

**Department of Environmental Quality  
Proposed Water Legislation 2014-2015**

**1. Modify the criteria for exemption from the requirement to have a certified operator for certain water distribution systems.**

Purpose: Modify the certified operator exemption for certain drinking water distribution systems to make the certified operator requirement coextensive with the monitoring and reporting requirement. This modification would update the existing exemption for a water distribution system from the requirement to have a certified operator if the distribution system is not required to monitor and report under Montana's public water supply law and rules.

Justification: Title 37, Chapter 42, MCA, contains Montana's water and wastewater treatment system operator certification law. This law requires the use of certified operators for water treatment, water distribution, and wastewater treatment systems. In 1999, this law was amended to provide that water distribution systems that meet certain criteria are exempt from the requirement to use a certified operator. The purpose of this amendment was to require certified operators only for those systems that are required to monitor and report under the public water supply laws and rules. However, the monitoring and reporting requirements are now different than the criteria contained in 37-42-302. As a result, some systems that are required to monitor and report are not required to use certified operators. The proposed legislation would achieve the intent of the 1999 bill and make the certified operator requirement coextensive with the monitoring and reporting requirement.

**2. Require Permits for Cooling Water Intake Structures**

Purpose: Authorize the Board of Environmental Review to adopt rules establishing technology-based requirements for cooling water intake structures.

Justification: The federal Clean Water Act requires use of best technology available in the location, design, construction, and capacity of cooling water intake structures in order to minimize adverse environmental impact, particularly to aquatic life. The Act also provides that these requirements be implemented in the facility's water discharge permit. As part of Montana's delegation agreement with EPA, the department must implement these requirements in state water discharge permits.

Current water quality statutes authorize adoption of technology-based effluent standards for discharges of industrial wastes from these facilities, but they do not authorize adoption of requirements for intake structures. This amendment would give the Board of Environmental Review authority to adopt rules to implement these requirements.