

1 HOUSE BILL NO. 352

2 INTRODUCED BY R. OSMUNDSON, J. PETERSON, EDMUNDS, KENNEDY, VANCE, C. SMITH,
3 ROSENDALE, CONNELL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF BOTTLED WATER FOR A PUBLIC
6 WATER SYSTEM TO ACHIEVE COMPLIANCE WITH A MAXIMUM CONTAMINANT LEVEL FOR NITRATE;
7 AND AMENDING SECTION 75-6-107, MCA."

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

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11 **Section 1.** Section 75-6-107, MCA, is amended to read:

12 **"75-6-107. Variances and exemptions.** (1) The ~~Except as provided in subsection (3),~~ the department
13 may grant a variance or exemption from the requirements of this part or the rules adopted under this part
14 pursuant to the terms and conditions of the variance and exemption rules adopted by the board.

15 ~~(2) A~~ Except as provided in subsection (3), a variance or exemption granted pursuant to this section ~~shall~~
16 must be accompanied by a compliance plan specifying a time schedule for compliance.

17 (3) The department shall grant FOR A PERIOD OF UP TO 5 YEARS a variance or exemption for a public water
18 system to use bottled water to achieve compliance with a maximum contaminant level FOR NITRATE. The variance
19 or exemption must include the requirement that the owner of the public water system ~~post signs warning~~ WARN
20 the public that the tap water is not potable and could pose a health risk if consumed BY:

21 (A) POSTING SIGNS AT LOCATIONS REQUIRED BY THE VARIANCE OR EXEMPTION FOR THE PERIOD GRANTED BY
22 THE VARIANCE OR EXEMPTION; AND

23 (B) DELIVERING ANNUAL NOTICES AS REQUIRED BY THE VARIANCE OR EXEMPTION TO USERS OF THE PUBLIC
24 WATER SYSTEM.

25 (4) A person aggrieved by a decision of the department to grant, deny, revoke, or modify a variance or
26 exemption may appeal the department's decision to the board as provided in the Montana Administrative
27 Procedure Act."

28 - END -