

1 HOUSE JOINT RESOLUTION NO. 37

2 INTRODUCED BY S. GUNDERSON

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF SELENIUM LEVELS IN LAKE KOOCANUSA,
6 INCLUDING A COLLABORATIVE REVIEW OF THE MODELING, ANALYSIS, AND WATER QUALITY
7 STANDARDS ADOPTED IN 2020.

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

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

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

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

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

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

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

1 documentation.

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

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

8 (1) the Lincoln County Board of Commissioners;

9 (2) selenium experts and other experts who have experience proposing and reviewing water quality
10 standards; and

11 (3) other appropriate agencies, including the Governor's Office, the Board of Environmental Review,
12 and the Department of Environmental Quality.

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

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

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