

SENATE BILL NO. 147

INTRODUCED BY B. KEENAN

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE PUBLIC WATER SUPPLIES,
6 DISTRIBUTION, AND TREATMENT LAWS; CLARIFYING THE DEFINITIONS OF "PERSON", "PUBLIC
7 SEWAGE SYSTEM", AND "PUBLIC WATER SUPPLY SYSTEM"; PROHIBITING THE CONTINUED
8 CONSTRUCTION OR OPERATION OF PUBLIC WATER SUPPLY SYSTEMS OR PUBLIC SEWAGE SYSTEMS
9 PRIOR TO DEPARTMENT APPROVAL; LIMITING OWNERSHIP OF PUBLIC WATER SUPPLY SYSTEMS AND
10 PUBLIC SEWAGE SYSTEMS TO INDIVIDUALS, GOVERNMENTAL ENTITIES, AND CERTAIN TYPES OF
11 BUSINESS ENTITIES; REQUIRING AN OWNER OF A PUBLIC WATER SUPPLY SYSTEM OR A PUBLIC
12 SEWAGE SYSTEM TO SUBMIT INFORMATION TO THE DEPARTMENT ON OWNERSHIP STATUS;
13 AMENDING SECTIONS 75-6-102 AND 75-6-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
14 DATE."

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

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18 **Section 1.** Section 75-6-102, MCA, is amended to read:

19 **"75-6-102. Definitions.** As used in this part, unless the context clearly indicates otherwise, the
20 following definitions apply:

21 (1) "Board" means the board of environmental review provided for in 2-15-3502.

22 (2) "Certified wellhead protection area" means an area certified by the department that protects
23 the surface and subsurface area surrounding a source of ground water for a public water supply system
24 through which contaminants may move toward and reach the source of supply.

25 (3) "Community water system" means a public water supply system that serves at least 15
26 service connections used by year-round residents or that regularly serves at least 25 year-round residents.

27 (4) "Contamination" means impairment of the quality of state waters by sewage, industrial
28 wastes, or other wastes creating a hazard to human health.

29 (5) "Cross-connection" means a connection between a public water supply system and another
30 water supply system, either public or private, or a wastewater or sewerline or other potential source of

1 contamination so that a flow of water into or contamination of the public water supply system from the
2 other source of water or contamination is possible.

3 (6) "Department" means the department of environmental quality provided for in 2-15-3501.

4 (7) "Drainage" means rainfall, surface, and subsoil water.

5 (8) "Industrial waste" means any waste substance from the processes of business or industry or
6 from the development of a natural resource, together with any sewage that may be present.

7 (9) "Industrial waste discharge system" means a system that discharges industrial waste into state
8 waters.

9 (10) "Maximum contaminant level" means the maximum permissible level of a contaminant in
10 water that is delivered to a user of a public water supply system.

11 (11) "Montana wellhead protection program" means a program administered by the department
12 to certify wellhead protection areas and review wellhead protection ordinances.

13 (12) "Other waste" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark,
14 lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or
15 discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state
16 waters.

17 (13) "Person" means an individual, ~~corporation, association, partnership, municipality, other~~
18 ~~political subdivision of the state, or federal agency~~ firm, partnership, company, association, corporation,
19 city, town, local government entity, federal agency, or any other governmental or private entity, whether
20 organized for profit or not.

21 (14) "Pollution" means contamination or other alteration of the physical, chemical, or biological
22 properties of state waters that exceeds that which is permitted by Montana water quality standards,
23 including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor or
24 the discharge or introduction of a liquid, gaseous, solid, radioactive, or other substance into state water
25 that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public
26 health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife. A
27 discharge that is authorized under the pollution discharge permit rules of the board is not pollution under
28 this chapter.

29 (15) "Public sewage system" means a system of collection, transportation, treatment, or disposal
30 of sewage that serves 15 or more families or 25 or more persons daily for ~~a period of at least 60~~ any 60

1 or more days in a calendar year.

2 (16) "Public water supply system" means a system for the provision of water for human
3 consumption from a community well, water hauler for cisterns, water bottling plant, water dispenser, or
4 other water supply that has at least 15 service connections or that regularly serves at least 25 persons
5 daily for ~~a period of at least 60~~ any 60 or more days in a calendar year.

6 (17) "Safe Drinking Water Act" means 42 U.S.C. 300f and regulations set forth in 40 CFR, parts
7 141 and 142.

8 (18) "Sewage" means water-carried waste products from residences, public buildings, institutions,
9 or other buildings, including discharge from human beings, together with ground water infiltration and
10 surface water present.

11 (19) "State waters" means a body of water, irrigation system, or drainage system, either surface
12 or underground.

13 (20) "Transient noncommunity water system" means a public water supply system that is not a
14 community water system and that does not regularly serve at least 25 of the same persons for at least
15 6 months a year."

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17 **Section 2.** Section 75-6-112, MCA, is amended to read:

18 **"75-6-112. Prohibited acts.** A person may not:

19 (1) discharge sewage, drainage, industrial waste, or other wastes that will cause pollution of state
20 waters used by a person for domestic use or as a source for a public water supply system or water or ice
21 company;

22 (2) discharge sewage, drainage, industrial waste, or other waste into state waters or on the banks
23 of state waters or into an abandoned or operating water well unless the sewage, drainage, industrial
24 waste, or other waste is treated as prescribed by the board;

25 (3) commence or continue construction, alteration, extension, or operation of a system of water
26 supply or water distribution that is designed to be a public water supply system or a system of sewer,
27 drainage, waste, or sewage disposal that is designed to be a public sewage system or industrial waste
28 discharge system before the person submits to the department necessary maps, plans, and specifications
29 for its review and the department approves those maps, plans, and specifications. However, any facility
30 reviewed by the department under Title 75, chapter 5, is not subject to the provisions of this section.

1 (4) operate or maintain a public water supply system that exceeds a maximum contaminant level
2 established by the board unless the person has been granted or has an application pending for a variance
3 or exemption pursuant to this part;

4 (5) violate any provision of this part or a rule adopted under this part; or

5 (6) violate any condition or requirement of an approval issued pursuant to this part."
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7 **NEW SECTION. Section 3. Ownership of public water supply system or public sewage system**

8 -- **change in status.** (1) A person may not own a public water system or a public sewage system unless
9 that person is:

10 (a) an individual;

11 (b) a limited partnership;

12 (c) a limited liability company;

13 (d) a corporation, whether organized for profit or not;

14 (e) a city, town, local government entity, or other political subdivision of the state; or

15 (f) a federal agency.

16 (2) The owner of a public water supply system or a public sewage system shall, within 90 days
17 after being requested to do so by the department or within 90 days after a transfer in ownership:

18 (a) submit information on a form provided by the department that details the ownership status of
19 the public water supply system or public sewage system; and

20 (b) provide other necessary information for the department's records.
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22 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an
23 integral part of Title 75, chapter 6, part 1, and the provisions of Title 75, chapter 6, part 1, apply to
24 [section 3].
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26 **NEW SECTION. Section 5. Saving clause.** [This act] does not affect rights and duties that
27 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
28 act].
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30 **NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are

1 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
2 applications, the part remains in effect in all valid applications that are severable from the invalid
3 applications.

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5 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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