

Water Legislation 2011

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WPIC legislation approved

HB24 - Revise aquifer recharge and mitigation laws

Allows a water right holder to change a water right to aquifer recharge or mitigation or marketing for those purposes without a specific new project that needs offset water. May have up to 20 years to complete the change. May continue current uses while completing change.

HB28 -- Revise requirements for proposed septic mixing zones.

In new subdivisions, the mixing zone for the septic system drain field must be contained within the subdivision or an easement for the mixing zone be obtained to allow it outside the boundaries of the subdivision.

SB35 -- Revise laws related to navigable river beds

Historic users of the bed of a navigable river for such things as irrigation diversion dams must apply for an historic easement, lease, or license to compensate the state for that use since the state owns the beds of navigable rivers. Creates a process to obtain easements, leases, or licenses for new uses on the beds of navigable rivers. This bill also sponsored by the Environmental Quality Council.

SB36 -- Revise court costs and attorney fees in water cases

Allows district court discretion in awarding court costs and attorney fees in permit decisions as well as change of appropriation right decisions appealed to district court.

WPIC legislation failed

SB8 -- Allow local governing body to require public water and sewer systems

Clarified that counties may require public water and sewer systems in new subdivisions.

General water policy legislation approved

HB49 -- Authorize the sale of bonds to fund Blackfeet water compact

Issue and sell \$16 million in general obligation bonds to pay the state's costs for water-related infrastructure projects within the exterior boundaries of the Blackfeet Indian reservation.

HB52 - Authorize municipal wastewater reuse

Provides rulemaking authority to the board of environmental review to regulate reclaimed wastewater from public sewage systems.

HB58 -- Revise Fort Belknap People's Creek account

Designates the Peoples Creek minimum flow account within the Fort Belknap-Montana compact as a state special revenue account.

HB76 -- Eliminate floodway obstruction removal fee assessed by DNRC

Relieves the agency of the power to remove obstructions in floodways and eliminates the obstruction permit fee and the floodway obstruction removal fund.

HB79 -- Authorize spending authority for Blackfeet mitigation account interest payments

Establishes a statutory appropriation for certain interest and income in the Blackfeet tribe. water rights compact mitigation account to implement the water rights compact.

HB101 -- Revise sewer and water district finance laws and water authority laws

Requires district board to request an audit, eliminates the position of auditor, allows the operator of a district to be assigned the duties of the general manager, and clarifies the joint exercise of powers by regional water authorities.

HB165 -- Deposit certain trust land and river bed income to guarantee account

Provides that income received from certain islands, abandoned riverbeds, riverbeds, and power sites be deposited in the guarantee account and the school facility and technology account for distribution to public schools.

HB352 -- Revise laws relating to water quality standards and provide alternatives

DEQ may grant 5-years variance for a public water system to use bottled water to achieve compliance with a maximum contaminant level for nitrate provided that the owner of the public water system warns the public that tap water is not potable and could pose a health risk.

HB380 -- Revise laws related to water and waste water systems and districts

Revises establishment of salary for board member of a county water and sewer district, provides criteria for determining a vacancy on a water and sewer district board, repeals procedures for challenging municipal sewer system rates by filing a complaint with the public service commission, and eliminates public service commission regulation of municipal sewer and water systems and rates

HB481 -- Revise state land laws for regional water systems

Designates regional water authorities as public entities for the purpose of acquiring rights-of-way on certain state lands.

HB497 -- Revise right to appropriate water by permit

Removes the prohibition on permits to appropriate and consume more than 4,000 acre-feet of water annually.

HB568 -- Privatize state-owned cataract dam project

Directs the DNRC to attempt to dispose of the cataract dam project.

HB587 -- Provide option for associate water court judge

Creates an associate water judge position and grants an associate water judge statewide jurisdiction.

HB602 -- Require interim study of exempt water wells

Directs the WPIC to study water wells that are exempt from permitting. The study would include the effect of such wells on existing water rights, including the amount of water consumed, the relationship to land use planning, and the ability of senior water right holders to protect rights against junior exempt well rights through the Prior Appropriation Doctrine.

SB9 -- Authorize use of petroleum mixing zones for petroleum release sites

Allows the use of petroleum mixing zones in the remediation and resolution of petroleum releases

SB87 -- Allow principal forgiveness for drinking water and wastewater revolving loans

SB103 -- Water exemption for heating and cooling applications

Provides exemption for maximum appropriation of 350 gallons a minute or less for use in nonconsumptive geothermal heating or cooling exchange applications.

SB128 -- Exempt fire department emergency wells from permitting

Ground water appropriations by local governmental fire agencies for fire protection exempt from DNRC permitting process.

SB265 -- Reduce property taxes on new construction for use of gray water systems

Provides a 10-year tax abatement for certain residential gray water systems.

SB267 -- Revise laws related to total maximum daily load development

Eliminates the requirement that the DEQ complete certain total maximum daily loads by 2012 for threatened or impaired water bodies and requires reporting of TMDL progress to the environmental quality council.

SB327 -- Require DNRC to assess each dam owned or controlled for hydroelectric potential

SB367 -- Establish nutrient standards variances

Allows the DEQ to use individual, general, and alternative nutrient standards variances to establish permit limits for point source discharges to surface water while providing that information related to base numeric nutrient standards or nutrient standards variances may be kept confidential.

SB410 -- Expend PPL v. MT proceeds on higher producing land to benefit public schools

Requires that money received by Montana from PPL Montana as a result of riverbed use litigation must be used to purchase higher-producing state lands while selling lower-producing state lands.

SJ7 -- Resolution opposing clean waters restoration act and navigable rivers

Expresses opposition to federal legislation that would redefine which waters are subject to the federal water pollution control act.

SR2 -- Confirm Bruce Loble as Chief Water Judge

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