



AN ACT REVISING THE PROCESS TO MODIFY CLASSIFICATION OF STATE WATER BODIES; REMOVING RESTRICTIONS ON THE ADOPTION AND REVISION OF CLASSIFICATIONS; REMOVING THE EXCEPTION FOR TEMPORARY CLASSIFICATIONS; AND AMENDING SECTION 75-5-302, MCA.

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

Section 1. Section 75-5-302, MCA, is amended to read:

"75-5-302. ~~Revised classifications not to lower water quality standards -- exception~~ Revising classifications in accordance with existing, present, and future most beneficial uses of water bodies. (4) Except as provided in subsection (2), in revising classifications or standards or in adopting new classifications or standards, the board may not formulate standards of water quality or classify state water in a manner that lowers the water quality standard applicable to state water below the level applicable under the classifications and standards adopted unless the board finds that a particular state water has been classified under a standard or classification of water quality that is higher than the actual water quality that existed at the time of classification and only if the action is taken pursuant to 75-5-307. When the board or department is presented with facts indicating that a body of water is ~~misclassified~~ not properly classified in accordance with its existing, present, and future most beneficial uses, the ~~board~~ department shall, within 90 days, evaluate the facts and advise the board whether the water body is not properly classified. If the board determines that the water body is not properly classified, the board shall initiate rulemaking to ~~correct the misclassification~~ properly classify the water body in accordance with its existing, present, and future most beneficial uses. Board action pursuant to this section is subject to 75-5-307.

(2) ~~Establishment of a temporary water quality standard or classification does not require a finding that the affected state water was classified under a standard or classification that was higher than the actual water quality that existed at the time of the prior classification.~~

- END -

I hereby certify that the within bill,
SB 0097, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2015.

Speaker of the House

Signed this _____ day
of _____, 2015.

SENATE BILL NO. 97

INTRODUCED BY C. VINCENT

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

AN ACT REVISING THE PROCESS TO MODIFY CLASSIFICATION OF STATE WATER BODIES; REMOVING RESTRICTIONS ON THE ADOPTION AND REVISION OF CLASSIFICATIONS; REMOVING THE EXCEPTION FOR TEMPORARY CLASSIFICATIONS; AND AMENDING SECTION 75-5-302, MCA.