



SPECIAL COMMITTEE ON HJ37

68th Montana Legislature

SENATE MEMBERS

Jill Cohenour
Ryan Lynch
Walt Sales
Cary Smith

HOUSE MEMBERS

Willis Curdy
Steve Gunderson
Rhonda Knudsen
Marilyn Marler

COMMITTEE STAFF

Joe Carroll – Staff Attorney
Jason Mohr - Research Analyst
Nadine Spencer - Secretary

MINUTES LOG

SPECIAL COMMITTEE ON HJ37

July 05, 2022
Room 422 and Zoom
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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MEMBERS PRESENT:

Sen. Walt Sales, Presiding Officer (R)
Sen. Jill Cohenour (D)
Rep. Willis Curdy (D)
Rep. Rhonda Knudsen (R)
Rep. Marilyn Marler (D)
Sen. Cary Smith (R)
Sen. Ryan Lynch (D)

MEMBERS EXCUSED:

Rep. Steve Gunderson (R)

STAFF PRESENT:

Jason Mohr, Research Analyst
Nadine Spencer, Secretary

AGENDA (Attachment 1)

NO VISITORS' LIST

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

13:00:42 Sen. Walt Sales called the meeting to order at 1:00 PM. The committee secretary took roll.

Meeting Overview

13:01:44 Jason Mohr, research analyst, Legislative Services Division.

13:04:13 Sen. Sales said the meeting is an opportunity to bring the Department of Environmental Quality (DEQ) and Teck Resources together to discuss options for moving forward.

LEGAL STATUS OF MONTANA SITE-SPECIFIC SELENIUM WATER QUALITY STANDARD

Department of Environmental Quality

13:05:28 Director Chris Dorrington, DEQ.

Teck Resources Ltd.

(Exhibit 1)

13:14:38 Jon Metropoulos, attorney and lobbyist, Helena.

13:20:40 Vicki Marquis, attorney, Holland and Hart, LLP.

13:33:40 Sen. Sales provided an opportunity for Mr. Dorrington to respond to comments made by Teck Resources.

13:37:48 Sen. Sales said he is encouraged that the two groups will continue to work together on next steps.

Public comment

Written public comment (Exhibit 2)

13:39:08 Genny Hoyle, environmental director, Kootenai Tribe of Idaho

13:42:59 Dr. Shawn Young, director, Fish and Wildlife Department, Kootenai Tribe of Idaho.

Committee questions, discussion

13:46:22 Rep. Marler commented on moving forward and finding a resolution. She asked Mr. Metropoulos and Ms. Marquis about their roles in representing Teck Resources.

13:47:39 Mr. Metropoulos.

13:49:00 Rep. Marler said she is hopeful there can be agreement on the four points presented by the DEQ.

13:50:00 Sen. Cohenour asked Ms. Marquis about the volume of water being treated by Teck Coal and the number of gallons of wastewater that is being discharged.

13:53:57 Sen. Cohenour asked Ms. Marquis to provide information on the amount of water and how much is captured.

13:54:20 Sen. Cohenour asked Ms. Marquis about Teck's schedule for scaling up treatment.

13:58:27 Sen. Cohenour asked Ms. Marquis if Teck Coal is challenging the EPA's process for setting a more stringent number.

14:03:44 Sen. Cohenour asked Mr. Dorrington about the stringency review process.

14:04:47 Kirsten Bowers, attorney, DEQ, provided additional information.

14:07:28 Rep. Curdy asked Ms. Marquis how Teck tries to cap its residue or non-usable material from the mine.

14:09:16 Rep. Curdy asked Ms. Bowers about the primacy of law and if the new rule for 0.8 micrograms per liter standard for Lake Koocanusa is a federal rule and if anything higher than that violates the Clean Water Act.

14:11:58 Rep. Curdy asked Ms. Bowers about the process for setting a new standard.

14:13:46 Sen. Lynch asked Mr. Dorrington about the between difference DEQ's standard review and what the HJ37 special committee is charged with.

14:16:50 Rep. Knudsen asked Mr. Dorrington about DEQ's response to the order from the Board of Environmental Review indicting that to have a valid and enforceable lake water column standard, new rulemaking must be initiated.

14:19:49 Sen. Cohenour asked Mr. Dorrington if the DEQ will continue to work on coming to an agreement with Teck Resources.

14:22:15 Sen. Cohenour asked Mr. Metropoulos if Teck Resources is committed to work with the DEQ.

14:23:10 Rep. Marler said she recommends that Teck Resources only be allowed to present new information at future meetings.

14:23:37 Sen. Sales said he appreciates both groups working together on what is best for the state of Montana.

HJ37 DRAFT REPORT FINDINGS

14:24:34 Sen. Sales provided an introduction.

14:25:19 Mr. Mohr discussed the HJ37 draft report. **(Exhibit 3)**

Public comment

14:27:37 Dr. Young

14:30:00 Sen. Sales

Committee questions, discussion

14:31:09 Sen. Cohenour said it would be valuable to have a list of the stakeholders that have been involved in the process. Mr. Mohr said the report includes a list of the entities that have participated in the meetings.

ADJOURNMENT

14:34:26 Sen. Sales adjourned the meeting at 2:34 p.m.