

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By DICK KNOX, CHAIRMAN, on February 13, 1993, at 3:00 pm.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: HB 457, HB 374, HB 280, HB 408
HB 218, HB 242, HB 318, HB 380

EXECUTIVE ACTION ON HB 457

Discussion: The committee discussed the pros and cons of this legislation.

Motion/Vote: REP. GILBERT MOVED HB 457 BE TABLED. The motion carried on a voice vote.

EXECUTIVE ACTION ON HB 374

Motion/Vote: REP. FELAND moved to amend HB 374 on page 7, line 4, after "violation", to insert "for each day and each violation, provided however that the maximum penalty may not exceed \$100,000 for any related series of violations." Motion carried.

Motion/Vote: REP. GILBERT moved to amend HB 374. EXHIBIT 1 Motion carried.

Motion/Vote: REP. RANEY moved to amend the bill: the first \$20,000 collected would go into a special fund and any additional dollars above \$20,000 would be placed in the general fund. The retroactive applicability date would be removed. Motion carried.

Motion/Vote: MOTION WAS MADE THAT HB 374 DO PASS AS AMENDED. The motion carried.

EXECUTIVE ACTION ON HB 318

Motion: REP. SWANSON moved amendments from the Department of Natural Resources and Conservation (DNRC) and amendments from Montana Power Company. EXHIBIT 2

Discussion: Amendments were explained by Tim Baker, Air Quality Bureau.

Motion/Vote: REP. ORR moved to segregate amendment number 38.

Vote: Motion to accept the amendments in EXHIBIT 2, with the exception of amendment number 38, carried.

Motion/Vote: REP. ORR moved to segregate amendment number 9. EXHIBIT 3 Motion carried.

Motion: REP. ORR moved to segregate amendments five (5) through eight (8) and also moved those amendments. After discussion, the motion was withdrawn.

Motion: REP. ORR moved amendments one (1) through four (4).

Discussion: The committee discussed federal standards and standard stringency.

Substitute Motion/Vote: REP. ORR moved to segregate amendments one and four and also moved the two amendments. The motion carried on a 10 to 6 roll call vote.

Motion/Vote: REP. ORR moved amendments two (2) and three (3). The motion carried on a 9 to 7 roll call vote.

Motion/Vote: MOTION THAT HB 318 DO PASS AS AMENDED. The motion failed on a 7 to 8 roll call vote.

Motion/Vote: REP. GILBERT MOVED TO TABLE HB 318. The motion carried on a voice vote.

EXECUTIVE ACTION ON HB 280

Discussion: REP. GILBERT stated the subdivision subcommittee recommended the committee pass two bills: HB 280, and a committee bill, entitled HB 408. He added there were some suggested amendments for both pieces of legislation.

Michael Kakuk explained the amendments to HB 280. EXHIBIT 4

Motion/Vote: REP. GILBERT moved the amendments to HB 280. Motion carried.

Motion/Vote: REP. GILBERT MOVED HB 280 DO PASS AS AMENDED. Motion carried.

EXECUTIVE ACTION ON HB 408

Discussion: Michael Kakuk, legal counsel, explained the intent and purpose of the amendments to HB 408 and fielded questions from the committee. The committee further discussed alternatives and compromises to the legislation.

Motion/Vote: REP. FAGG moved the amendments to HB 408. The motion carried unanimously.

Motion: REP. HARPER moved amendments to the bill. EXHIBIT 5

Discussion: The committee discussed ramifications of the amendments.

Vote: The amendments failed on a 7 to 10 roll call vote.

Motion/Vote: REP. HARPER MOVED HB 408 DO PASS AS AMENDED. Motion carried.

EXECUTIVE ACTION ON HB 242 & HB 218

Motion: REP. HARPER MOVED TO TABLE HB 242 AND HB 218. Motion carried unanimously.

EXECUTIVE ACTION ON HB 318

Motion/Vote: REP. HARPER moved to reconsider HB 318. The motion carried.

Motion/Vote: REP. HARPER MOVED HB 318 DO PASS AS AMENDED. The motion carried.

