

HOUSE BILL NO. 162

INTRODUCED BY STAHL

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC SEWAGE SYSTEMS TO OBTAIN DISCHARGE PERMITS WITHOUT USING A MIXING ZONE; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Public sewage systems -- intent -- findings -- requirements -- fee. (1)

The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted this section. It is the legislature's intent that the requirements of this section provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

(2) The legislature finds that:

(a) increasing population of cities near Montana's rivers and streams is causing diminished water quality and threatens habitat for fish and wildlife;

(b) the state has a duty and legitimate interest in protecting the integrity of its rivers and streams on behalf of all its citizens;

(c) the state has a duty and legitimate interest in protecting people and private property by protecting water quality;

(d) conservation and protection of rivers and streams is crucial to the quality and quantity of water that is available to Montanans for domestic, agricultural, industrial, and recreational use; and

(e) fish and wildlife that rely on rivers, streams, and streamside habitats are held in trust for the benefit of all Montanans.

(3) The legislature recognizes that:

(a) Montana's rivers and streams provide important natural resources that belong to the people of the state and that benefit the economy, the environment, and the quality of life that Montanans enjoy;

(b) increasing population of cities along the state's rivers results in pollution being discharged into state waters;



- 1 (c) sewage discharge from cities affects the health and welfare of downstream communities; and
2 (d) many of the state's rivers are cherished in their natural state by all Montanans.
3 (4) (a) The board shall adopt rules and standards requiring that:
4 (i) after [the effective date of this act] any new discharges from a public sewage system authorized under
5 the pollution discharge permit rules may not include a mixing zone; and
6 (ii) no renewal of a public sewage system permit for which the permit term ends 5 years or more after [the
7 effective date of this act] may authorize or continue a mixing zone in the renewed permit.
8 (b) The board shall establish an annual fee for each city subject to this section to pay for compliance
9 monitoring.

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11 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
12 integral part of Title 75, chapter 5, part 3, and the provisions of Title 75, chapter 5, part 3, apply to [section 1].

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14 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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