



EXHIBIT 2  
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Brian Schweitzer, Governor

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**HB 622**  
**Department of Environmental Quality Informational Testimony**  
**House Natural Resources Committee**  
**February 18, 2005**

The state's Public Water Supply Act is based on the minimum requirements of the federal Safe Drinking Water Act. It is from that federal Act, that we get our definition of what constitutes a public water supply. The federal definition is: "*... a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals.*" The federal statutes do not provide an exemption for certain associations from minimum requirements. The changes proposed in HB 622 could be considered to make Montana statutes less stringent than federal requirements.

The federal government has given Montana primacy to administer and enforce the requirements of the federal laws and rules. If Montana cannot document that we can implement the minimum federal requirements, the EPA could withdraw the state's primacy approval including the annual \$1.2 million grant to administer the program and the annual \$8 million grant in state revolving fund money for low interest loans to water systems. At a minimum the EPA could assume jurisdiction over the systems exempted by HB 622 and enforce the requirements from the federal level.

The state is not un-sympathetic to the plight of the small systems. We understand that compliance with some of the requirements can be difficult. We would not dispute that very small systems could use some assistance in complying with the ever-growing requirements of the federal standards. We are committed to working with these smaller systems to identify the best solution to their compliance problems.