EXECUTIVE ACTION ON HB 380

Motion: REP. FAGG MOVED HB 380 DO PASS.

Motion/Vote: REP. ORR moved HB 380 be amended. EXHIBIT 6
Motion carried.

Motion: REP. ORR moved to amend HB 380. EXHIBIT 7

Discussion: The committee discussed the regulation of hospital incinerators, emission thresholds, and existing regulations. REP. ORR withdrew his amendment.

Motion: REP. GILBERT moved to amend HB 380. EXHIBIT 8


Discussion: The committee discussed the impact of the amendments on Montana's hospitals, and the burning of infectious waste.

Vote: The motion carried.

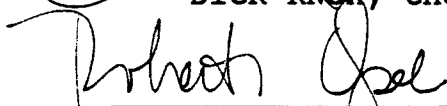
Motion/Vote: REP. GILBERT MOVED HB 380 DO PASS AS AMENDED.
Motion carried.

ADJOURNMENT

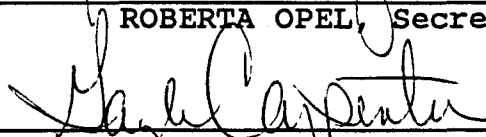
Adjournment: The meeting was adjourned at 5:30 pm.



DICK KNOX, Chairman



ROBERTA OPEL, Secretary



GAYLE CARPENTER, Transcriber

DK/ro

HOUSE OF REPRESENTATIVES

Natural Resources COMMITTEE

BILL NO.

ROLL CALL

Executive Action

DATE

2-13-93


NAME	AYE	NO	
Jody Bird	<i>2</i>		
Vivian Brooke	<i>2</i>		
Rugg Fagg	<i>2</i>		
Gary Feland	<i>2</i>		
Mike Foster	<i>2</i>		
Bob Gilbert	<i>2</i>		
Hal Harper	<i>2</i>		
Scott Orr	<i>2</i>		
Bob Raney	<i>2</i>		
Dore Schwinden	<i>2</i>		
Jay Stovall	<i>2</i>		
Emily Swanson	<i>2</i>		
Howard Toole	<i>2</i>		
Doug Wagner	<i>2</i>		
Rolph Tunby, Vice Chairman	<i>2</i>		
Dick Knox, Chairman	<i>2</i>		

HOUSE STANDING COMMITTEE REPORT

February 15, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that House Bill 280 (first reading copy -- white) do pass as amended .

Signed:  Dick Knox, Chair

And, that such amendments read:

1. Title, line 17.

Following: "76-3-203,"

Strike: "76-3-209,"

2. Page 9, line 4.

Following: "parcel"

Insert: "without local government review under the provisions of this chapter is a violation of this chapter and"

3. Page 9, line 9.

Following: "parcel"


Insert: "without local government review under the provisions of this chapter is a violation of this chapter and"

4. Page 10, line 5.

Following: "4"

Strike: "; or"

Insert: ", provided that a dwelling unit is not to be erected on the parcel. The erection of a dwelling unit on the parcel without local government review under the provisions of this chapter is a violation of this chapter and subjects the division to the provisions of this chapter. Divisions made for the purpose of mining must be noted on the certificate of survey or other recorded instrument of conveyance, along with the statement that erection of a dwelling unit on the parcel without local government review under the provisions of this chapter is a violation of this chapter and subjects the division to the provisions of this chapter."



