HOUSE BILL NO. 448

INTRODUCED BY ORR

IN THE HOUSE

	IN THE HOUSE
FEBRUARY 3, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 18, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 19, 1993	PRINTING REPORT.
FEBRUARY 20, 1993	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 100; NOES, 0.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.
•	IN THE SENATE
MARCH 1, 1993	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE
MARCH 1, 1993 MARCH 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
·	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING. COMMITTEE RECOMMEND BILL BE
MARCH 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993 MARCH 31, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
MARCH 27, 1993 MARCH 31, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 46; NOES, 2.

REPORTED CORRECTLY ENROLLED.

SENT TO ENROLLING.

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ı	House BILL NO. 448
2	INTRODUCED BY ORR
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SEWAGE
5	LAGOON TO BE SITED AND CONSTRUCTED NOT LESS THAN 500 FEET
6	FROM A WATER WELL; AND AMENDING SECTIONS 75-5-103 AND
7	75-5-605, MCA."

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

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

11 •75-5-103. Definitions. Unless the context requires
12 otherwise, in this chapter, 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) "Council" means the water pollution control advisory council provided for in 2-15-2107.
- 20 (4) "Department" means the department of health and
 21 environmental sciences provided for in Title 2, chapter 15,
 22 part 21.
- 23 (5) "Disposal system" means a system for disposing of 24 sewage, industrial, or other wastes and includes sewage 25 systems and treatment works.

- 1 (6) "Effluent standard" means any restriction or 2 prohibition on quantities, rates, and concentrations of 3 chemical, physical, biological, and other constituents which 4 are discharged into state waters.
- 5 (7) "Industrial waste" means any waste substance from 6 the process of business or industry or from the development 7 of any natural resource, together with any sewage that may 8 be present.
- 9 (8) "Local department of health" means the staff,
 10 including health officers, employed by a county, city,
 11 city-county, or district board of health.
 - (9) "Other wastes" 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 that may pollute state waters.
- 18 (10) "Owner or operator" means any person who owns, 19 leases, operates, controls, or supervises a point source.
- 20 (11) "Person" means the state, a political subdivision
 21 of the state, institution, firm, corporation, partnership,
 22 individual, or other entity and includes persons resident in
 - (12) "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe,

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ditch, channel, tunnel, conduit, well, discrete fissure,
container, rolling stock, or vessel or other floating craft,
from which pollutants are or may be discharged.

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- (13) "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.
- (14) "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.
- (15) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

- 1 (16) "Standard of performance" means a standard adopted
 2 by the board for the control of the discharge of pollutants
 3 which reflects the greatest degree of effluent reduction
 4 achievable through application of the best available
 5 demonstrated control technology, processes, operating
 6 methods, or other alternatives, including, where
 7 practicable, a standard permitting no discharge of
 8 pollutants.
 - (17) "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 irrigation system and the waters are not returned to any other state waters.
- 14 (18) "Treatment works" means works, including sewage
 15 lagoons, installed for treating or holding sewage,
 16 industrial wastes, or other wastes.
- 17 (19) "Water well" means an excavation that is drilled,
 18 cored, bored, washed, driven, dug, jetted, or otherwise
 19 constructed and intended for the location, diversion,
 20 artificial recharge, or acquisition of ground water."
- Section 2. Section 75-5-605, MCA, is amended to read:
- 22 "75-5-605. Prohibited activity. (1) It is unlawful to:
- 23 (a) cause pollution as defined in 75-5-103 of any state
 24 waters or to place or cause to be placed any wastes in a
 25 location where they are likely to cause pollution of any

1	state	waters:

- (b) violate any provision set forth in a permit or
 stipulation, including but not limited to limitations and
- 4 conditions contained therein in the permit;
- 5 (c) site and construct a sewage lagoon less than 500
- 6 feet from an existing water well;
- 7 tet(d) violate any order issued pursuant to this
- 8 chapter; or
- 9 (d)(e) violate any provision of this chapter.
- 10 (2) It is unlawful to carry on any of the following
- 11 activities without a current permit from the department:
- 12 (a) construct, modify, or operate a disposal system
- 13 which discharges into any state waters;
- 14 (b) construct or use any outlet for the discharge of
- 15 sewage, industrial wastes, or other wastes into any state
- 16 waters; or
- 17 (c) discharge sewage, industrial wastes, or other
- 18 wastes into any state waters."

APPROVED BY COMM. ON NATURAL RESOURCES

HOUSE BILL NO. 448 1 INTRODUCED BY ORR 2

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SEWAGE

LAGOON TO BE SITED AND CONSTRUCTED NOT LESS THAN 500 FEET

FROM A WATER WELL: AND AMENDING SECTIONS 75-5-103 AND

7 75-5-605, MCA."

