

Major Facility Siting Act (MFSA)

EXHIBIT ⁴
DATE 01/27/05
HB 2

The Water Quality Act at 75-5-401 (5) MCA states that "Discharges of sewage, industrial wastes, or other wastes into state ground waters from the following activities or operations are not subject to the ground water permit requirements adopted under subsections (1) through (4) – *(These sections set forth directions on rule writing and actions)*

...(k) under (5) above states --"projects reviewed under the provisions of the Montana Major Facility Siting Act, Title 75, chapter 20." --This section then, excludes MFSA projects from ground water permitting requirements.

The certificate (under MFSA) for Colstrip Units 3 and 4 along with associated facilities required the plants (including ash disposal and process water associated facilities) to be operated as a closed loop system and required the operator to install a system of monitoring wells. Water quality standards are required to be met. If leakage was detected, then the monitoring wells were to be converted to recovery wells to intercept this leakage. In addition, there was a requirement that the ponds be completely sealed though this requirement was later modified in the Cow Creek drainage. The operator provides annual reports of all monitoring results. A further out of court settlement of disputes relating to the completely sealed condition requires another monitoring program on private land located down-gradient from on of the ash disposal ponds. These results are also reported annually.