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

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RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 1348/01

1 INTRODUCED BY 2 3 - needlin A BILL FOR AN ACT ENTITLED AN ACT CLARIPYING THE TERM S "POLLUTION": AUTHORIZING SHORT-TERM EXEMPTIONS FROM THE WATER QUALITY STANDARDS; AND AMENDING SECTION 75-5-103, 6 MCA." 7 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.

(6) "Effluent standard" means any restriction or
 prohibition on quantities, rates, and concentrations of
 chemical, physical, biological, and other constituents which
 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.

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

4 (13) "Pollution" means contamination or other alteration 5 of the physical, chemical, or biological properties of any 6 state waters which exceeds that permitted by Montana water 7 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, 10 or flow of any liquid, gaseous, solid, radioactive, or other 11 substance into any state water which will or is likely to 12 create a nuisance or render the waters harmful, detrimental, 13 or injurious to public health, recreation, safety, welfare, 14 livestock, wild animals, birds, fish, or other wildlife, A 15 discharge, seepage, drainage, infiltration or flow which is authorized under the pollution discharge permit rules of the 16 board is not pollution under this chapter. Activities 17 18 conducted under the conditions imposed by the department in 19 short-term authorizations pursuant to [section 2] are not 20 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.

4 (16) "Standard of performance" means a standard adopted by the board for the control of the discharge of pollutants 5 which reflects the greatest degree of effluent reduction 6 7 achievable through application of the best available R demonstrated control technology, processes, operating alternatives, including, 9 methods, or other where practicable, a standard permitting no discharge of 10 11 pollutants.

12 (17) "State waters" means any body of water, irrigation
13 system, or drainage system, either surface or underground;
14 however, this subsection does not apply to irrigation waters
15 where the waters are used up within the irrigation system
16 and the waters are not returned to any other state waters.

17 (18) "Treatment works" means works installed for 18 treating or holding sewage, industrial wastes, or other 19 wastes."

20NEW SECTION.Section 2.Short-termwater21authorizations -- water quality standards. The department22may authorize short-term exemptions from the water quality23standards or short-term use that exceeds the water quality24standards for the purposes of allowing construction,25emergency environmental remediation, pesticide application,

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-4-

1 elimination of undesirable and nonnative aquatic species, 2 and treatment of water for the protection of public health. 3 The authorization must include conditions that minimize to 4 the extent possible the magnitude of any standard violation 5 and the length of time during which any standard violation may occur. The authorization conditions must maximize the 6 protection of state waters by ensuring the maintenance of 7 8 beneficial uses immediately after the term of the 9 authorization. Authorizations issued under this section may 10 include conditions that require water quality or quantity 11 monitoring and reporting. In the performance of its responsibilities under this section, the department may 12 13 negotiate operating agreements with other departments of 14 state government that are intended to minimize duplication in review of activities eligible for authorizations under 15 16 this section.

17 <u>NEW SECTION.</u> 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

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

DAVE BROWN, PRIMARY SPONSOR

Fiscal Note for <u>HB0571</u>, as introduced **HB \$7**!

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APPROVED BY COMM. ON NATURAL RESOURCES

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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 are discharged into state waters.

5 (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 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, radioactive materials, solid waste, and all other substances 16 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,

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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.

4 (13) "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of any 5 state waters which exceeds that permitted by Montana water 6 quality standards, including but not limited to standards 7 relating to change in temperature, taste, color, turbidity, 8 9 or odor; or the discharge, seepage, drainage, infiltration, 10 or flow of any liquid, gaseous, solid, radioactive, or other substance into any state water which will or is likely to 11 12 create a nuisance or render the waters harmful, detrimental, 13 or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife. A 14 15 discharge, seepage, drainage, infiltration or flow which is authorized under the pollution discharge permit rules of the 16 board is not pollution under this chapter. Activities 17 conducted under the conditions imposed by the department in 18 19 short-term authorizations pursuant to (section 2) are not considered pollution under this chapter. 20

(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.

1 (15) "Sewage system" means a device for collecting or 2 conducting sewage, industrial wastes, or other wastes to an 3 ultimate disposal point.

(16) "Standard of performance" means a standard adopted 4 by the board for the control of the discharge of pollutants 5 which reflects the greatest degree of effluent reduction £ achievable through application of the best available 7 demonstrated control technology, processes, operating 8 9 methods, or other alternatives, including, where practicable, a standard permitting no discharge of 10 11 pollutants.

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(Section 2) is intended to be codified as an integral part
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THIRD READING

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HOUSE BILL NO. 571	
INTRODUCED BY D. BROWN, PAVLOVICH, QUILICI, LYNCH,	
HARRINGTON, DAILY, MCCLERNAN, JACOBSON	
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Montana Legislative Counci

REFERENCE BILL

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discrete conveyance, including but not limited to any pipe,
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