

# Summary of Major Provisions of Proposed DEQ Legislation for 2007

## Metal Mine Reclamation Act Revisions:

- Allow DEQ to request interim bond during environmental analyses of DEQ-proposed permit changes in response to environmental problems
- Provide DEQ authority to assess MEPA fees for environmental analyses of DEQ-proposed permit changes in response to environmental problems
- Provide DEQ authority to require additional bond for water treatment
- Provide DEQ authority to require all data needed to characterize hydrology in an application for a permit

## Opencut Mining Fee:

- Raise funds from new fee to support 2.5 new FTEs to adequately staff the program to meet greatly increased demand

## Opencut Mining Act Amendments:

- Streamline regulation of small opencut mines by raising the volume threshold for imposing full permit requirements
- Allow DEQ to enter into agreements with tribes and local governments to allow them to regulate their operations in place of DEQ
- Require surface owner consent to reclamation plan
- Amend appeal, reporting, and permit amendment procedures
- Add definitions and clarify other provisions

## AML Reclamation/Restoration Fee:

- Compensate for a reduction of federal taxes on Montana mined coal with a state tax of the same size as the federal reduction and designate it for use in reclaiming abandoned mine lands. Approximately half the federal taxes collected on Montana mined coal come back to the state to support its abandoned mined lands program.

## Designate Use of AML Federal Funds:

- Designate for support of the state's abandoned mined lands program the federal coal tax revenues collected and provided to the state

## Continue State Building Energy Conservation Program:

- Provide authority to sell bonds and appropriate funds to support the State building Energy Conservation program.

## Expand Time for Board of Environmental Review Consideration:

- Allow the Board of Environmental Review up to 120 days to deny or initiate rulemaking on a petition for rulemaking. Currently, the Board has 60 days.

Water Rights Prior to DEQ Subdivision or Public Water Supply Approval:

- Require subdivisions and public water supply developments that need a DNRC water right permit to have that permit in place before DEQ approval
- Provide that a remainder parcel of land (a parcel that remains in original ownership after a division of land) that was grandfathered from subdivision review because the wastewater system was constructed before 1993 remains grandfathered even if the wastewater system was replaced after 1993

Regulation of Subdivisions on Contaminated Properties:

- Require that state or federal Superfund sites, abandon mined lands, and RCRA (solid or hazardous waste or underground petroleum contamination) sites be cleaned up before DEQ approval of subdivisions on those properties.

Expand Recycling on Electronics and Other Wastes:

- Encourage recycling of computers, televisions, printers, and other electronics to keep material out of landfills.

Amend Fee Provisions in Major Facility Siting Act:

- Require that Major Facility Siting Act applications be accompanied by the application fee.
- Clearly require that the amount of the fee be sufficient for all state agencies to carry out their responsibilities for reviewing and deciding on the application.
- Eliminate the requirement that DEQ include a 6% interest on refunds of any unused application fee money.

PWS Fee Cap Increase:

- Increase public water supply fee cap from \$2.00/hookup/year to \$2.50.

Raise Water Quality Act Fee Caps:

- Raise the fee caps in statute for water quality discharge permits.

Water Quality Act Amendments:

- Repeal requirement to adopt rules specifying times and locations for suction dredging
- Authorize DEQ to impose end-of-pipe effluent limitations based on best professional judgment when issuing discharge permits
- Eliminate the exemption from the groundwater discharge permit requirement for coal, uranium, and hard rock mines; and facilities regulated under the Major Facility Siting Act
- Allow DEQ to review plan and specifications for wastewater treatment plants, regardless of whether they discharge to state waters
- Require that all construction projects 1 acre or larger in size to obtain a stormwater permit if the site would discharge to state water in a precipitation event. Under current law, a stormwater permit is required only if the site discharges to state water.

Extend Biodiesel Tax Credits:

- Extend the time period that tax credits can be claimed for biodiesel production, blending and storage, and oil seed crushing

Incinerator Definition and Negligible Risk:

- Amend and clarify the definition of an incinerator.
- Specify that the negligible risk standard applies to emissions from all existing emitting units at a facility

Regulate Waste at Electric Generating Facilities:

- Restore the ability of DEQ to regulate the on-site disposal of waste by-products produced at electrical generating units

Collection System Operator Certification:

- Establish a certification program for wastewater collection system operators of all community public wastewater systems that serve populations of 3,300 and larger be overseen by a certified wastewater collection operator

Provide Earmarked Fund for the Coal and Uranium Program:

- Provide stable funding to DEQ's coal and uranium program by augmenting declining federal funding with a tax on coal

Public Water Supply Act Amendments:

- Eliminate the current exemption from the plan and specification review under the Public Water Supply Act for sewage treatment facilities that must obtain an MPDES (discharge) permit under the Water Quality Act

Revise Adoption Process for Solid Waste Management Plan:

- Streamline the process for reviewing and updating the Integrated Solid Waste Management Plan every 5 years by eliminating the duplicative public comment periods and hearings

Remove Quarterly Reporting Requirement at Motor Vehicle Wrecking Yards:

- Move from Title 75 to Title 61 the requirement that wrecking yards mail their vehicle records to the Department of Justice

UST Penalty Factor Duplication Elimination:

- Housekeeping item to eliminate inconsistent provision regarding penalty calculations

Change the Term Gasohol to Ethanol:

- Housekeeping item.

Clarify Infectious Waste Management Act:

- Clearly delineate the responsibilities of the various agencies that the Act authorizes to regulate infectious waste and give each rulemaking authority to implement those responsibilities

Clean Renewable Energy Bonds:

- Placeholder to provide the State of Montana authority to issue Clean Renewable Energy Bonds should this program be continued by Congress

UST Energy Act Implementation:

- Placeholder to determine whether the federal Energy Policy Act of 2005 will require statutory changes in Montana

Solid Waste Act License Fee Enforcement

- Amend solid waste statutes to give the Department authority to use standard enforcement procedures (penalties, license revocation, non-renewal of license) for failure to pay license fees