5. Page 10, line 7.

Following: line 6

Insert: "construction"

Following: "indentures"

Insert: "; or

(xiv) a parcel containing less than 160 acres if
that parcel can be described as a one-quarter aliquot
part of a United States government section"

6. Page 11, line 12.

Following: "imposes"

Insert: "arbitrary and capricious"

7. Page 11, lines 13 and 14.

Strike: "in excess of those authorized by this chapter"

8. Page 11, line 15.

Following: "(2)"

Strike: "a"

Insert: "an arbitrary and capricious"

9. Page 11, lines 15 through 18.

Strike: "that" on line 15 through "authority" on line 18

10. Page 13, line 9.

Following: "owners"

Insert: "as defined in 76-3-103"

11. Page 14, line 8.

Following: "entity"

Insert: "or immediately adjacent to a water user entity"

12. Page 19, line 6.

Following: "minor"

Insert: "or special"

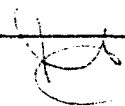
-END-

HOUSE STANDING COMMITTEE REPORT

February 15, 1993

Page 1 of 6

Mr. Speaker: We, the committee on Natural Resources report that House Bill 318 (first reading copy -- white) do pass as amended .

Signed:  Dick Knox, Chair

And, that such amendments read:

1. Page 4, line 3.

Following: "Act"

Strike: ", and it"

Insert: ". It"

2. Page 4, line 6.

Following: "v"

Strike: "."

Insert: "and that the department allow for operational flexibility at those sources, including provisions for minor permit modifications and off-permit changes. The legislature does not intend that the operating permit program administered by the department serve as a basis for imposing additional emission limitations upon sources within the state, except as required by Subchapter V. It is also the desire of the legislature that the operating permit program for those sources subject to Subchapter V of the federal Clean Air Act be no more stringent than required by Subchapter V."

3. Page 4, line 18.

Following: "11]."

Insert: "The clarifying amendments contained in this bill are not intended to expand the current authority of the department to administer an air quality permitting program relating to construction, installation, alteration, or use."

4. Page 6, lines 1 through 3.

Strike: ", including pollutants regulated pursuant to section 7412 and Subchapter V of the federal Clean Air Act, 42 U.S.C. 7401, et seq"

Insert: "(3) "Air pollutants" means one or more air contaminants that are present in the outdoor atmosphere, including those pollutants regulated pursuant to section 7412 and Subchapter V of

the federal Clean Air Act, 42 U.S.C. 7401, et seq."
Renumber: subsequent subsections

6. Page 6, line 4.

Following: "presence"

Strike: "in the outdoor atmosphere of one or more air
contaminants"

Insert: "of air pollutants"

7. Page 7, line 7.

Strike: "regulated"

8. Page 7, line 8.

Strike: "contaminant"

Insert: "pollutant"

9. Page 7, line 10.

Strike: "regulated"

Following: "air"

Strike: "contaminants"

Insert: "pollutants"

10. Page 8, line 23.

Strike: "contaminants"

Insert: "pollutants"

11. Page 9, line 2.

Strike: "operation,"

12. Page 9, line 3.

Strike: "expiration,"

13. Page 9, line 4.

Strike: "amendment,"

14. Page 9, lines 5 and 6.

Strike: "operating permits as part of an operating permit program
to be administered by the department"

Insert: "a permit issued"

15. Page 9, line 7.

Strike: "chapter"

Insert: "part"

16. Page 10, line 15.

Strike: "contaminants"

Insert: "pollutants"

17. Page 16, line 16.

Following: "application."

Insert: "This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner."

18. Page 19, lines 12 through 16.

Strike: lines 12 through 16 in their entirety.

Insert: "(i) the alleged violator's ability to pay and the economic impact of the penalty on the alleged violator;

(ii) the alleged violator's full compliance history and good faith efforts to comply;

(iii) the duration of the violation as established by any credible evidence, including evidence other than the applicable test method;

(iv) payment by the violator of penalties previously assessed for the same violation;

(v) the economic benefit of noncompliance;

(vi) the seriousness of the violation; and

Renumber: subsequent subsection

19. Page 20, line 23.

Following: "false"

Insert: "material"

20. Page 21, line 5.

Following: "exceed"

Strike: "3"

Insert: "2"

Following: "."

Insert: "This offense must be classified as a misdemeanor."

21. Page 21, line 19.

Strike: "-- presumption of continuing violation"

22. Page 22, line 18 through page 23, line 4.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection.

23. Page 25, line 12.

Following: "chapter."

Insert: "The board shall promulgate rules that are no more stringent than the requirements of Subchapter V of the federal Clean Air Act."

