

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 3, 2019

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59601

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 252 (SB 252), "AN ACT EXEMPTING CERTAIN CHANGES FROM THE MAJOR FACILITY SITING ACT AMENDMENT PROCESS; AMENDING SECTIONS 75-20-213 AND 75-20-219, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

Decades ago, the people of Montana determined that it was important to review major proposed changes to power plants in our state. This policy, embodied in a law called the Major Facility Siting Act (MFSA), is designed to "ensure protection of the state's environmental resources . . . consideration of socioeconomic impacts" and "provide citizens with the opportunity to participate" in these decisions. Section 72-20-102, MCA.

This policy has worked for Montana, balancing the responsible development of energy facilities with the constitutional obligation to maintain and improve a clean and healthful environment for future generations.

Senate Bill 252 would create a major exception to the MFSA law and apply it only to the largest power plants. In particular, SB 252 would limit the ability of the Department of Environmental Quality (Department) to analyze and mitigate environmental impacts that result from changes to a power plant's fuel sources.

This new exception is counter to the purposes of the MFSA law. The MFSA amendment process it eliminates for large power plants is the only tool the state has to address certain kinds of environmental impacts—such as impacts to off-site transportation or impacts to water quality associated with a new coal storage area.

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The MFSA process in current law is balanced and efficient. It requires the Department to process amendment requests within 30 days. And it is not onerous for certificate holders. By removing this process altogether—again only for the largest power plants with the greatest impacts—SB 252 will create a special carve-out from the MFSA law with no discernable benefit to the public. Worse, SB 252 creates room for unmitigated, non-disclosed environmental impacts that would otherwise be disclosed in the amendment process.

Current law achieves a balance between economic and environmental interests that SB 252 does not. Its large power plant exception upsets the design of MFSA and is a step in the wrong direction.

For these reasons, I veto SB 252.

Sincerely,



STEVE BULLOCK
Governor

cc: Legislative Services Division
Scott Sales, President of the Senate
Greg Hertz, Speaker of the House