



## Water Policy Interim Committee

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### 65th Montana Legislature

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Feb. 1, 2018

Board of Environmental Review  
c/o Sandy Scherer, legal secretary  
Department of Environmental Quality  
1520 E. Sixth Ave.  
P.O. Box 200901  
Helena, MT 59620-0901

Dear Board Members,

The Water Policy Interim Committee wishes to go on record as unanimously supporting the proposed administrative rule in MAR Notice No. 17-395. The committee members believe that a variance from water quality standards for permittees facing legacy pollution reflects the intent of Montana Senate Bill 325 (2015).

The committee would like to relay the following comments heard at the committee's Jan. 9 hearing:

- The variance process is a fair and equitable standard.
- The variance process is necessary to promote growth in Montana's cities.
- The variance process relieves city taxpayers from expensive, perhaps unnecessary wastewater treatment plant upgrades.

The committee suggests that the administrative rule language be amended to:

- strengthen language requiring variance issuance if certain conditions are met, and
- lengthen the time period to consider upstream conditions during a variance renewal review.

The committee applauds the cooperative efforts of the Department of Environmental Quality and the various interest groups that worked on this rule. Finally, the committee encourages the department to start drafting additional rules, which are necessary to fully enact SB 325.

Sincerely,

Sen. Pat Connell, presiding officer  
Water Policy Interim Committee  
65th Montana Legislature

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