24. Page 25, line 14.

Strike: "contaminants"

Insert: "pollutants"

Handwritten signature/initials

25. Page 26, lines 15 through 19.

Following: "(a)"

Strike: "requirements" on line 15 through "made;" on line 19

Insert: "adequate procedures that are streamlined and reasonable for:

(i) expeditiously determining when applications are complete;

(ii) processing applications; and

(iii) expeditiously reviewing permit actions, including application renewals or revisions;"

26. Page 29, line 21.

Following: "made."

Insert: "The department shall adopt rules that contain criteria for use in determining both when an application is complete and when additional information is required after a completeness determination has been made."

27. Page 30, line 4.

Following: "application."

Insert: "This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner."

28. Page 30, line 24.

Following: "9]."

Insert: "The applicant shall continue to be subject to the terms and conditions of the expired operating permit until the operating permit is renewed and is subject to the application of [section 9]."

29. Page 32, line 19.

Strike: "contaminants"

Insert: "pollutants"

30. Page 34, line 1.

Following: "for"

Insert: "actual"

31. Page 34, line 2.

Strike: "contaminants"

Insert: "pollutants"

32. Page 34, line 3.

Strike: "contaminant"

Insert: "pollutant"

Handwritten signature and date: 2/16/93

33. Page 34, line 5.

Strike: "contaminant"

Insert: "pollutant"

34. Page 34, line 25.

Following: "chapter,"

Insert: "that the amount of the requested fees is appropriate,"

35. Page 35, line 9.

Strike: "of not more than"

Insert: "not to exceed"

36. Page 35.

Following: line 21

Insert: "(c) The board shall by rule provide for the implementation of this subsection (5), including criteria for imposition of the sanctions described in this subsection (5).

37. Page 36, lines 1 and 2.

Strike: "an operating"

Insert: "a"

38. Page 36, line 5.

Strike: "contaminants"

Insert: "pollutants"

39. Page 36, line 15.

Strike: "contaminant"

Insert: "pollutant"

40. Page 37, line 5.

Strike: "contaminants"

Insert: "pollutants"

41. Page 37, line 13.

Following: "chapter."

Insert: "The operating permit fees and the construction permit fees must be maintained in separate subaccounts. A person paying fees under the operating permit program is authorized to audit the operating permit program quarterly."

42. Page 37, line 21.

Following: "owners"

Insert: "or representatives of owners"

February 15, 1993
Page 6 of 6

43. Page 40, line 25.
Strike: "regulated"
Strike: "contaminants"
Insert: "pollutants"

44. Page 41, line 4.
Strike: "regulated"

45. Page 41, line 5.
Strike: "contaminant"
Insert: "pollutant"

46. Page 41, line 6.
Strike: "regulated"

47. Page 41, line 7.
Strike: "contaminants"
Insert: "pollutants"


48. Page 2, line 15.
Page 4, line 15.
Page 7, lines 15 and 19.
Page 41, line 11.
Page 45, lines 11 and 23.
Page 47, line 4.
Strike: "contaminants" or "contaminant"
Insert: "pollutants" or "pollutant"
-END-

HOUSE STANDING COMMITTEE REPORT

February 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Bill 380 (first reading copy -- white) do pass as amended .

Signed: 
Dick Knox, Chair

And, that such amendments read:

1. Title, lines 10 through 13.

Strike: "PROHIBITING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES FROM ISSUING AN AIR QUALITY PERMIT FOR INCINERATORS, BOILERS, AND INDUSTRIAL FURNACES UNTIL JUNE 1, 1994;"

2. Page 2, line 22 through page 3, line 3.

Strike: in their entirety

3. Page 4.

Following: line 13

Insert: "(9) "Modify" means any physical change in or change in the method of operation of an incinerator that increases the amount of any air pollutant emitted by the source or that results in the emission of any air pollutant not previously emitted."

