpose of permit issuance.

ASSUMPTIONS:

1. The definition of "permit" proposed in the Water Quality Act is the same as defined in the rules which are currently in effect.

FISCAL IMPACT:

None.

*David Lewis* 1-26-93

DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

JOHN COBB, PRIMARY SPONSOR

DATE

Fiscal Note for HB0263, as introduced

**HB 263**

APPROVED BY COMM. ON  
NATURAL RESOURCES

HOUSE BILL NO. 263

INTRODUCED BY COBB

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~~THE--PURPOSE--OF--PERMIT--ISSUANCE;~~ AND AMENDING SECTIONS  
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A statement of intent is desirable for this bill because  
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and a ground water pollution control system permit be  
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creating a hazard to human health.

(3) "Council" means the water pollution control

advisory council provided for in 2-15-2107.

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11 ~~waters, including rules requiring the filing of plans and~~  
12 ~~specifications relating to the construction, modification,~~  
13 ~~or operation of disposal systems;~~

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15 ~~revocation of permits;~~

16 ~~(2)--The rules shall allow the issuance or continuance~~  
17 ~~of a permit only if the department finds that operation~~  
18 ~~consistent with the limitations of the permit will not~~  
19 ~~result in pollution of any state waters, except that the~~  
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22 ~~such permit contains a compliance schedule designed to meet~~  
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-End-