

## PUBLIC WATER SUPPLIES

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

#### Topic Summary:

##### Safe Drinking Water Act

Congress passed the Safe Drinking Water Act in 1974 to regulate the nation's public drinking water supply by setting standards to control the level of contaminants. Congress amended the act in 1986 and 1996 to expand protections. The act allows the Environmental Protection Agency to set drinking water standards — and to ensure these standards are met. Regulations set either a maximum contaminant level or treatment technique rules.<sup>1</sup> Regulated contaminants<sup>2</sup> include the following:

- Microorganisms, such as coliform bacteria
- Disinfectants, such as chlorine and chloramine
- Disinfection byproducts, such as bromate
- Inorganic chemicals, such as copper, cyanide, fluoride, and mercury
- Organic chemicals, such as atrazine, benzene, and glyphosate
- Radionuclides, such as natural and human-made radioactive minerals

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<sup>1</sup> See [www.epa.gov/sdwa](http://www.epa.gov/sdwa).

<sup>2</sup> A more explicit list is available at [www.epa.gov/sites/production/files/2016-06/documents/npwdr\\_complete\\_table.pdf](http://www.epa.gov/sites/production/files/2016-06/documents/npwdr_complete_table.pdf).

The EPA granted primacy to the DEQ in the 1990s to regulate what are now 2,174 public water systems in Montana.<sup>3</sup> Administrative rule and DEQ “circulars” provide specific guidance and standards for the department’s activities. The DEQ Enforcement Division pursues violations of these laws, rules, permit conditions, or orders.<sup>4</sup>

### Public water supply systems

The Board of Environmental Review holds general supervision over all public water supply systems in the state.<sup>5</sup> The board adopts rules and standards for:

- maximum contaminant levels for water that are or will be used for a public water supply system
- monitoring, recordkeeping, and reporting
- siting, construction, operation, and modification of a public water supply system or public sewage system
- collection and analysis of samples of water used for drinking or domestic purposes
- issuing variances and exemptions as authorized by the federal Safe Drinking Water Act and state law

Public water supply review does not include approval of individual wells or septic systems but instead focuses on larger, public water supply and wastewater systems. A public water system is defined as one providing at least 15 service connections or serving at least 25 people a day for at least 60 days a year. There are further distinctions: “Community water systems” serve the same people year-round in cities, towns, and mobile home parks, and “non-community water systems” serve the public but not the same people year-round.<sup>6</sup> Different design standards apply to a system, depending on size and type.<sup>7</sup> Engineers conduct technical reviews and approve the systems and their operational plans.

The DEQ:

- examines waters to determine their quality and the possibility that they may endanger public health
- advise persons as to the best method of treating and disposing of their drainage, sewage, or wastewater with reference to the existing and future needs of other persons and to prevent pollution
- establish and maintain experiment stations and conduct experiments to study the best methods of treating water, drainage, wastewater, and sewage to prevent pollution, including investigation of methods used in other states
- enforce and administer the provisions of the public drinking water laws
- establish a plan for the provision of safe drinking water under emergency circumstances
- maintain an inventory of public water supply systems, and establish a program for conducting sanitary surveys
- enter into agreements with local boards of health whenever appropriate for the performance of surveys and inspection

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<sup>3</sup> Montana’s 2017 Annual Public Water System Compliance Report, 3, [http://deq.mt.gov/Portals/112/Water/PWSUB/Documents/MT%20ACR%202017\\_050918.pdf](http://deq.mt.gov/Portals/112/Water/PWSUB/Documents/MT%20ACR%202017_050918.pdf).

<sup>4</sup> Section 75-6-110, MCA.

<sup>5</sup> The board powers and department duties are included in Title 75, chapter 6, part 1, MCA, and Title 17, chapter 38, ARM.

<sup>6</sup> “Non-community water systems” can be more specifically defined as “non-transient, non-community water systems” for systems that serve the same people for more than 6 months but not year-round, such as a school; and “transient, non-community water systems,” which serve the public but not the same individuals for more than 6 months, such as a rest area or a campground.

<sup>7</sup> This includes DEQ circulars 1, 2, 3, 4, 10, 16, and 17 and Public Water Supply circulars 5 and 6. Available at <http://deq.mt.gov/Water/Resources/circulars>.

## Legislative Services Division Materials:

### Introduced Legislation

\*Chapter number assigned means bill was passed and approved.

#### 2019

House Bill 118—(H) Died in process. 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.

#### 2017

N/a

#### 2015

N/a

#### 2013

Senate Bill 293—Chapter number assigned. REQUIRING A SUBDIVIDER TO SUBMIT INFORMATION REGARDING WHETHER A PROPOSED SUBDIVISION'S WATER AND WASTEWATER SYSTEMS WILL BE UNDER THE PUBLIC SERVICE COMMISSION'S JURISDICTION.

#### 2011

N/a

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