Renumber: subsequent subsections

4. Page 6, line 1.

Following: "construct"

Strike: ", "

Insert: "or"

Strike: ", or operate"

5. Page 6, lines 10 through 22.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

6. Page 8, line 9 through page 9, line 8.

Strike: sections 3 and 4 in their entirety

Renumber: subsequent sections

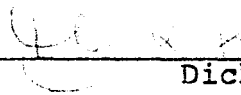
Committee Vote:

HOUSE STANDING COMMITTEE REPORT

February 15, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that House Bill 374 (first reading copy -- white) do pass as amended.

Signed: 
Dick Knox, Chair

And, that such amendments read:

1. Title, lines 8 through 11.

Strike: "INCREASING" on line 8 through "QUALITY;" on line 11

2. Title, line 11.

Following: "75-5-201"

Strike: ", "

Insert: "AND"

3. Title, line 12.

Strike: "75-5-507,"

Strike: "AND 75-5-634,"

Strike: "; AND PROVIDING A"

4. Title, line 13.

Strike: "RETROACTIVE APPLICABILITY DATE"

5. Page 2, lines 20 through 25.

Following: "laws" on line 20

Strike: ";" on line 20 through "quality" on line 25

6. Page 4, line 25.

Strike: "mailing"

Insert: "receipt"

7. Page 6, line 23.

Following: "(7)"

Strike: "In addition to or instead"

Insert: "Instead"

8. Page 7, line 4.

Following: "violation"

Insert: "; however, the maximum penalty may not exceed \$100,000 for any related series of violations"

February 15, 1993
Page 2 of 2

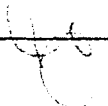
9. Page 7, line 15 through page 10, line 14.
Strike: Sections 3, 4 and 5 in their entirety
-END-

HOUSE STANDING COMMITTEE REPORT

February 15, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that House Bill 408 (first reading copy -- white) do pass as amended .

Signed:  Dick Knox, Chair

And, that such amendments read:

1. Title, line 7.

Following: "LIMITATION;"

Insert: "MODIFYING THE FAMILY SALE EXEMPTION;"

2. Title, lines 8 and 9

Strike: "LIMITING" on line 8 through "SUBDIVISIONS;" on line 9

3. Title, line 10.

Strike: "76-3-605,"

4. Page 4, line 18.

Following: "(14)"

Insert: "(a)"

5. Page 4, line 20.

Following: "~~acres~~"

Insert: "containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section"

6. Page 5.

Following: line 1

Insert: "(b) A local governing body may increase or remove the 160-acre provision in subsection (14) (a) after:

(i) providing public notice pursuant to 7-1-4128 for a municipality or pursuant to 7-1-2121 for a county;

(ii) conducting a public hearing according to the procedures in 7-1-4131; and

(iii) following the procedures for the adoption of ordinances in 7-5-103."

7. Page 5, line 5.

Following: "~~which~~"

Strike: "that"

Insert: "containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section when the parcels"

8. Page 5, line 6.

Strike: ", and the"

Insert: ". The"

9. Page 5, line 21.

Following: "of a"

Insert: "single"

Following: "sale"

Insert: "in each county"

Following: "~~any~~"

Strike: "a"

Insert: "each"

10. Page 7, line 5 through page 8, line 9.

Strike: Section 5 in its entirety

Renumber: subsequent sections

11. Page 9, line 23.

Following: "of"

Insert: "legal and physical"

12. Page 10.

Following: line 1

Insert:

"NEW SECTION. Section 6. Coordination instruction. If House Bill No. 280 is passed and approved, then [this act] is void."

Renumber: subsequent sections

13. Page 10, line 3.

Strike: "5"

Insert: "4"

14. Page 10, line 5.

Strike: "6"

Insert: "5"

-END-

35 2/1/93

EXHIBIT 1
DATE 2-13-93
HB 374

Amendments to House Bill No. 374
First Reading Copy

Requested by Rep. Gilbert
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 13, 1993

1. Page 4, line 25.
Strike: "mailing"
Insert: "receipt"

Amendments to House Bill No. 318
1st Reading Copy

Requested by Rep. S. Rice
For the Committee on Natural Resources

Prepared by Todd Everts, Committee Staff
February 11, 1993

1. Page 4, line 3.
Following: "Act"
Strike: ", and it"
Insert: ". It"

2. Page 4, line 6.
Following: "V"
Strike: "."
Insert: "and that the department allow for operational flexibility at those sources, including provisions for minor permit modifications and off-permit changes. The legislature does not intend that the operating permit program administered by the department serve as a basis for imposing additional emission limitations upon sources within the state, except as required by Subchapter V."

