

Montana State Legislature

2015 SESSION ADDITIONAL DOCUMENTS

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*Any other documents, which were submitted after the committee hearing was ended and/or was submitted late [within 48 hours], but regarding information in the committee hearing. Witness Statements that were not presented as exhibits.

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2015 Legislative

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BUSINESS REPORT

**MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Friday, February 6, 2015
Place: Capitol

Time: 3:00 PM
Room: 303

BILLS and RESOLUTIONS HEARD:

SB 136 - Generally revise hazardous waste fees - Sen. Bradley Hamlett

EXECUTIVE ACTION TAKEN:

SB 160 - Do Pass as Amended
SB 221 - Do Pass
SB 112 - Motion Withdrawn

Comments:



SEN. Chas Vincent, Chair

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: 2/6/2015

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR RICK RIPLEY, VICE CHAIR	X	
SENATOR CHRISTINE KAUFMANN	X	
SENATOR DUANE ANKNEY	X	
SENATOR JOHN BRENDEN	X	
SENATOR PAT CONNELL	X	
SENATOR JENNIFER FIELDER	X	
SENATOR BRADLEY MAXON HAMLETT	X	
SENATOR BRIAN HOVEN	X	
SENATOR JIM KEANE	X	
SENATOR CLIFF LARSEN	X	
SENATOR MIKE PHILLIPS	X	
SENATOR CHAS VINCENT, CHAIR	X	



SENATE STANDING COMMITTEE REPORT

February 6, 2015

Page 1 of 2

Madame President:

We, your committee on **Natural Resources** report that **Senate Bill 160** (first reading copy -- white) **do pass as amended**.

Signed: _____

A handwritten signature in cursive script, appearing to read "Chas Vincent".

Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 5 through line 6.

Strike: "REQUIRING" on line 5 through "CAPRICIOUS;" on line 6

2. Page 1, line 15 through line 19.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

3. Page 1, line 20.

Strike: "conditions"

4. Page 1, line 21.

Following: "~~conditions~~"

Insert: "conditions"

5. Page 1, line 22.

Following: "(b)"

Insert: "conditions"

6. Page 1, line 24.

Following: "(c)"

Insert: "conditions"

Strike: "or under pre-Columbian era conditions"

7. Page 1, line 26.

Following: "(d)"

Committee Vote:

Yes 11, No 1

Fiscal Note Required ___

Insert: "conditions"

- END -



SENATE STANDING COMMITTEE REPORT

February 6, 2015

Page 1 of 1

Madame President:

We, your committee on **Natural Resources** report that **Senate Bill 221** (first reading copy -- white) **do pass**.

Signed: _____

A handwritten signature in cursive script, appearing to read "Chas Vincent", written over a horizontal line.

Senator Chas Vincent, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required X

SB0221001SC.spt

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2/6/15 BILL NO SB 160 MOTION NO. _____
 MOTION: Do Pass as Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR RICK RIPLEY, VICE CHAIR	X		
SENATOR CHRISTINE KAUFMANN		X	
SENATOR DUANE ANKNEY	X		
SENATOR JOHN BRENDEN	X		X
SENATOR PAT CONNELL	X		
SENATOR JENNIFER FIELDER	X		
SENATOR BRADLEY MAXON HAMLETT	X		
SENATOR BRIAN HOVEN	X		
SENATOR JIM KEANE	X		
SENATOR CLIFF LARSEN	X		
SENATOR MIKE PHILLIPS	X		
SENATOR CHAS VINCENT, CHAIR	X		

11 1

SENATE PROXY

I, Senator JOHN BRENDEN, hereby authorize Senator

Ripley to vote my proxy before the Senate

Natural Resource meeting held on 2-5, 2015.

John C. Brenden
 Senator Signature

2-5-2015
 Date

Said authorization is as follows: *(mark only one)*

- All votes, including amendments.
- All votes as directed below on the listed bills, and all other votes.
- Votes only as directed below.

