

SENATE BILL NO. 289

INTRODUCED BY

Senate Bill Ferguson

GRINDE

Weldon Foster Kudos

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE IN ISSUING COMPLIANCE ORDERS THAT REQUIRE THE CLEANUP OF AGRICULTURAL CHEMICAL SPILLS TO EXCEPT SPILLS AT COMMERCIAL WOOD TREATMENT FACILITIES AND SPILLS THAT THREATEN A PUBLIC WATER SUPPLY SYSTEM; AND AMENDING SECTION 80-15-403, MCA."

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

Section 1. Section 80-15-403, MCA, is amended to read:

"80-15-403. Compliance orders. (1) In furtherance of 80-15-402, the department may issue a compliance order to any person violating a standard, an interim numerical standard, or any other requirement established pursuant to this chapter. The department shall coordinate its proposed actions pursuant to this section with proposed actions of the department of health and environmental sciences pursuant to 75-5-613, if any. Issuance of a compliance order under this chapter precludes the department from taking other enforcement actions for the same violation under Title 80, chapter 8 or 10.

(2) The department may issue a compliance order to any person, including the person's employees, agents, and subcontractors, whether or not the person is subject to a specific management plan, to require the cleanup of any agricultural chemical that the person has accidentally or purposely dumped, spilled, or misused or unlawfully used that has a significant probability of entering ground water. This subsection does not apply:

(a) to commercial wood treatment facilities; or

(b) when agricultural chemicals have caused or are likely to cause contamination of a public water supply system, as defined in 75-6-102.

(3) When issuing a compliance order, the department may require a person who has violated a provision of 80-15-402 to conduct monitoring to assist in determining the presence or level of concentration of an agricultural chemical in ground water and the effectiveness of cleanup efforts. The department shall specify criteria in the compliance order for determining the duration of monitoring.

(4) A compliance order must specify the requirement violated and must set a time for compliance.

1 In establishing a time for compliance, the department shall take into account the seriousness of the violation
2 and any good faith efforts that the person has made to comply with the requirement that has been violated.
3 A compliance order issued under this section must be served either personally by a person qualified to
4 perform service under the Montana Rules of Civil Procedure or by certified mail."

5 -END-

APPROVED BY COM ON AGRICULTURE,
LIVESTOCK & IRRIGATION

SENATE BILL NO. 289

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2 INTRODUCED BY Senators Buck Ferguson GRUND

3 Weldon John Kudos

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Grande Beck Ferguson GRANDE

3 *Weldon* *John Kelson*

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2 INTRODUCED BY BROOKE, BECK, JERGESON, GRINDE, WELDON, FOSTER, KADAS

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