3. Page 4, line 18.
Following: "11]."
Insert: "The clarifying amendments contained in this bill are not intended to expand the current authority of the department to administer an air quality permitting program relating to construction, installation, alteration, or use."

4. Page 6, lines 1 through 3.
Strike: ", including pollutants regulated pursuant to section 7412 and Subchapter V of the federal Clean Air Act, 42 U.S.C. 7401, et seq"

5. Page 6.
Following: line 3.
Insert: "(3) "Air pollutants" means one or more air contaminants that are present in the outdoor atmosphere, including those pollutants regulated pursuant to section 7412 and Subchapter V of the federal Clean Air Act, 42 U.S.C. 7401, et seq."
Renummer: subsequent subsections

6. Page 6, line 4.
Following: "presence"
Strike: "in the outdoor atmosphere of one or more air contaminants"
Insert: "of air pollutants"

7. Page 7, line 7.
Strike: "regulated"

8. Page 7, line 8.
Strike: "contaminant"
Insert: "pollutant"
9. Page 7, line 10.
Strike: "regulated"
Following: "air"
Strike: "contaminants"
Insert: "pollutants"
10. Page 8, line 23.
Strike: "contaminants"
Insert: "pollutants"
11. Page 9, line 2.
Strike: "operation,"
12. Page 9, line 3.
Strike: "expiration,"
13. Page 9, line 4.
Strike: "amendment,"
14. Page 9, lines 5 and 6.
Strike: "operating permits as part of an operating permit program to be administered by the department"
Insert: "a permit issued"
15. Page 9, line 7.
Strike: "chapter"
Insert: "part"
16. Page 10, line 15.
Strike: "contaminants"
Insert: "pollutants"
17. Page 16, line 16.
Following: "application."
Insert: "This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner."
18. Page 19, lines 12 through 16.
Strike: lines 12 through 16 in their entirety.
Insert: "(i) the alleged violator's ability to pay and the economic impact of the penalty on the alleged violator;
(ii) the alleged violator's full compliance history and good faith efforts to comply;
(iii) the duration of the violation as established by any credible evidence, including evidence other than the applicable test method;
(iv) payment by the violator of penalties previously assessed for the same violation;
(v) the economic benefit of noncompliance;
(vi) the seriousness of the violation; and

Renumber: subsequent subsection

19. Page 20, line 23.

Following: "false"

Insert: "material"

20. Page 21, line 5.

Following: "exceed"

Strike: "3"

Insert: "2"

Following: "."

Insert: "This offense must be classified as a misdemeanor."

21. Page 25, line 14.

Strike: "contaminants"

Insert: "pollutants"

22. Page 26, lines 15 through 19.

Following: "(a)"

Strike: "requirements" on line 15 through "made;" on line 19

Insert: "adequate procedures that are streamlined and reasonable
for:

(i) expeditiously determining when applications are
complete;

(ii) processing applications; and

(iii) expeditiously reviewing permit actions, including
application renewals or revisions;"

23. Page 29, line 21.

Following: "made."

Insert: "The department shall adopt rules that contain criteria
for use in determining both when an application is complete and
when additional information is required after a completeness
determination has been made."

24. Page 30, line 4.

Following: "application."

Insert: "This does not limit or abridge the right of any person
to seek available judicial remedies to require the department to
act in a timely manner."

25. Page 30, line 24.

Following: "9]."

Insert: "The applicant shall continue to be subject to the terms
and conditions of the expired operating permit until the
operating permit is renewed and is subject to the application of
[section 9]."

