

Amendment - 1st Reading/2nd House-blue - Requested by: Carl Glimm - (H) Local Government

- 2023

68th Legislature 2023

Drafter: Jason Mohr, 406-444-1640

SB0327.001.001

1 SENATE BILL NO. 327

2 INTRODUCED BY C. GLIMM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT SUBDIVISION APPLICANTS MAY IDENTIFY
5 WATER WELL LOCATIONS; REVISING A DEFINITION; AND AMENDING SECTIONS 76-3-622, 76-4-102,
6 AND 76-4-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 76-3-622, MCA, is amended to read:

11 **"76-3-622. Water and sanitation information to accompany preliminary plat.** (1) Except as
12 provided in subsection (2), the subdivider shall submit to the governing body or to the agent or agency
13 designated by the governing body the information listed in this section for proposed subdivisions that will
14 include new water supply or wastewater facilities. The information must include:

15 (a) a vicinity map or plan that shows:

16 (i) the location, within 100 feet outside of the exterior property line of the subdivision and on the
17 proposed lots, of:

18 (A) flood plains;

19 (B) surface water features;

20 (C) springs;

21 (D) irrigation ditches;

22 (E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and
23 wastewater treatment systems, except that the subdivider may locate a water well anywhere on a lot, parcel, or
24 tract of record if the subdivider maintains the minimum setback distances adopted in rule by the department of
25 environmental quality;

26 (F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g); and

27 (G) the representative drainfield site used for the soil profile description as required under

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1 (i) obtained from well logs or testing of onsite or nearby wells;
2 (ii) obtained from information contained in published hydrogeological reports; or
3 (iii) as otherwise specified by rules adopted by the department of environmental quality pursuant to
4 76-4-104;

5 (f) evidence of sufficient water quality in accordance with rules adopted by the department of
6 environmental quality pursuant to 76-4-104;

7 (g) a preliminary analysis of potential impacts to ground water quality from new wastewater
8 treatment systems, using as guidance rules adopted pursuant to 75-5-301 and 75-5-303 related to standard
9 mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality. The
10 preliminary analysis may be based on currently available information and must consider the effects of
11 overlapping mixing zones from proposed and existing wastewater treatment systems within and directly
12 adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g),
13 the subdivider may perform a complete nondegradation analysis in the same manner as is required for an
14 application that is reviewed under Title 76, chapter 4.

15 (2) A subdivider whose land division is excluded from review under 76-4-125(1) is not required to
16 submit the information required in this section.

17 (3) A governing body may not, through adoption of regulations, require water and sanitation
18 information in addition to the information required under this section unless the governing body complies with
19 the procedures provided in 76-3-511."

20

21 **Section 2.** Section 76-4-102, MCA, is amended to read:

22 **"76-4-102. Definitions.** As used in this part, unless the context clearly indicates otherwise, the
23 following definitions apply:

24 (1) "Adequate county water and/or sewer district facilities" means facilities provided by a county
25 water and/or sewer district incorporated under Title 7, chapter 13, that operate in compliance with Title 75,
26 chapters 5 and 6.

27 (2) "Adequate municipal facilities" means municipally, publicly, or privately owned facilities that

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1 supply water, treat sewage, or dispose of solid waste for all or most properties within the boundaries of a
2 municipality and that are operating in compliance with Title 75, chapters 5 and 6.

3 (3) "Board" means the board of environmental review.

4 (4) "Certifying authority" means a municipality or a county water and/or sewer district that meets
5 the eligibility requirements established by the department under 76-4-104(6).

6 (5) "Department" means the department of environmental quality.

7 (6) "Extension of a public sewage system" means a sewerline that connects two or more sewer
8 service lines to a sewer main.

9 (7) "Extension of a public water supply system" means a waterline that connects two or more water
10 service lines to a water main.

11 (8) "Facilities" means public or private facilities for the supply of water or disposal of sewage or
12 solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might
13 be transported or distributed.

14 (9) "Individual water system" means any water system that serves one living unit or commercial
15 unit and that is not a public water supply system as defined in 75-6-102.

16 (10) "Mixing zone" has the meaning provided in 75-5-103.

17 (11) (a) "Proposed drainfield mixing zone" means a mixing zone submitted for approval under this
18 chapter after March 30, 2011.

19 (b) The term does not include drainfield mixing zones that existed or were approved under this
20 chapter prior to March 30, 2011.

21 (12) (a) "Proposed well isolation zone" means a well isolation zone submitted for approval under
22 this chapter after October 1, 2013.

23 (b) The term does not include well isolation zones that existed or were approved under this
24 chapter prior to October 1, 2013.

25 (13) "Public sewage system" or "public sewage disposal system" means a public sewage system as
26 defined in 75-6-102.

27 (14) "Public water supply system" has the meaning provided in 75-6-102.

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1 (15) "Regional authority" means any regional water authority, regional wastewater authority, or
2 regional water and wastewater authority organized pursuant to the provisions of Title 75, chapter 6, part 3.

3 (16) "Registered professional engineer" means a person licensed to practice as a professional
4 engineer under Title 37, chapter 67.

5 (17) "Registered sanitarian" means a person licensed to practice as a sanitarian under Title 37,
6 chapter 40.

7 (18) "Reviewing authority" means the department or a local department or board of health certified
8 to conduct a review under 76-4-104.

9 (19) "Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or
10 building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction
11 of water supply or sewage or solid waste disposal, facilities until the department has approved plans for those
12 facilities.

13 (20) "Sewage" has the meaning provided in 75-5-103.

14 (21) "Sewer service line" means a sewerline that connects a single building or living unit to a public
15 sewage system or to an extension of a public sewage system.

16 (22) "Solid waste" has the meaning provided in 75-10-103.

17 (23) "Subdivision" means a division of land or land so divided that creates one or more parcels
18 containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the
19 parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision, any condominium,
20 townhome, or townhouse, or any parcel, regardless of size, that provides two or more permanent spaces for
21 recreational camping vehicles or mobile homes.

22 (24) "Water service line" means a waterline that connects a single building or living unit to a public
23 water supply system or to an extension of a public water supply system.

24 (25) "Well isolation zone" means the area within a 100-foot radius of a water well or a smaller, site-
25 specific radius as approved by the department."

26

27 **Section 3.** Section 76-4-104, MCA, is amended to read:

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1 subdivider maintains the minimum setback distances adopted in rule. The reviewing authority may not limit a
2 subdivider to a single proposed well location."

3

4 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

5

- END -

AMENDED