

SENATE BILL NO. 383
INTRODUCED BY BALES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN ACTIVITIES ARE NOT PROHIBITED ACTIVITIES WITH REGARD TO WATER QUALITY; AMENDING SECTION 75-5-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-5-605, MCA, is amended to read:

"75-5-605. Prohibited activity -- exemption. (1) It is unlawful to:

(a) cause pollution, as defined in 75-5-103, of any state waters or to place or cause to be placed any wastes where they will cause pollution of any state waters. Any placement of materials that is authorized by a permit issued by any state or federal agency is not a placement of wastes within the prohibition of this subsection if the agency's permitting authority includes provisions for review of the placement of materials to ensure that it will not cause pollution of state waters.

(b) violate any provision set forth in a permit or stipulation, including but not limited to limitations and conditions contained in the permit;

(c) site and construct a sewage lagoon less than 500 feet from an existing water well;

(d) cause degradation of state waters without authorization pursuant to 75-5-303;

(e) violate any order issued pursuant to this chapter; or

(f) violate any provision of this chapter.

(2) Except for the permit exclusions identified in 75-5-401(5), it is unlawful to carry on any of the following activities without a current permit from the department:

(a) construct, modify, or operate a disposal system that discharges into any state waters;

(b) construct or use any outlet for the discharge of sewage, industrial wastes, or other wastes into any state waters; or

(c) discharge sewage, industrial wastes, or other wastes into any state waters.

(3) Activities associated with routine or periodic maintenance, repair, replacement, or operation of IRRIGATION water conveyance systems, including activities associated with any constructed channel, canal, ditch, pipeline, or portion of any constructed channel, canal, ditch, or pipeline, are not prohibited activities under this

chapter if the activities do not result in exceeding water quality standards for any receiving water outside the IRRIGATION water conveyance system or interfere with the use. THE DIVERSION of water in accordance with an existing water right or permit pursuant to Title 85, chapter 2, IS NOT A PROHIBITED ACTIVITY UNDER THIS CHAPTER."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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