

4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE DEADLINE FOR THE DEPARTMENT OF
5 ENVIRONMENTAL QUALITY TO REVIEW DATA FOR WATER QUALITY ASSESSMENTS; AND AMENDING
6 SECTION 75-5-702, MCA."

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

10 **Section 1.** Section 75-5-702, MCA, is amended to read:

11 "75-5-702. Monitoring -- water quality assessment listing -- costs payable by department --

12 **statewide advisory group.** (1) The department shall monitor state waters to assess the quality of those waters
13 and to identify surface water bodies or segments of surface water bodies that are threatened or impaired. The
14 department shall use the monitoring results to revise the list of water bodies that are identified as threatened or
15 impaired and to establish a priority ranking for TMDL development for those waters in accordance with
16 subsections (4) and (7).

17 (2) In revising the list prepared pursuant to this section, the department shall use all currently
18 available data, including information or data obtained from federal, state, and local agencies, private entities, or
19 individuals with an interest in water quality protection. Except as provided in subsection (6), the department
20 may modify the list only if there is sufficient credible data to support the modification. Prior to publishing a final
21 list, the department shall provide public notice and allow 60 days for public comment on the draft list. The
22 department shall make available for public review, upon request, documentation used in the determination to
23 list or delist a particular water body, including, at a minimum, a description of the information, data, and
24 methodology used. The department may charge a reasonable fee for the documentation, commensurate with
25 the cost of providing the documentation to the requestor.

26 (3) A person may request that the department add or remove a water body or reprioritize a water
27 body on a draft or published list by providing the data or information necessary to support the request. The

1 (b) If the director receives more than one nomination from a particular interest, the director shall
2 notify the respective nominators and request that they agree on one nominee.

3 (11) The department shall provide public notice of meetings of the statewide TMDL advisory group
4 and shall solicit, document, and consider public comments provided during the deliberations of the advisory
5 group."

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7 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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9 **NEW SECTION. Section 3. Retroactive applicability.** [This act] applies retroactively, within the
10 meaning of 1-2-109, to water body data submitted to the department of environmental quality on or after
11 January 1, 2025.

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