

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 346

Call to Order: By **CHAIRMAN TOM BECK**, on April 7, 1995, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck (R)
Sen. Gary Forrester (D)
Sen. Lorents Grosfield (R)
Rep. Dick Knox (R)
Rep. Karl Ohs (R)
Rep. Debbie Shea (D)

Members Excused: none

Members Absent: none

Staff Present: Todd Everts, Environmental Quality Council
Elaine Johnston, Secretary

This conference committee was dissolved and a free conference committee of the same members was appointed. However, the free conference committee never met but the amendments they adopted were discussed in this meeting and the free conference committee report is in these minutes.

{Tape: 1; Side: A; Approx. Counter: ; Comments: .}

Discussion:

Abe Horpestad, Department of Health and Environmental Sciences, gave some background on SB 346. He said that the basis for the bill was that there are a lot of waters in Montana which are wrongly classified. The classification was done years ago and it was a once over lightly type classification. Consequently, they had situations where the water quality was worse than the standards and because of the way the laws are written, if someone wanted to discharge those waters, they would have to discharge quality in accordance with the standards not with what is in the stream. In many cases, it was very difficult for them to comply with the standards and it did not make sense from a practical standpoint. If you had a river with a Ph of 3, it was a strong acid and they are telling someone in order to discharge they have to achieve a Ph of 7.5. They had the problem that people who want to start new operations, they do not want to get started

because they would not be able to achieve the discharge standards. SB 346 set up a process by which a temporary standard could be set provided that a fair amount of information was received by the applicant including a plan and schedule to remedy the water quality. SB 346 did that, but the amendment on page 4, a new section was added that said, "during the period of the temporary modification, the board may not allow a discharge that will cause water quality to become worse than the quality of the water body for sake of planning a discharge". He said that requirement was too stringent and there would be cases where they would like to trade a little bit of increase in sulfate or carbonate which would result from treatment and get rid of a whole bunch of metals. What the bill should have said was, "the overall water quality" rather than "the water quality". A couple of other items could be changed in a free conference committee.

CHAIRMAN TOM BECK told the committee that the amendment was to insert on page 4 line 24 after "CAUSE" "overall" and following "THAN THE" "overall". He said the reason was because the standard was way to tight and needed to be expanded. He asked the members if they agreed.

Motion/Vote: SEN. LORENTS GROSFIELD MOVED TO ADOPT THE AMENDMENT. THE MOTION CARRIED UNANIMOUSLY.

Discussion:

CHAIRMAN BECK said that there were some other concerns that would require a free conference committee.

SEN. GARY FORRESTER referred to **Mr. Horpestad**.

Mr. Horpestad said that the first change was on page 3 line 19 through 21. He said that the board had adopted a temporary classification which had a great similarity to what was in SB 346. In the temporary classification, someone must demonstrate that it was originally misclassified. He proposed that the section be changed by striking "under [section 3]" and inserting "or classification". He said they were not concerned if it had been originally misclassified or not.

SEN. FORRESTER said there was another amendment needed.

Mr. Horpestad, said that on page 4 lines 20 through 22 it said that the temporary standard could not extend beyond 20 years from the time of the original designation as a temporary standard. There could be cases where someone worked for 10 years and got the water partially cleaned up and go away. Ten years may pass and someone else may want to take on the clean up but would not be able to because the 20 year total had elapsed. He said that should be changed by putting a period after the "20 years" on line 21. That allowed the total clean up time to be 20 years and not consecutive years.

SEN. GROSFIELD said that same concept appeared in some other places in the bill and when it went through the process in Senate Natural Resources; they cleaned it up but forgot that one place. He pointed out on page 5 where they had changed the language and in order to work it had to be changed in all three places.

REP. CARL OHS asked SEN. GROSFIELD if what he said was that he felt it was an oversight?

SEN. GROSFIELD said that was correct but it would need a free conference committee to be fixed.

CHAIRMAN BECK asked if they were in agreement to ask for a free conference committee?

Motion/Vote : SEN. FORRESTER MOVED TO ASK FOR A FREE CONFERENCE COMMITTEE. THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 10:10 a.m.

A handwritten signature in cursive script, reading "Sen Tom Beck", written over a horizontal line.

SEN. TOM BECK, Chairman

A handwritten signature in cursive script, reading "Elaine Johnston", written over a horizontal line.

ELAINE JOHNSTON, Secretary

TB/ej

Free Conference Committee
on SB 346
Report No.1, April 10, 1995

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Mr. President and Mr. Speaker:

We, your Free Conference Committee on SB 346, met and considered:

House Committee on Natural Resources amendments to the third reading copy dated March 22, 1995.

We recommend that SB 346 (reference copy - salmon) be amended as follows:

1. Page 3, line 19.

Strike: "under [section 3]"

Insert: "or classification"

2. Page 4, lines 21 and 22.

Strike: "OF" on line 21

Insert: "longer than"

Strike: "from" on line 21 through "standard" on line 22.

3. Page 4, line 24.

Following: "CAUSE"

Insert: "overall"

Following: "THAN THE"

Insert: "overall"

And that this Free Conference Committee report be adopted.

For the Senate:

Beck

Chair

Grosfield

Forrester

Amd. Coord.

Sec. of Senate

For the House:

Knox

Chair

Ohs

Shea

ADOPT

REJECT

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