

HOUSE BILL NO. 571

INTRODUCED BY D. BROWN, PAVLOVICH, QUILICI, LYNCH,  
HARRINGTON, DAILY, MCCLERNAN, JACOBSON

IN THE HOUSE

FEBRUARY 10, 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, 95; NOES, 4.
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. 571*  
 2 INTRODUCED BY *James B. Carls*  
 3 *Hamilton*  
 4 A BILL FOR AN ACT ENTITLED "AN ACT CLARIFYING THE TERM  
 5 "POLLUTION"; AUTHORIZING SHORT-TERM EXEMPTIONS FROM THE  
 6 WATER QUALITY STANDARDS; AND AMENDING SECTION 75-5-103,  
 7 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. Activities conducted under the conditions imposed by the department in short-term authorizations pursuant to [section 2] are not considered 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 installed for treating or holding sewage, industrial wastes, or other wastes."

**NEW SECTION. Section 2. Short-term water**  
authorizations -- water quality standards. The department may authorize short-term exemptions from the water quality standards or short-term use that exceeds the water quality standards for the purposes of allowing construction, emergency environmental remediation, pesticide application,

1 elimination of undesirable and nonnative aquatic species,  
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 15 in review of activities eligible for authorizations under  
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17 NEW SECTION. Section 3. Codification instruction.  
 18 [Section 2] is intended to be codified as an integral part  
 19 of Title 75, chapter 5, part 3, and the provisions of Title  
 20 75, chapter 5, part 3, apply to [section 2].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0571, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

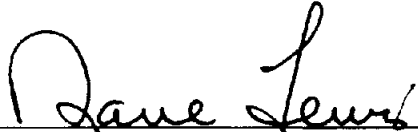
An act clarifying the term "pollution" and authorizing short-term exemptions from the Water Quality Standards.


ASSUMPTIONS:

1. There will be no fiscal impact on the Department of Health and Environmental Sciences if this bill passes.

FISCAL IMPACT:

None

 2-16-93  
DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 2/17/93  
DAVE BROWN, PRIMARY SPONSOR      DATE

Fiscal Note for HB0571, as introduced

**HB 571**

APPROVED BY COMM. ON  
NATURAL RESOURCES

INTRODUCED BY

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"POLLUTION"; AUTHORIZING SHORT-TERM EXEMPTIONS FROM THE  
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**NEW SECTION. Section 2.** Short-term water authorizations -- water quality standards. The department may authorize short-term exemptions from the water quality standards or short-term use that exceeds the water quality standards for the purposes of allowing construction, emergency environmental remediation, pesticide application,

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 18 [Section 2] is intended to be codified as an integral part  
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