

HOUSE BILL NO. 118

INTRODUCED BY J. DOOLING

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PUBLIC WATER SUPPLY LAWS; CREATING A GRANT PROGRAM TO REDUCE LEAD IN DRINKING WATER AT PUBLIC SCHOOLS AND DAY-CARE CENTERS; INCREASING ANNUAL FEES TO A PUBLIC WATER SUPPLY SYSTEM; PROVIDING RULEMAKING AUTHORITY; GRANTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY AUTHORITY TO IMPLEMENT THE GRANT PROGRAM; LIMITING THE BOARD OF ENVIRONMENTAL REVIEW POWERS; AMENDING SECTIONS 75-6-103 AND 75-6-108, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Lead reduction in drinking water grant program for schools and day-care centers. (1) The department shall establish a grant program to identify and reduce lead contamination in the drinking water of a public school or a day-care center licensed under 52-2-721.

(2) The grant program must be open to the drinking water systems of all public schools and all day-care centers licensed under 52-2-721, including systems that are not public water supply systems within the meaning of this part.

(3) The department shall adopt rules to implement this grant program, including criteria for prioritizing the use and distribution of funds.

Section 2. Section 75-6-103, MCA, is amended to read:

"75-6-103. Duties of board. (1) ~~The~~ Except as provided in [section 1], the board has general supervision over all state waters that are directly or indirectly being used by a person for a public water supply system or domestic purposes or as a source of ice.

(2) The board shall, subject to the provisions of 75-6-116 and as provided in 75-6-131, adopt rules and standards concerning:

- (a) maximum contaminant levels for waters that are or will be used for a public water supply system;
- (b) fees, as described in 75-6-108, for services rendered by the department;



- 1 (c) monitoring, recordkeeping, and reporting by persons who own or operate public water supply
2 systems;
- 3 (d) requiring public notice to all users of a public water supply system when a person has been granted
4 a variance or exemption or is in violation of this part or a rule or order issued pursuant to this part;
- 5 (e) the siting, construction, operation, and modification of a public water supply system or public sewage
6 system, including requirements to remedy:
- 7 (i) defects in the design, operation, or maintenance of a public water supply system or public sewage
8 system in order to prevent or correct introduction of contamination into water used for a public water supply
9 system, for domestic purposes, or as a source of ice;
- 10 (ii) fecal contamination in water used by a public water supply system; or
- 11 (iii) failure or malfunction of the sources, treatment, storage, or distribution portion of a public water supply
12 system in order to prevent or correct introduction of contamination into water used for a public water supply
13 system, for domestic purposes, or as a source of ice;
- 14 (f) the review of the technical, managerial, and financial capacity of a proposed public water supply
15 system or public sewage system, as necessary to ensure the capability of the system to meet the requirements
16 of this part;
- 17 (g) the collection and analysis of samples of water used for drinking or domestic purposes;
- 18 (h) the issuance of variances and exemptions as authorized by the federal Safe Drinking Water Act and
19 this part;
- 20 (i) administrative enforcement procedures and administrative penalties authorized under this part;
- 21 (j) standards and requirements for the review and approval of programs that may be voluntarily submitted
22 by suppliers of public water supply systems to prevent water supply contamination from a cross-connection,
23 including provisions to exempt cross-connections from the standards and requirements if all connected systems
24 are department-approved public water supply systems;
- 25 (k) (i) allowable uses of reclaimed wastewater and classification of those uses;
- 26 (ii) treatment, monitoring, recordkeeping, and reporting standards and requirements tailored to each
27 classification that must be met by the public sewage system to protect the uses of the reclaimed wastewater and
28 any receiving water;
- 29 (iii) prohibition of reclaimed wastewater uses that are not allowable under subsection (2)(k)(i) or for which
30 the reclaimed wastewater has not been treated in compliance with rules adopted under subsection (2)(k)(ii); and

1 (iv) a requirement that an applicant who proposes to use reclaimed wastewater pursuant to this
 2 subsection (2)(k) has obtained any necessary authorizations required under Title 85 from the department of
 3 natural resources and conservation; and

4 (l) any other requirement necessary for the protection of public health as described in this part.

5 (3) Board rules must provide for the following:

6 (a) except as provided in 75-6-131, a water supply or water distribution facility reviewed and approved
 7 by the department is not subject to changes in department design and construction criteria for a period of 36
 8 months after written approval of the facility is issued by the department;

9 (b) except for facilities subject to permit requirements under Title 75, chapter 5, part 4, and except as
 10 provided under rules adopted pursuant to 75-6-131, a system of water supply, drainage, wastewater, or sewage
 11 reviewed and approved under this section is not subject to changes in department design or construction criteria
 12 for a period of 36 months after written approval is issued by the department;

13 (c) plans and specifications for a portion of a facility or system subject to a 36-month limit on criteria
 14 changes pursuant to subsections (3)(a) and (3)(b), but not constructed within the 36-month timeframe, must be
 15 resubmitted for department review and approval before construction of that portion of the facility;

16 (d) the provisions of this subsection (3) may not limit an applicant's ability to alter a proposed project that
 17 is otherwise in conformance with applicable laws, rules, standards, and criteria.

18 (4) The board may issue orders necessary to fully implement the provisions of this part."
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20 **Section 3.** Section 75-6-108, MCA, is amended to read:

21 **"75-6-108. Board to prescribe fees -- opportunity for appeal.** (1) The board shall by rule prescribe
 22 fees to be assessed annually by the department on owners of public water supply systems to recover department
 23 costs in providing services under this part. The annual fee for a public water supply system is no more than ~~\$2.25~~
 24 ~~for each service connection to the public water supply system for the biennium beginning July 1, 1991, and~~
 25 ~~ending June 30, 1993, and thereafter is no more than \$2~~ \$4 for each service connection to the public water supply
 26 system, ~~although the~~ The minimum fee for any system is \$100, except that the fee for a transient noncommunity
 27 water system is \$50.

28 (2) Public water supply systems in a municipality may raise the rates to recover costs associated with
 29 the fees prescribed in this section without the public hearing required in 69-7-111.

30 (3) The board shall by rule prescribe fees (3) to be assessed by the department on persons who submit

1 plans and specifications for construction, alteration, or extension of a public water supply system or public sewage
2 system. The fees must be commensurate with the cost to the department of reviewing the plans and
3 specifications.

4 (4) Fees collected pursuant to this section must be deposited in the public drinking water special revenue
5 fund established in 75-6-115.

6 (5) (a) The department shall notify the owner of a public water supply system in writing of the amount
7 of the fee to be assessed and the basis for the assessment. The owner may appeal the fee assessment in writing
8 to the board within 20 days after receipt of the written notice.

9 (b) An appeal must be based on the allegation that the fee is erroneous or excessive. An appeal may
10 not be based only on the fee schedule adopted by the board.

11 (c) If any part of the fee assessment is not appealed, it must be paid to the department upon receipt of
12 the notice provided for in subsection (5)(a)."

13
14 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
15 integral part of Title 75, chapter 6, part 1, and the provisions of Title 75, chapter 6, part 1, apply to [section 1].

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17 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2019.

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