



AN ACT DEFINING TERMS; RESTRICTING THE USE AND LOCATION OF GRAY WATER REUSE SYSTEMS; DIRECTING THE BOARD OF ENVIRONMENTAL REVIEW TO CREATE RULES REGULATING RESIDENTIAL GRAY WATER REUSE SYSTEMS; AMENDING SECTION 75-5-305, MCA; AND PROVIDING AN APPLICABILITY CLAUSE.

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

Section 1. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

- (1) "Gray water" means wastewater that is collected separately from a sewage flow and that does not contain industrial chemicals, hazardous wastes, or wastewater from toilets.
- (2) "Gray water reuse system" means a plumbing system for a private, single-family residence that collects gray water.

Section 2. Residential gray water reuse -- restrictions. (1) Gray water may not be used to irrigate plants to be consumed by humans.

- (2) Gray water reuse systems may not be located within a flood plain, as defined in 76-5-103.

Section 3. Section 75-5-305, MCA, is amended to read:

"75-5-305. Adoption of requirements for treatment of wastes -- variance procedure -- appeals. (1) The board may establish minimum requirements for the treatment of wastes. For cases in which the federal government has adopted technology-based treatment requirements for a particular industry or activity in 40 CFR, chapter I, subchapter N, the board shall adopt those requirements by reference. To the extent that the federal government has not adopted minimum treatment requirements for a particular industry or activity, the board may do so, through rulemaking, for parameters likely to affect beneficial uses, ensuring that the requirements are cost-effective and economically, environmentally, and technologically feasible. Except for the technology-based treatment requirements set forth in 40 CFR, chapter I, subchapter N, minimum treatment may not be required to address the discharge of a parameter when the discharge is considered nonsignificant under rules adopted

pursuant to 75-5-301.

(2) (a) The board shall establish minimum requirements for the control and disposal of sewage from private and public buildings, including standards and procedures for variances from the requirements.

(b) For gray water reuse systems in private, single-family residences, the board shall establish rules that:

(i) allow the diversion of gray water from wastewater treatment systems and limit the amount of gray water flow allowed by permit;

(ii) address the uses of gray water, including when and how gray water may be applied to land; and

(iii) include any other provisions that the board considers necessary to ensure that gray water reuse systems comply with laws and regulations and protect public health and the environment.

(3) An applicant for a variance from minimum requirements adopted by a local board of health pursuant to 50-2-116(1)(i) may appeal the local board of health's final decision to the department by submitting a written request for a hearing within 30 days after the decision. The written request must describe the activity for which the variance is requested, include copies of all documents submitted to the local board of health in support of the variance, and specify the reasons for the appeal of the local board of health's final decision.

(4) The department shall conduct a hearing on the request pursuant to Title 2, chapter 4, part 6. Within 30 days after the hearing, the department shall grant, conditionally grant, or deny the variance. The department shall base its decision on the board's standards for a variance.

(5) A decision of the department pursuant to subsection (4) is appealable to district court under the provisions of Title 2, chapter 4, part 7."

Section 4. Local gray water regulations. The requirements of 75-5-305 and [section 2] are minimum requirements and do not restrict a local governing body from adopting stricter or additional regulations for gray water reuse systems.

Section 5. Codification instruction. [Sections 1, 2, and 4] are intended to be codified as an integral part of Title 75, chapter 5, part 3, and the provisions of Title 75, chapter 5, part 3, apply to [sections 1, 2, and 4].

Section 6. Applicability. (1) [This act] applies to gray water systems that are installed after [the effective date of this act].

(2) [This act] and any rules or requirements adopted as a result of [this act] may not be imposed on a

gray water system that was installed on or before [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0259, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 259

INTRODUCED BY M. REINHART, FUREY, MCALPIN, WARD

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