

SENATE BILL NO. 160

INTRODUCED BY D. ANKNEY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ADDITIONAL DEFINITIONS OF A NATURAL CONDITION OF A STREAM; REQUIRING AN INTERESTED PARTY CHALLENGING A DISCHARGE PERMIT TO PROVE THAT THE NATURAL CONDITION CLASSIFICATION WAS ARBITRARY AND CAPRICIOUS; AND AMENDING SECTION 75-5-306, MCA."

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

Section 1. Section 75-5-306, MCA, is amended to read:

"75-5-306. Purer than natural unnecessary -- dams -- definition. (1) It is not necessary that wastes be treated to a purer condition than the natural condition of the receiving stream as long as the minimum treatment requirements established under this chapter are met.

(2) In any legal proceeding pursuant to Title 75, chapter 5, part 3, or Title 75, chapter 5, part 4, if the effluent standards specified in a permit to discharge sewage, industrial wastes, or other wastes into state waters do not exceed the parameters for the natural condition of the receiving stream, an interested person challenging the permit must prove by clear and convincing evidence that the classification or determination of natural condition for the receiving stream was arbitrary and capricious.

~~(2)~~(3) "Natural" refers to conditions:

(a) conditions or material present from runoff or percolation over which humans have no control or;

(b) or material present from developed land where all reasonable land, soil, and water conservation practices have been applied;

(c) shown to exist as a result of nonanthropogenic sources or under pre-Columbian era conditions; or
~~Conditions~~

(d) resulting from the reasonable operation of dams on July 1, 1971,~~are natural.~~

- END -

