



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF SELENIUM LEVELS IN LAKE KOOCANUSA, INCLUDING A COLLABORATIVE REVIEW OF THE MODELING, ANALYSIS, AND WATER QUALITY STANDARDS ADOPTED IN 2020.

WHEREAS, the Board of Environmental Review promulgated a site-specific selenium standard for Lake Kooconusa on December 11, 2020, and the United States Environmental Protection Agency approved the board's new standard in early 2021; and

WHEREAS, some affected stakeholders question the 2020 site-specific selenium standard for Lake Kooconusa and request a cooperative review of the new administrative rule, ARM 17.30.632, technical support documents, background data, and assumptions used in the previous modeling process, and stakeholder desire to complete the model validation process; and

WHEREAS, these affected stakeholders desire an opportunity to engage in additional, thoughtful, collaborative, and scientifically defensible analysis with state regulators to determine whether the 2020 site-specific standards for Lake Kooconusa are appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate the Environmental Quality Council, subject to section 5-5-217, MCA, and to direct sufficient staff resources, pursuant to section 5-11-112, MCA, to establish a collaborative process with the Department of Environmental Quality to:

(1) analyze the data and processes referenced in and used to support rulemaking to determine if ARM 17.30.632, as it pertains to Lake Kooconusa, complies with the Montana Water Quality Act and the

federal Clean Water Act; and

(2) offer recommendations on what changes, if any, are needed to ARM 17.30.632 or supporting documentation.

BE IT FURTHER RESOLVED, that the Legislative Council requests that the Environmental Quality Council invite two members of the Water Policy Interim Committee, including a member of the Senate and a member of the House of Representatives with one each from the majority party and the minority party, to participate as ex officio members of this study.

BE IT FURTHER RESOLVED, that the study be conducted and recommendations be developed with consultation of interested stakeholders, including:

- (1) the Lincoln County Board of Commissioners;
- (2) selenium experts and other experts who have experience proposing and reviewing water quality standards; and
- (3) other appropriate agencies, including the Governor's Office, the Board of Environmental Review, and the Department of Environmental Quality.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to April 1, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature, the Governor's natural resources policy advisor, and the British Columbia Ministry of the Environment.

- END -

I hereby certify that the within bill,
HJ 37, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE JOINT RESOLUTION NO. 37

INTRODUCED BY S. GUNDERSON

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