26. Page 32, line 19.

Strike: "contaminants"

Insert: "pollutants"

27. Page 34, line 1.
Following: "for"
Insert: "actual"
28. Page 34, line 2.
Strike: "contaminants"
Insert: "pollutants"
29. Page 34, line 3.
Strike: "contaminant"
Insert: "pollutant"
30. Page 34, line 5.
Strike: "contaminant"
Insert: "pollutant"
31. Page 34, line 25.
Following: "chapter,"
Insert: "that the amount of the requested fees is appropriate,"
32. Page 35, line 9.
Strike: "of not more than"
Insert: "not to exceed"
33. Page 35.
Following: line 21
Insert: "(c) The board shall by rule provide for the implementation of this subsection (5), including criteria for imposition of the sanctions described in this subsection (5)."
34. Page 36, lines 1 and 2.
Strike: "an operating"
Insert: "a"
35. Page 36, line 5.
Strike: "contaminants"
Insert: "pollutants"
36. Page 36, line 15.
Strike: "contaminant"
Insert: "pollutant"
37. Page 37, line 5.
Strike: "contaminants"
Insert: "pollutants"
38. Page 37, line 13.
Following: "chapter."
Insert: "The expenditure of funds in this account by the department must be audited on a biennial basis by an independent auditor, with the cost for such services being charged against the funds contained in the account."

39. Page 37, line 21.

Following: "owners"

Insert: "or representatives of owners"

EXHIBIT 2

DATE 2-13-93

HO 318

40. Page 40, line 25.

Strike: "regulated"

Strike: "contaminants"

Insert: "pollutants"

41. Page 41, line 4.

Strike: "regulated"

42. Page 41, line 5.

Strike: "contaminant"

Insert: "pollutant"

43. Page 41, line 6.

Strike: "regulated"

44. Page 41, line 7.

Strike: "contaminants"

Insert: "pollutants"

45. Page 2, line 15.

Page 4, line 15.

Page 7, lines 15 and 19.

Page 41, line 11.

Page 45, lines 11 and 23.

Page 47, line 4.

Strike: "contaminants" or "contaminant"

Insert: "pollutants" or "pollutant"

Amendments to House Bill No. 318
1st Reading Copy

Requested by Rep. Orr
For the Committee on Natural Resources

Prepared by Todd Everts, Committee Staff
February 11, 1993

1. Page 4, line 6.
Following: "V."
Insert: "It is also the desire of the legislature that the operating permit program for those sources subject to Subchapter V of the federal Clean Air Act be no more stringent than required by Subchapter V."
2. Page 21, line 19.
Strike: "-- presumption of continuing violation"
3. Page 22, line 18, through page 23, line 4.
Strike: subsection (3) in its entirety
Renumber: subsequent subsection.
4. Page 25, line 12.
Following: "chapter."
Insert: "The board shall promulgate rules that are no more stringent than the requirements of Subchapter V of the federal Clean Air Act."
5. Page 26, lines 15 through 19.
Following: "(a)"
Strike: "requirements" on line 15 through "made;" on line 19
Insert: "adequate procedures that are streamlined and reasonable for:
 (i) expeditiously determining when applications are complete;
 (ii) processing applications; and
 (iii) expeditious review of permit actions, including application renewals or revisions;"
6. Page 34, line 1.
Following: "for"
Insert: "actual"
7. Page 34, line 25.
Following: "chapter,"
Insert: "that the amount of the requested fees is appropriate,"
8. Page 35, lines 9 and 10.
Following: "(i)"
Strike: "impose a penalty of not more than 50% of the fee, plus"
Insert: "collect"

9. Page 37, line 13.

Following: "chapter."

Insert: "The operating permit fees and the construction permit fees must be maintained in separate subaccounts. A person paying fees under the operating permit program is authorized to audit the operating permit program quarterly."

