

SENATE BILL NO. 247

INTRODUCED BY

*Coile*

*Mills*

*Burnett*

*HARP*

*Beck*

*Haynes*  
*and*  
*Bohn*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES' RULES REGARDING EFFLUENT RESTRICTIONS FOR DISCHARGES TO SURFACE WATERS; AND DIRECTING THE AMENDMENT OF RULE 16.20.631, ADMINISTRATIVE RULES OF MONTANA."

WHEREAS, the Montana water quality statutes authorize the Board of Health and Environmental Sciences to adopt rules setting effluent restrictions for discharges to surface waters and setting minimum treatment requirements; and

WHEREAS, the Board, in exercising this authority, adopted overlapping rules, creating apparent superfluity and confusion.

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

Section 1. The Board of Health and Environmental Sciences shall amend Rule 16.20.631, Administrative Rules of Montana, to read:

"16.20.631 TREATMENT STANDARDS (1) The degree of waste treatment required to restore and maintain the quality of surface waters to the standards shall be based on the surface water quality standards and the following:

- (a) The state's policy of nondegradation of existing high water quality as described in 75-5-303, MCA;
  - (b) Present and anticipated beneficial uses of the receiving water;
  - (c) The quality and nature of the flow of the receiving water;
  - (d) The quantity and quality of the sewage, industrial waste or other waste to be treated; and
  - (e) The presence or absence of other sources of pollution on the same watershed.
  - (f) During periods when the maximum daily water temperature is less than 60°F, the instream fecal coliform concentrations shall be limited by the department only when necessary to protect human health.
- (2) Sewage must receive a minimum of secondary treatment as defined by EPA in accordance

1 with requirements set forth in the Federal Water Pollution Control Act, 33 U.S.C., et seq., (Supp. 1973)  
2 as amended, and 40 CFR Part 133 and subsequent amendments. Copies of 40 CFR Part 133 and  
3 subsequent amendments may be obtained from the department.

4 (3) Industrial waste must receive, ~~as a minimum, treatment equivalent to the best practicable~~  
5 ~~control technology currently available (BPCTCA) as defined in 40 CFR Subchapter N and subsequent~~  
6 ~~amendments. Copies of 40 CFR Subchapter N and subsequent amendments may be obtained from the~~  
7 ~~department. In cases where BPCTCA is not defined by EPA, industrial waste must receive a minimum of~~  
8 ~~secondary treatment or equivalent as determined by the department~~ the treatment required to attain the  
9 permit limitations established pursuant to ARM 16.20.1320.

10 (4) For design of disposal systems, stream flow dilution requirements must be based on the  
11 minimum consecutive 7-day average flow which may be expected to occur on the average of once in 10  
12 years. When dilution flows are less than the above design flow at a point discharge, the discharge is to  
13 be governed by the permit conditions developed for the discharge through the waste discharge permit  
14 program. If the flow records on an affected surface water are insufficient to calculate a 10-year 7-day low  
15 flow, the department shall determine an acceptable stream flow for disposal system design. The department  
16 shall determine the acceptable stream flow for disposal system design for controlling nitrogen and  
17 phosphorus concentrations.

18 (5) Where the department has determined that the disposal of sewage may adversely affect the  
19 quality of a lake or other state waters, the department may require additional information and data  
20 concerning such possible effects. Upon review of such information the department may impose specific  
21 requirements for sewage treatment and disposal as are necessary and appropriate to assure compliance  
22 with the Water Quality Act, Title 75, Chapter 5, MCA."

23 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0247, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act clarifying the Board of Health and Environmental Sciences' rules regarding effluent restrictions for discharges to surface waters and directing the board to amend 16.20.631 Administrative Rules of Montana (ARM), as provided.

ASSUMPTIONS:

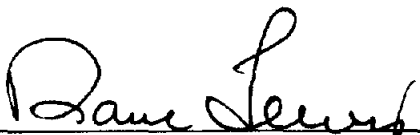
1. The Executive Budget present law base serves as the starting point from which to calculate any fiscal impact due to this proposed legislation.
2. The industrial wastewater permit review process utilized by the Department of Health and Environmental Sciences (DHES) would remain the remain the same. Only the standards used in the review would change as a result of this legislation.

FISCAL IMPACT:

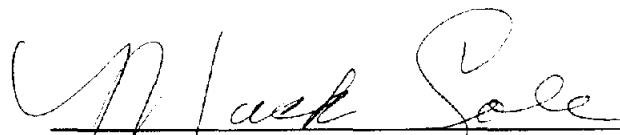
None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Some facilities would be able to meet permit limitations through dilution in the receiving stream.

 1-30-95

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



MAC K COLE, PRIMARY SPONSOR      DATE

Fiscal Note for SB0247, as introduced

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