

HOUSE BILL NO. 401
INTRODUCED BY D. VILLA

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO WATER AND WASTEWATER TREATMENT PLANT OPERATORS; ALLOWING CERTIFICATION BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR WASTEWATER COLLECTION SYSTEM OPERATORS; AMENDING SECTIONS 37-42-102, 37-42-104, 37-42-302, 37-42-303, AND 37-42-304, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 37-42-102, MCA, is amended to read:

"37-42-102. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of environmental review provided for in 2-15-3502.

(2) "Certificate" means a certificate of competency issued by the department, stating that the operator holding the certificate has met the requirements for the specified operator classification of the certification program.

(3) "Community wastewater collection system" means a wastewater collection system that regularly serves at least 3,300 year-round residents.

~~(3)~~(4) "Community water system" means a public water supply system that serves at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents.

~~(4)~~(5) "Council" means the water and wastewater operators' advisory council provided for in 2-15-2105.

~~(5)~~(6) "Department" means the department of environmental quality provided for in 2-15-3501.

~~(6)~~(7) "Nontransient noncommunity water system" means a public water system, as defined in 75-6-202, that is not a community system and that regularly serves at least 25 of the same persons for at least 6 months a year.

~~(7)~~(8) "Operator" means the person in direct responsible charge of the operation of a water treatment plant, water distribution system, ~~or wastewater treatment plant, or wastewater collection system.~~

~~(8)~~(9) "State waters" means the term as defined in 75-6-102.

(10) "Wastewater collection system" means a system of collection of any combination of sewage,

industrial waste, or other waste.

~~(9)~~(11) "Wastewater treatment plant" means a facility that:

(a) is designed to remove solids, bacteria, or other harmful constituents of sewage, industrial wastes, or other wastes; and

(b) is part of either an industrial waste discharge system or a public sewage system as defined in 75-6-102.

~~(10)~~(12) "Water distribution system" means that portion of the water supply system that conveys water from the water treatment plant or other supply source to the premises of the consumer and that is part of a community water system or a nontransient noncommunity water system.

~~(11)~~(13) "Water supply system" means a system of pipes, structures, and facilities through which water is obtained, treated, sold, distributed, or otherwise offered to the public for household use or use by humans and that is part of a community water system or a nontransient noncommunity water system.

~~(12)~~(14) "Water treatment plant" means that portion of the water supply system that alters either the physical, chemical, or bacteriological quality of the water and renders it safe and palatable for human use."

Section 2. Section 37-42-104, MCA, is amended to read:

"37-42-104. Classification of treatment plants and distribution systems. The department shall classify all water treatment plants, water distribution systems, ~~and wastewater treatment plants, and wastewater collection systems~~ with due regard to the size, type, and physical conditions affecting ~~such the~~ water treatment plants and distribution systems, with regard to character of wastewaters to be treated and other physical conditions affecting ~~such~~ waste treatment plants, and according to the skill, knowledge, and experience that the operator in responsible charge must have to successfully supervise the operation of ~~such~~ water treatment plants, ~~and~~ water distribution systems, ~~and such~~ wastewater treatment facilities plants, and wastewater collection systems ~~so as in order~~ to protect the public health and prevent unlawful pollution."

Section 3. Section 37-42-302, MCA, is amended to read:

"37-42-302. Unlawful to operate plant or system without certified operator -- department to issue temporary certificates -- exception. (1) Except as provided in subsection (3), it is unlawful for a person, firm, or corporation, both municipal and private, operating a wastewater treatment plant, water treatment plant, ~~or~~ water distribution system, or community wastewater collection system to operate the plant or system unless the competency of the operator is certified to by the department under this chapter.

(2) Except as provided in subsection (3), it is unlawful for a person to perform the duties of an operator without being certified under this chapter.

(3) The prohibitions in subsections (1) and (2) do not pertain to a water distribution system that:

(a) does not contain a treatment facility;

(b) obtains all of its water from a public water supply system but is not owned or operated by the owner or operator of that public water supply system; and

(c) does not sell water.

(4) For good cause shown, the department may issue temporary certificates that are valid for up to 1 year."

Section 4. Section 37-42-303, MCA, is amended to read:

"37-42-303. Operator of treatment plant or distribution system to be certified -- exemption. (1) Water and wastewater treatment plants, ~~and~~ water distribution systems, and community wastewater collection systems, whether publicly or privately owned, must be under the supervision of an operator whose competency is certified to by the department in a grade corresponding to the classification of that portion of the water or wastewater supply or collection system to be supervised.

(2) ~~However, this~~ This chapter does not prevent a governmental agency, corporation, or individual from continuing to employ in this capacity a person in responsible charge of the operation of ~~such~~ the works on July 1, 1967. Certificates of proper classification may be issued without examination to the person or persons certified by the governing board or owner to have been in responsible charge of the water and wastewater plants and collection systems and water distribution systems on July 1, 1967. A certificate ~~so~~ issued under this subsection ~~is will be~~ valid only in that plant."

Section 5. Section 37-42-304, MCA, is amended to read:

"37-42-304. Application for operator's certificate -- fee. A person desiring to engage in the operation of a water treatment plant, water distribution system, ~~or~~ wastewater treatment plant, or, after June 30, 2008, a wastewater collection system shall first file an application with the department for a proper certificate. The department shall charge a fee of the same amount as the license cost, except that the department shall reduce the fee by the amount that the cost of processing the application is offset by federal funds received. The department may not act on an application until the fee has been paid."

NEW SECTION. **Section 6. Applicability.** [Sections 3 and 4] apply to the operations of wastewater collection systems and community wastewater collection systems after June 30, 2008.

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