



ENVIRONMENTAL QUALITY COUNCIL

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May 24, 2011 (Updated August 19, 2011)

To: EQC Members
From: Hope Stockwell, Research Analyst
Re: HB 142 requirements of EQC

HB 142 requires the EQC to review the statutorily established advisory councils and required reports of DEQ, DNRC, and DFWP to make recommendations to the next legislature on retention or elimination of any advisory council or required report. HB 142 does not impose a deadline for this work.

Advisory councils under EQC's purview include:

DEQ

- Water and Wastewater Operators' Advisory Council, 2-15-2105, MCA
- Air Pollution Control Advisory Council, 2-15-2106, MCA
- Water Pollution Control Advisory Council, 2-15-2107, MCA
- Small Business Compliance Assistance Advisory Council, 2-15-2110, MCA

FWP

- Wetlands Protection Advisory Council, 2-15-3405, MCA
- Boating Advisory Council, 23-2-536, MCA
- Upland Game Bird Citizens' Advisory Council, 87-1-247, MCA
- Alternative Livestock Advisory Council, 87-4-432, MCA

Required reports by agencies to the EQC:

DEQ

- 75-5-313, MCA, requires a report on numeric nutrient standards, nutrient standards variances, and their implementation, including estimated economic impacts.
Due: On or before July 1 of each year
- 75-5-703, MCA, requires a report on the DEQ's progress in completing TMDLs (total maximum daily load) and the current schedule for completion of TMDLs.
Due: On or before July 1 of each even-numbered year
- 85-2-350, MCA, requires the Clark Fork River Basin task force to report to the DEQ on a periodic basis, to the EQC annually, and to the joint appropriations subcommittee on natural resources each legislative session.
Due: to the EQC annually

FWP

- 85-2-436, MCA, requires a biennial progress report to DNRC, the FWP Commission, and the EQC, summarizing all appropriation rights changed to instream flow purposes in the last 2 years
Due: by December 1 of odd-numbered years
- 87-1-230, MCA, requires a report on deposits into and withdrawals from the account established for maintenance of land or water acquired by FWP under 87-2-209(1) and funds dedicated for wildlife habitat under 87-1-242. Must describe types of maintenance completed and maintenance plans for the subsequent fiscal year. (Requirement terminates June 30, 2013)
Due: by September 1 following the end of each fiscal year
- 87-1-250, MCA, requires a report to the fish and game committee of each house of the legislature concerning upland game bird enhancement activities in the preceding biennium, including copies of reports made to the upland game bird citizens' advisory council and any recommendations concerning operation of the program.
Due: each regular legislative session
- 87-1-269, MCA, requires that a review committee (the Private Land/Public Wildlife Council) report to each legislature regarding the success of various elements of the hunting access enhancement program, including annual landowner participation, the number of acres annually enrolled, hunter harvest success on enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in funding, and an accounting of program expenditures, and make recommendations for funding, modification, or improvement needed to achieve the objectives of the program. The review committee shall also report to each legislature regarding the success of the fishing access enhancement program and make recommendations for funding, modification, or improvement needed to achieve the objectives of the program.
Due: each regular legislative session
- 87-1-272, MCA, requires a report to each regular session of the legislature on the progress of the future fisheries improvement program, including program activities and expenses since the last report and the project schedules and anticipated expenses for the ensuing 10 years' implementation of the program
Due: each regular legislative session

DNRC

- 76-13-145, MCA, requires a report on progress in designating parcels within the Wildland-Urban Interface.
Due: not specified
- 77-2-366, MCA, requires a report describing the results of the land banking program, including a summary of the sale and purchase transactions by type, location, acreage, value, and trust beneficiary.
Due: by the July 1 prior to each regular legislative session
- 85-1-621, MCA, requires a report describing the status of the renewable resource

grant and loan program, including ongoing projects and projects completed during the biennium. Must identify and rank in order of priority the projects for which the department has received applications. Must describe proposed projects and activities for the coming biennium and recommendations for necessary appropriations.

Due: biennially

- 85-2-281, MCA, requires a status report on the progress of water adjudication on a basin-by-basin basis and the number of basins for which examination has been completed.

Due: at each meeting of the EQC during the legislative interim

Department of Labor and Industry

- Chapter 332, Laws of 2011, requires that the Dept. of Labor and Industry report quarterly to the EQC on jobs created by changes to coal leasing laws.

Due on or before: September 1, 2011, January 1, 2012, April 1, 2012, June 1, 2012, September 1, 2012, and January 1, 2013

Compliance and Enforcement Reports

- 75-1-314, MCA, requires DEQ, DNRC, and the Department of Agriculture to submit to the EQC environmental compliance and enforcement reports detailing the activities and efforts taking place to promote compliance assistance and education, the size and description of the regulated community and the estimated proportion of that community that is in compliance, the number, description, method of discovery, and significance of noncompliances, including those noncompliances that are pending, and a description of how the department has addressed the noncompliances identified and a list of the noncompliances left unresolved. When practical, reporting should include quantitative trend information.

Due: biennially

Compliance and enforcement reports received by the EQC include information from the following:

- DEQ Bureaus:
Air Resources Management, Environmental Management, Hazardous Waste Site Cleanup, Industrial and Energy Minerals, Public Water Supply and Subdivisions, Waste and Underground Tank Management, and Water Protection.
- DNRC programs and boards:
The Forestry Assistance Program, the Board of Oil and Gas Conservation, the Dam Safety Regulatory Program, the Board of Water Well Contractors, the Montana Water Measurement Program, and the Floodplain Management Program.

- Dept. of Agriculture programs:
Pesticide and Ground Water Enforcement Programs.