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

Section 1. Section 75-5-103, MCA, is amended to read: 10

"75-5-103. Definitions. Unless the context requires

otherwise, in this chapter, the following definitions apply:

13 (1) "Board" means the board of health and environmental

14 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) "Council" means the water pollution control 18

advisory council provided for in 2-15-2107. 19

(4) "Department" means the department of health and

environmental sciences provided for in Title 2, chapter 15,

22 part 21.

2.3 (5) "Disposal system" means a system for disposing of

sewage, industrial, or other wastes and includes sewage

systems and treatment works. 25



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- 1 (6) "Effluent standard" means any restriction or 2 prohibition on quantities, rates, and concentrations of 3 chemical, physical, biological, and other constituents which are discharged into state waters.
- (7) "Industrial waste" means any waste substance from the process of business or industry or from the development 6 7 of any natural resource, together with any sewage that may be present.
- 9 (8) "Local department of health" means the staff, 10 including health officers, employed by a county, city, 11 city-county, or district board of health.
- 12 (9) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, 13 14 offal, night soil, oil, grease, tar, heat, chemicals, dead 15 animals, sediment, wrecked or discarded equipment, 16 radioactive materials, solid waste, and all other substances 17 that may pollute state waters.
- 18 (10) "Owner or operator" means any person who owns, 19 leases, operates, controls, or supervises a point source.
- 20 (11) "Person" means the state, a political subdivision 21 of the state, institution, firm, corporation, partnership, 22 individual, or other entity and includes persons resident in 23 Canada.
 - (12) "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe,

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ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

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- (13) "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, 8 9 or odor; or the discharge, seepage, drainage, infiltration, or flow of any liquid, gaseous, solid, radioactive, or other 10 substance into any state water which will or is likely to 11 create a nuisance or render the waters harmful, detrimental, 12 or injurious to public health, recreation, safety, welfare, 13 14 livestock, wild animals, birds, fish, or other wildlife. A discharge, seepage, drainage, infiltration or flow which is 15 authorized under the pollution discharge permit rules of the 16 17 board is not pollution under this chapter.
 - (14) "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.
- 23 (15) "Sewage system" means a device for collecting or 24 conducting sewage, industrial wastes, or other wastes to an 25 ultimate disposal point.

- (16) "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.
- 9 (17) "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 (18) "Treatment works" means works, including sewage

 15 <u>lagoons</u>, installed for treating or holding sewage,

 16 industrial wastes, or other wastes.
- 17 (19) "Water well" means an excavation that is drilled,
 18 cored, bored, washed, driven, dug, jetted, or otherwise
 19 constructed and intended for the location, diversion,
 20 artificial recharge, or acquisition of ground water."
- Section 2. Section 75-5-605, MCA, is amended to read:
- 22 "75-5-605. Prohibited activity. (1) It is unlawful to:
- 23 (a) cause pollution as defined in 75-5-103 of any state
 24 waters or to place or cause to be placed any wastes in a
 25 location where they are likely to cause pollution of any

1	state	waters;
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- 2 (b) violate any provision set forth in a permit or 3 stipulation, including but not limited to limitations and 4 conditions contained therein in the permit;
- 5 (c) site and construct a sewage lagoon less than 500
 6 feet from an existing water well;
- 7 tet(d) violate any order issued pursuant to this
- 8 chapter; or
- 9 (d)(e) violate any provision of this chapter.
- (2) It is unlawful to carry on any of the following activities without a current permit from the department:
- 12 (a) construct, modify, or operate a disposal system
- 13 which discharges into any state waters;
- 14 (b) construct or use any outlet for the discharge of
- 15 sewage, industrial wastes, or other wastes into any state
- 16 waters; or
- 17 (c) discharge sewage, industrial wastes, or other
- 18 wastes into any state waters."

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	House BILL NO. 448
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2	INTRODUCED BY ORR
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SEWAGE
5	LAGOON TO BE SITED AND CONSTRUCTED NOT LESS THAN 500 FEET
6	FROM A WATER WELL; AND AMENDING SECTIONS 75-5-103 AND
. 7	75-5-605, MCA."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 75-5-103, MCA, is amended to read:
11	*75-5-103. Definitions. Unless the context requires
12	otherwise, in this chapter, the following definitions apply:
13	(1) "Board" means the board of health and environmental
14	sciences provided for in 2-15-2104.
15	(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) "Council" means the water pollution control

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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.
(4) "Department" means the department of health and
environmental sciences provided for in Title 2, chapter 15,
part 21.
(5) "Disposal system" means a system for disposing of
sewage, industrial, or other wastes and includes sewage
systems and treatment works.

