

## HOUSE BILL NO. 352

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

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

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

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

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

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

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

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

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

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

**NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.**

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