

SENATE BILL NO. 362

INTRODUCED BY

Treit

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN ACTIVITIES FROM GROUND WATER DISCHARGE PERMIT REQUIREMENTS; AND AMENDING SECTION 75-5-401, MCA."

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

Section 1. Section 75-5-401, MCA, is amended to read:

"75-5-401. Board rules for permits -- ground water exclusions. (1) ~~The~~ Except as provided in subsection (5), the board shall adopt rules:

(a) governing application for permits to discharge sewage, industrial wastes, or other wastes into state surface waters and ground waters, including rules requiring the filing of plans and specifications relating to the construction, modification, or operation of disposal systems;

(b) governing the issuance, denial, modification, or revocation of permits.

(2) The rules ~~shall~~ must allow the issuance or continuance of a permit only if the department finds that operation consistent with the limitations of the permit will not result in pollution of any state waters, except that the rules may allow the issuance of a temporary permit under which pollution may result if the department ~~insures~~ ensures that ~~such~~ the permit contains a compliance schedule designed to meet all applicable effluent standards and water quality standards in the shortest reasonable period of time.

(3) The rules ~~shall~~ must provide that the department may revoke a permit if the department finds that the holder of the permit has violated its terms, unless the department also finds that the violation was accidental and unforeseeable and that the holder of the permit corrected the condition resulting in the violation as soon as was reasonably possible.

(4) The board may adopt rules governing reclamation of sites disturbed by construction, modification, or operation of disposal systems for which a bond is voluntarily filed by a permittee pursuant to 75-5-405, including rules for the establishment of criteria and procedures governing release of the bond or other surety and release of portions of a bond or other surety.

(5) Discharges of sewage, industrial wastes, or other wastes into state ground waters from the following activities or operations are not subject to the permit requirements authorized under subsection

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0362, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:


An act exempting certain activities from ground water discharge permits.


ASSUMPTIONS:

1. SB0362, as introduced, would codify the permit exclusions. If SB0362 passes in its introduced form, the number of facilities requiring ground water discharge permits would not increase.

FISCAL IMPACT:

Passage of SB0362 will have no fiscal impact on state government.

 2-15-95
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-15-95
LARRY TVEIT, SPONSOR DATE

Fiscal Note for SB0362, as introduced

SB 362

APPROVED BY COM ON
NATURAL RESOURCES

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2 INTRODUCED BY TVEIT

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5 DISCHARGE PERMIT REQUIREMENTS; AND AMENDING ~~SECTION~~ SECTIONS 75-5-401 AND 75-5-605,
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25 violation as soon as was reasonably possible.

26 (4) The board may adopt rules governing reclamation of sites disturbed by construction,
27 modification, or operation of disposal systems for which a bond is voluntarily filed by a permittee pursuant
28 to 75-5-405, including rules for the establishment of criteria and procedures governing release of the bond
29 or other surety and release of portions of a bond or other surety.

30 (5) Discharges of sewage, industrial wastes, or other wastes into state ground waters from the

1 following activities or operations are not subject to the permit requirements authorized under subsection

2 (1):

3 (a) discharges or activities AT WELLS INJECTING FLUIDS ASSOCIATED WITH OIL AND GAS
4 EXPLORATION AND PRODUCTION regulated under the federal underground injection control program;

5 (b) disposal by solid waste management systems licensed pursuant to 75-10-221;

6 (c) individuals DISPOSING of their own normal household wastes on their own property;

7 (d) hazardous waste management facilities permitted pursuant to 75-10-406;

8 (e) water injection wells, reserve pits, and produced water pits used in oil and gas field operations
9 and approved pursuant to Title 82, chapter 11;

10 (f) agricultural irrigation facilities;

11 (g) storm water disposal or storm water detention facilities;

12 (h) subsurface disposal systems for sanitary wastes serving individual residences;

13 ~~(i) subsurface disposal systems reviewed and approved by the department pursuant to Title 50,~~
14 ~~chapters 50 through 52, and systems reviewed and approved by the local or department authorities under~~
15 ~~Title 76, chapters 3 and 4;~~

16 ~~(j) existing treatment works reviewed and approved by the department prior to October 29, 1982;~~

17 ~~(k) public water supply, distribution, or treatment facilities approved by the department pursuant~~
18 ~~to Title 75, chapter 6;~~

19 ~~(l) in situ mining of uranium facilities controlled under Title 82, chapter 4, part 2;~~

20 ~~(m)(J) mining operations subject to operating permits or exploration licenses in compliance with~~
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22 ~~laws, Title 82, chapter 4, part 3; or~~

23 ~~(n)(K) projects reviewed under the provisions of the Montana Major Facility Siting Act, Title 75,~~
24 ~~chapter 20.~~

25 (6) NOTWITHSTANDING THE PROVISIONS OF 75-5-301(4), MIXING ZONES FOR ACTIVITIES
26 EXCLUDED FROM PERMIT REQUIREMENTS UNDER SUBSECTION (5) OF THIS SECTION MUST BE
27 ESTABLISHED BY THE PERMITTING AGENCY FOR THOSE ACTIVITIES IN ACCORDANCE WITH
28 75-5-301(4)(A) THROUGH (4)(C).