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prohibit	ion	on	quantities,	rates,	and	concentrations	of
chemical	, ph	y s ica	ıl, biologica	1, and c	ther	constituents wh	nich
are disc	haro	ed it	to state wat	ers.			

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- 9 (8) "Local department of health" means the staff, 10 including health officers, employed by a county, city, 11 city-county, or district board of health.
- 12 (9) "Other wastes" means garbage, municipal refuse,
 13 decayed wood, sawdust, shavings, bark, lime, sand, ashes,
 14 offal, night soil, oil, grease, tar, heat, chemicals, dead
 15 animals, sediment, wrecked or discarded equipment,
 16 radioactive materials, solid waste, and all other substances
 17 that may pollute state waters.
- 18 (10) "Owner or operator" means any person who owns, 19 leases, operates, controls, or supervises a point source.
- 20 (11) "Person" means the state, a political subdivision
 21 of the state, institution, firm, corporation, partnership,
 22 individual, or other entity and includes persons resident in
 23 Canada.
- (12) "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.

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- (13) "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.
- (14) "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.
- (15) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

- (16) "Standard of performance" means a standard adopted 1 2 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. other alternatives, including, where practicable, a standard permitting no discharge of pollutants.
- (17) "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 (18) "Treatment works" means works, including sewage lagoons, installed for treating or holding sewage, 15 industrial wastes, or other wastes. 16
- 17 (19) "Water well" means an excavation that is drilled, cored, bored, washed, driven, duq, jetted, or otherwise 18 19 constructed and intended for the location, diversion, 20 artificial recharge, or acquisition of ground water."
- Section 2. Section 75-5-605, MCA, is amended to read: 21

- 22 *75-5-605. Prohibited activity. (1) It is unlawful to:
- (a) cause pollution as defined in 75-5-103 of any state 24 waters or to place or cause to be placed any wastes in a 25 location where they are likely to cause pollution of any

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- 2 (b) violate any provision set forth in a permit or 3 stipulation, including but not limited to limitations and 4 conditions contained therein in the permit;
- (c) site and construct a sewage lagoon less than 500
 feet from an existing water well;
- 9 (d)(e) violate any provision of this chapter.
- 10 (2) It is unlawful to carry on any of the following
 11 activities without a current permit from the department:
- (a) construct, modify, or operate a disposal systemwhich discharges into any state waters;
- (b) construct or use any outlet for the discharge of sewage, industrial wastes, or other wastes into any state
- 16 waters; or
- 17 (c) discharge sewage, industrial wastes, or other 18 wastes into any state waters."

L	HOUSE BILL	NO. 448
2	INTRODUCED	BY ORR
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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SEWAGE LAGOON TO BE SITED AND CONSTRUCTED NOT LESS THAN 500 FEET FROM A WATER WELL; AND AMENDING SECTIONS 75-5-103 AND 75-5-605. MCA."

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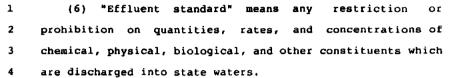
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- 5 (7) "Industrial waste" means any waste substance from 6 the process of business or industry or from the development 7 of any natural resource, together with any sewage that may 8 be present.
- 9 (8) "Local department of health" means the staff, 10 including health officers, employed by a county, city, 11 city-county, or district board of health.
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 13 decayed wood, sawdust, shavings, bark, lime, sand, ashes,
 14 offal, night soil, oil, grease, tar, heat, chemicals, dead
 15 animals, sediment, wrecked or discarded equipment,
 16 radioactive materials, solid waste, and all other substances
 17 that may pollute state waters.
- 18 (10) "Owner or operator" means any person who owns, 19 leases, operates, controls, or supervises a point source.
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HB 0448/02 HB 0448/02

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- (17) "State waters" means any body of water, irrigation system, or drainage system, either surface or underground; 10 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 (18) "Treatment works" means works, including sewage 15 lagoons, installed for treating or holding sewage, 16 industrial wastes, or other wastes.
- 17 (19) "Water well" means an excavation that is drilled, 18 cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, 19 artificial recharge, or acquisition of ground water." 20
- 21 Section 2. Section 75-5-605, MCA, is amended to read: 22 "75-5-605. Prohibited activity. (1) It is unlawful to:
- 23 (a) cause pollution as defined in 75-5-103 of any state 24 waters or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any

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HB 448 -4-**HB 448**

1 state waters	:
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- (b) violate any provision set forth in a permit or stipulation, including but not limited to limitations and conditions contained therein in the permit;
- (c) site and construct a sewage lagoon less than 500
 feet from an existing water well;
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- 10 (2) It is unlawful to carry on any of the following
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- (a) construct, modify, or operate a disposal system
 which discharges into any state waters;
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