Amendments to House Bill No. 280
First Reading Copy

Requested by Rep. Gilbert
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 5, 1993

1. Title, line 17.
Following: "76-3-208,"
Strike: "76-3-209,"
2. Page 9, line 4.
Following: "parcel"
Insert: "without local government review under the provisions of
this chapter is a violation of this chapter and"
3. Page 9, line 9.
Following: "parcel"
Insert: "without local government review under the provisions of
this chapter is a violation of this chapter and"
4. Page 10, line 5.
Following: "4"
Strike: "; or"
Insert: ", provided that a dwelling unit is not to be erected on
the parcel. The erection of a dwelling unit on the parcel
without local government review under the provisions of this
chapter is a violation of this chapter and subjects the
division to the provisions of this chapter. Divisions made
for the purpose of mining must be noted on the certificate
of survey or other recorded instrument of conveyance, along
with the statement that erection of a dwelling unit on the
parcel without local government review under the provisions
of this chapter is a violation of this chapter and subjects
the division to the provisions of this chapter."
5. Page 10, line 7.
Following: line 6
Insert: "construction"
Following: "indentures"
Insert: "; or
(xiv) a parcel containing less than 160 acres if that
parcel can be described as a one-quarter aliquot part
of a United States government section"
6. Page 11, line 12.
Following: "imposes"
Insert: "arbitrary and capricious"
7. Page 11, lines 13 and 14.
Strike: "in excess of those authorized by this chapter"
8. Page 11, line 15.

Following: "(2) "

Strike: "a"

Insert: "an arbitrary and capricious"

9. Page 11, lines 15 through 18.

Strike: "that" on line 15 through "authority" on line 18

10. Page 13, line 9.

Following: "owners"

Insert: "as defined in 76-3-103"

11. Page 14, line 8.

Following: "entity"

Insert: "or immediately adjacent to a water user entity"

12. Page 19, line 6.

Following: "minor"

Insert: "or special"

EXHIBIT 5
DATE 2-13-93
HB 408

Amendments to House Bill No. 408
First Reading Copy

Requested by Rep. Harper
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 13, 1993

1. Page 5.

Following: line 1

Insert: "(15) "Tract of record" means a parcel of land,
irrespective of ownership, that can be identified by legal
description, independent of any other parcel of land, using
documents on file in the records of the county clerk and
recorder's office."

2. Page 10.

Following: line 1

Insert: "(4) The governing body may require the subdivider to
design the subdivision to minimize potentially significant
adverse impacts. The governing body and the developer may
also agree upon reasonable mitigation measures."

Amendments to House Bill No. 380
1st Reading Copy

For the Committee on Natural Resources

Prepared by Todd Everts, Committee Staff
February 13, 1993

1. Title, lines 10 through 13.

Strike: "PROHIBITING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
SCIENCES FROM ISSUING AN AIR QUALITY PERMIT FOR
INCINERATORS, BOILERS, AND INDUSTRIAL FURNACES UNTIL JUNE 1,
1994;"

2. Page 2, line 22 through page 3, line 3.

Strike: in their entirety

3. Page 8, line 9 through page 9, line 8.

Strike: sections 3 and 4 in their entirety

Renumber: subsequent sections

EXHIBIT

DATE

HB 380

Amendments to House Bill No. 380
1st Reading Copy

Requested by Rep. Orr
For the Committee on Natural Resources

Prepared by Todd Everts, Committee Staff
February 11, 1993

1. Page 8.

Following: line 8

Insert: "(7) This section does not apply to health care
facilities licensed under Title 50, chapter 5, part 2. "

Amendments to House Bill No. 380
1st Reading Copy

Requested by Rep. Gilbert
For the Committee on Natural Resources

Prepared by Todd Everts, Committee Staff
February 13, 1993

1. Page 4.

Following: line 18

Insert: "(9) "Modify" means any physical change in or change in the method of operation of an incinerator that increases the amount of any air pollutant emitted by the source or that results in the emission of any air pollutant not previously emitted."

Renumber: subsequent subsections

2. Page 6, line 1.

Following: "construct"

Strike: ", "

Insert: "or"

Strike: "or operate"

3. Page 6, lines 10 through 22.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections