

**Statement of PPL Montana
Before the House Natural Resources Committee
Of the Montana House of Representatives
In Opposition to House Bill No. 119
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**Mark Lambrecht, Manager, Regulatory Affairs
825 Great Northern Blvd.
Helena, Montana 59601
(406) 457-5300**

Mr. Chairman and members of the Committee:

I am Mark Lambrecht, Manager of Regulatory Affairs for PPL Montana.

PPL Montana opposes House Bill 119 because it would impose potentially conflicting compliance requirements on existing facilities and waste the Montana Department of Environmental Quality's (DEQ) limited resources without achieving any corresponding environmental benefits.

PPL Montana is the operator and partial owner of the Colstrip power plant. Under existing law, the Montana Water Quality Act does not apply to the various ponds used in conjunction with the plant because they were permitted under the Montana Major Facility Siting Act (MFSA). MFSA was intended to be "one-stop permitting" that addressed all potential environmental impacts associated with a facility, including water quality. This allowed all environmental issues at the facility to be treated comprehensively, consistently and efficiently by DEQ. Accordingly, the Montana Water Quality Act specifically exempts facilities permitted under MFSA. HB 119 would eliminate this exemption and subject certain facilities to both MFSA and the Water Quality Act, thereby eliminating "one-stop permitting" benefits.

For facilities already permitted under MFSA, such as the Colstrip power plant, compliance with the Montana Water Quality Act will impose additional requirements that may conflict with existing MFSA conditions. PPL Montana has worked with DEQ for almost two years to develop a comprehensive plan to address issues associated with the Colstrip ponds. The end result protects the environment, addresses DEQ's concerns and is consistent with PPL Montana's existing MFSA obligations. In fact, PPL Montana will be assuming obligations above and beyond those currently imposed by MFSA. These include additional public and stakeholder input, financial assurances to ensure proper pond closure and funding for a third-party consultant to assist DEQ. HB 119 would negate these benefits and jeopardize the comprehensive compliance plan developed by DEQ and PPL Montana.

This bill is also unnecessary because the existing MFSA framework allows DEQ to impose any requirements already found in the Water Quality Act. There is simply no need for a bill that would duplicate existing rules and statutes or create inconsistency in their implementation. Applying the WQA retroactively to permitted MFSA facilities will needlessly impose additional, conflicting compliance obligations and waste DEQ's

resources without providing any corresponding environmental benefits. The existing exemption in the Water Quality Act for MFSA permitted facilities should be retained.

PPL Montana encourages the members of the Committee to give this legislation a “do not pass” recommendation.

Thank you for the opportunity to comment.