



AN ACT REVISING THE SANITATION IN SUBDIVISIONS ACT; REVISING THE DEFINITIONS OF PROPOSED DRAINFIELD MIXING ZONE AND PROPOSED WELL ISOLATION ZONE; AND AMENDING SECTION 76-4-102, MCA.

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

Section 1. Section 76-4-102, MCA, is amended to read:

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

- (1) "Adequate county water and/or sewer district facilities" means facilities provided by a county water and/or sewer district incorporated under Title 7, chapter 13, that operate in compliance with Title 75, chapters 5 and 6.
- (2) "Adequate municipal facilities" means municipally, publicly, or privately owned facilities that supply water, treat sewage, or dispose of solid waste for all or most properties within the boundaries of a municipality and that are operating in compliance with Title 75, chapters 5 and 6.
- (3) "Board" means the board of environmental review.
- (4) "Certifying authority" means a municipality or a county water and/or sewer district that meets the eligibility requirements established by the department under 76-4-104(6).
- (5) "Department" means the department of environmental quality.
- (6) "Extension of a public sewage system" means a sewerline that connects two or more sewer service lines to a sewer main.
- (7) "Extension of a public water supply system" means a waterline that connects two or more water service lines to a water main.
- (8) "Facilities" means public or private facilities for the supply of water or disposal of sewage or

solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might be transported or distributed.

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

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

(11) (a) "Proposed drainfield mixing zone" means a mixing zone ~~submitted for approval under this chapter after March 30, 2014~~ for a drainfield that may be installed after approval under this chapter.

(b) The term does not include drainfield mixing zones that ~~existed or were approved under this chapter prior to March 30, 2014~~ Title 75, chapter 5, prior to application under this chapter.

(12) (a) "Proposed well isolation zone" means a well isolation zone ~~submitted for approval under this chapter after October 1, 2013~~ for a water well that may be installed after approval under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

(25) "Well isolation zone" means the area within a 100-foot radius of a water well."

- END -

I hereby certify that the within bill,
SB 275, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 275

INTRODUCED BY F. MANDEVILLE

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