29 ~~(6)(7) Notwithstanding the exclusions set forth in subsection (5), any excluded source that the~~
30 ~~department determines may be causing or is likely to cause violations of ground water quality standards~~

1 may be required to submit monitoring information pursuant to 75-5-602.

2 ~~(7)(8)~~ The board may adopt rules identifying other activities or operations from which a discharge
3 of sewage, industrial wastes, or other wastes into state ground waters is not subject to the permit
4 requirements authorized under subsection (1)."

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6 **SECTION 2. SECTION 75-5-605, MCA, IS AMENDED TO READ:**

7 "75-5-605. **Prohibited activity.** (1) It is unlawful to:

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

10 (b) violate any provision set forth in a permit or stipulation, including but not limited to limitations
11 and conditions contained in the permit;

12 (c) site and construct a sewage lagoon less than 500 feet from an existing water well;

13 (d) cause degradation of state waters without authorization pursuant to 75-5-303;

14 (e) violate any order issued pursuant to this chapter; or

15 (f) violate any provision of this chapter.

16 (2) ~~Except for the discharges identified in 75-5-401(5),~~ it is unlawful to carry on any of the
17 following activities without a current permit from the department:

18 (a) construct, modify, or operate a disposal system which discharges into any state waters;

19 (b) construct or use any outlet for the discharge of sewage, industrial wastes, or other wastes into
20 any state waters; or

21 (c) discharge sewage, industrial wastes, or other wastes into any state waters."

22 -END-

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(3) The rules ~~shall~~ must provide that the department may revoke a permit if the department finds that the holder of the permit has violated its terms, unless the department also finds that the violation was accidental and unforeseeable and that the holder of the permit corrected the condition resulting in the violation as soon as was reasonably possible.

(4) The board may adopt rules governing reclamation of sites disturbed by construction, modification, or operation of disposal systems for which a bond is voluntarily filed by a permittee pursuant to 75-5-405, including rules for the establishment of criteria and procedures governing release of the bond or other surety and release of portions of a bond or other surety.

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7 (d) hazardous waste management facilities permitted pursuant to 75-10-406;

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 15 ~~Title 76, chapters 3 and 4;~~

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1. may be required to submit monitoring information pursuant to 75-5-602.

2. ~~(7)(8)~~ The board may adopt rules identifying other activities or operations from which a discharge
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17 following activities without a current permit from the department:

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19 (b) construct or use any outlet for the discharge of sewage, industrial wastes, or other wastes into
20 any state waters; or

21 (c) discharge sewage, industrial wastes, or other wastes into any state waters."

22

-END-



HOUSE STANDING COMMITTEE REPORT

March 14, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 362 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Dick Knox
Dick Knox, Chair

Carried by: Rep. Sliter

And, that such amendments read:

1. Page 2, lines 1 and 2.

Strike: "authorized" on line 1 through "(1)" on line 2

Insert: "described in Title 16, chapter 20, subchapter 10,
Administrative Rules of Montana"

2. Page 3, line 16.

Strike: "discharges"

Insert: "permit exclusions"

-END-

SB 362

Committee Vote:
Yes 12, No 6.

HOUSE

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19 (b) construct or use any outlet for the discharge of sewage, industrial wastes, or other wastes into
 20 any state waters; or

21 (c) discharge sewage, industrial wastes, or other wastes into any state waters."

22 -END-

Free Conference Committee
on SB 362
Report No.1, April 11, 1995

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Free Conference Committee on SB 362, met and considered:

SB 362 in its entirety

We recommend that SB 362 (reference copy - salmon) be amended as follows:

1. Page 2, line 1.

Following: "the"

Insert: "ground water"

2. Page 2, line 2.

Strike: "DESCRIBED" through "MONTANA"

Insert: "adopted under subsections (1) through (4)"

3. Page 3, line 3.

Following: "the"

Insert: "ground water"

4. Page 3, line 4.

Strike: "authorized"

Insert: "adopted"

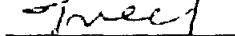
Strike: "subsection (1)"

Insert: "subsections (1) through (4)"

And that this Free Conference Committee report be adopted.

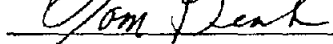
For the Senate:

Tveit



Chair

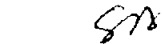
Beck



Nelson



Amd. Coord.



Sec. of Senate

For the House:

Tash

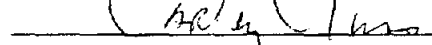


Chair

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Tuss



ADOPT

REJECT

SB 362
FCCR#1

831003CC.SRF

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23 -END-