Bill No./Amendment No.	Aye	No
SB 112 amendment 11201	X	
SB 112		
SB 160 amendment 16001	X	
SB 160	X	
SB 221	X	

Additional Documents

SENATE: Natural Resources

Date: 2/6/15

Bill No. SB 112

Provided by
Aime
Gronljer

SB112

**SUMMARY OF AMENDMENTS
and ADDITIONAL INFORMATION**

Amendments:

- Stylistic and grammatical changes were made to (9)(a), the meaning has not changed, the timeframes in (9)(a)(i) and (ii) have not changed.
- (9)(b) was added to encourage dialogue between the applicant and the department to work out a reasonable timeframe to complete the TMDL. This subsection also requires the department to provide specific reasons why they cannot meet the 180-day timeframe, allowing them to explain any lack of data or funding necessary to complete the TMDL.
- (9)(c) was added to deal with situations where the department and the applicant cannot agree on a timeframe. In such cases, the department must provide a timeframe and reasons for that timeframe. The department may request funding from the applicant, but the applicant is not required to provide such funding. Existing statute already allows for a third party to pay for TMDLs.¹
- (9)(d) was added to allow the applicant to pursue a contested case hearing before the Board of Environmental Review if there is a disagreement about the timeframe that cannot be resolved. If the parties waive a formal proceeding, the informal proceeding must be completed within 30 days. This allows the process to continue in a timely manner.
- (9)(f) was in the original bill as (9)(c). Stylistic and grammatical changes were made and clarification was added to ensure that the provision only applies to new individual permit applications, not renewals of individual permits.
- (9)(g) clarifies that the retroactive provisions of (9)(f) apply the 180-day timeframe based on the effective date of the act, not on the date of the application, which might in some cases be greater than 180 days prior to the act.
- The penalty provision, previously included in the original bill, has been removed.

Additional Information:

“Most tellingly, the Clean Water Act features short deadlines. A TMDL must be developed quickly if it is to be useful in implementing the applicable water quality standards. This fact is acknowledged and recognized by the EPA.”² This bill provides a rapid but flexible time frame for TMDL development.

These amendments allow the department and the applicant to discuss any limitations or special circumstances that impact TMDL development and then work together to find the best route forward.

By providing provisions for contested case proceedings and by specifying a short timeframe for an informal proceeding, the amendments still give the applicant a timely route forward through TMDL development.

¹ Mont. Code Ann. § 75-5-703(4).

² *Friends of the Wild Swan, Inc. v. U.S. E.P.A.*, 130 F.Supp.2d 1199, 1201 (D. Mont. 2000).

Additional Document
of the Montana Department of Natural Resources
1976
041111

SB159
SUMMARY OF AMENDMENTS
and ADDITIONAL INFORMATION

Amendments:

- (2)(b)(ii) and (iii) were added to provide time frames for the Department to submit data and models to the Board of Environmental Review and for the Board to then develop standards in accordance with public hearing requirements already provided in statute.³ This change clarifies that the process must go through the board, and include public hearings, before the standards are changed.

Additional Information:

- EPA models completed and reported in 2007 found elevated EC and SAR levels in tributaries to the Tongue River and attributed the high levels to natural sources.⁴
- A Department model was completed and reported to the Otter Creek TMDL Watershed Advisory Group in June 2014. The model concluded that the elevated EC and SAR levels in Otter Creek were natural.⁵
- Several opponents expressed concern about the amount of water that would be discharged. This bill does not change the regulations currently in place to limit discharge flow. Flow is a separate parameter that is regulated under Montana's nondegradation requirements, which require that a discharge flow only "increase or decrease the mean monthly flow of a surface water by less than 15 percent or the seven-day ten-year low flow by less than 10 percent."⁶ Nothing in this bill changes that requirement.

³ Mont. Code Ann. §75-5-307.

⁴ U.S. EPA, *Water Quality Assessment for the Tongue River Watershed, Montana* (August 2, 2007).

⁵ C. Staten, Otter Creek TMDL Project Coordinator, Email to Otter Creek TMDL Watershed Advisory Group, *Re: Update on Otter Creek Salinity and Iron TMDL Development*, June 4, 2014.

⁶ Admin. R. Mont. 17.30.715.

SB160
SUMMARY OF AMENDMENTS

Amendments:

- (2), the elevated standard of proof for a challenger, was removed from the bill.
- (3)(c) was simplified and now includes reference only to “nonanthropogenic sources.”