



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Montana

SENATE NATURAL RESOURCES
COMMITTEE NO. 5
DATE 4-4-07
BILL NO. HB831

SENATE NATURAL RESOURCES AND ENERGY COMMITTEE

HOUSE BILL 831 - REVISE WATER USE LAWS

Chairman Lind and members of the committee: For the record my name is Jay Skoog, Executive Director of the American Council of Engineering Companies of Montana. Our association represents engineering firms across Montana who employ professional engineers and hydrogeologists who are considered to be experts in this arena.

Our members thank Representative McNutt for his dedication to this complex issue this session. He has worked very hard to find a workable solution and strike a balance between all interested parties.

Unfortunately, we are unable to support HB831 as presently written, primarily due to the provisions of Section 19 - Subsection 3. We urge you to thoroughly review Section 19 and amend that section to remove all of Subsection 3.

Our members have thoroughly investigated the potential impacts of Section 19 and met with DEQ staff to confirm these impacts. Accordingly we provide the committee with the following analysis of Section 19:

Regarding Section 19 Subsection 2: Current standards for mitigation and aquifer recharge require conventional wastewater treatment to secondary standards. Section 19 Subsection 2 requires that another parameter be removed. Level 2 treatment for total nitrogen(TN) would require total nitrogen be removed by 60% per DEQ. This additional level of treatment for TN will certainly cost more than conventional secondary treatment, but it is not a huge step in technology. In fact, this is already required in many states and may make some sense in terms of protecting groundwater quality. New TMDL standards may require TN removal for many Montana communities regardless of what happens with HB 831.

Regarding Section 19 Subsection 3:

1. Subsection 3 requires treatment of wastewater effluent to Safe Drinking Water Act (SDWA) drinking water standards when used for the purpose of aquifer recharge or mitigation. To our knowledge, no states require treatment to actual SDWA drinking water standards as HB 831 does in its current form. This requirement at least doubles and perhaps triples or quadruples the first cost of treatment. This provision basically adds a water treatment plant at the end to the

wastewater treatment plant in order to meet the demands of Subsection 3 at the end of pipe. In addition, and probably more critical to most utilities, is that the annual costs of operations and maintenance for labor, power, chemicals, maintenance, etc. would also increase very significantly. These costs are required to be met annually and are significant impacts over time.

2. In addition to annual costs for treatment, any utility with a water treatment plant experiences significant lab and administrative costs for monitoring water quality to demonstrate that the water is fit for human consumption. HB 831 does not say anything about monitoring, but if left open for interpretation, the bill could certainly be interpreted that monitoring per the SDWA is also required. How else do you prove you are treating to drinking water standards?
3. The final result of Section 19 Subsection 3 as currently written is that it is most likely cost prohibitive for any small utility to first construct, and then to operate and maintain, a full wastewater treatment plant with TN removal plus a water treatment plant prior to discharge. Given that scenario, it seems likely that new developments would be pushed to larger lots with individual wells and septic/drainfield systems, ***promoting "urban sprawl"***. This conflicts with current trends towards higher density developments that utilize community water/wastewater systems employing better technology. ***Ironically, Subsection 3 could likely have a negative impact on water quality.***

Accordingly, we urge the committee to strike Section 19 Subsection 3 from the bill.

Regarding Section 19 in general: There is also significant confusion regarding Section 19 as to whether it just applies to groundwater discharge situations. The "mitigation" clauses seem to make surface water discharges of wastewater effluent fall into the same provisions of Section 19. If this is the case, every municipal and community system in a closed basin could be subject to these requirements. Currently, most Montana communities treat their wastewater to secondary levels and then discharge to a surface water. If all of these are impacted, the cost impacts would be very significant.

In Summary: Our members realize that this issue must be addressed this session. However, we are concerned that this complex bill seems to have been drafted quickly without sufficient input from the state or private technical communities. This leaves our members very concerned that without a full legal and technical review, there could be other, unforeseen problems with the bill.

Thank you for the opportunity to testify.



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