

HOUSE BILL NO. 448

INTRODUCED BY ORR

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	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 27, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 31, 1993	SECOND READING, CONCURRED IN.
APRIL 1, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 2.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 2, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 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."

8
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
19 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.

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.

24 (12) "Point source" means any discernible, confined, and
25 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.

(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 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.

(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.

(18) "Treatment works" means works, including sewage lagoons, installed for treating or holding sewage, industrial wastes, or other wastes.

(19) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of ground water."

Section 2. Section 75-5-605, MCA, is amended to read:

"75-5-605. Prohibited activity. (1) It is unlawful to:

(a) cause pollution as defined in 75-5-103 of any state waters or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any

1 state waters;

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 ~~(c)~~(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."

-End-

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NATURAL RESOURCES

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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
19 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.
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.
24 (12) "Point source" means any discernible, confined, and
25 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.

(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 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.

(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.

(18) "Treatment works" means works, including sewage lagoons, installed for treating or holding sewage, industrial wastes, or other wastes.

(19) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of ground water."

Section 2. Section 75-5-605, MCA, is amended to read:

"75-5-605. Prohibited activity. (1) It is unlawful to:

(a) cause pollution as defined in 75-5-103 of any state waters or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any

1 state waters;

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 ~~(c)~~(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;

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15 sewage, industrial wastes, or other wastes into any state
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20 (4) "Department" means the department of health and
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23 (5) "Disposal system" means a system for disposing of
24 sewage, industrial, or other wastes and includes sewage
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1 (6) "Effluent standard" means any restriction or
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10 including health officers, employed by a county, city,
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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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