

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRMAN ROGER DEBRUYCKER, on February 13,
1997, at 8:00 A.M., in Room 201

ROLL CALL

Members Present:

Rep. Roger DeBruycker, Chairman (R)
Sen. Thomas F. Keating, Vice-Chairman (R)
Sen. Larry L. Baer (R)
Rep. John Johnson (D)
Sen. Linda J. Nelson (D)
Rep. William R. Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Roger Lloyd, Legislative Fiscal Division
Theda Rossberg, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: DEPARTMENT OF ENVIRONMENTAL
QUALITY
Enforcement Division
Planning and Prevention

Executive Action: DEPARTMENT OF ENVIRONMENTAL
QUALITY.
Permitting and Compliance
Enforcement Division
Planning and Prevention

Tape 1,A
Speed 4.8

EXECUTIVE ACTION PERMITTING AND COMPLIANCE DIVISION

BUDGET ITEMS:

2) Subdivision and PWS Technical Staff:

Ms. Sensibaugh reviewed budget item 2.

Questions and Responses:

REP. WISEMAN asked what the program would cost without the FTE'S.

Ms. Sensibaugh replied they would have to increase their contracted services.

Motion/Vote: REP. WISEMAN MOVED TO APPROVE \$96,140 IN FY98 AND \$75,000 IN FY99 WITHOUT THE FTE'S FOR ITEM 2, SUBDIVISION & PWS TECHNICAL STAFF. Motion carried 5 - 1 with SEN. JOHNSON voting no.

3) Water Quality Tech:

{Tape: 1; Side: A; Approx. Time Count: 5.3; Comments: .}
Mr. Lloyd reviewed the narrative on Page C-110.

Ms. Sensibaugh reviewed Item 3, Water Quality Tech.

{Tape: 1; Side: A; Approx. Time Count: 8.7; Comments: .}
Discussion:

Note: No action taken on Item 3.

4) Hazardous Waste Management Fees:

{Tape: 1; Side: A; Approx. Time Count: 12; Comments: .}
Mr. Lloyd reviewed the narrative on Page C-111.

{Tape: 1; Side: A; Approx. Time Count: 14.7; Comments: .}
Discussion:

Motion: SEN. KEATING MOVED TO APPROVE ITEM 4, HAZARDOUS WASTE MANAGEMENT FEE.

Discussion:

Mr. Lloyd stated that it was taken out of the general fund and put into state special revenue account would be to fund the FTE position that was approved by the 1993 legislature. That position was already funded in the Enforcement Division with general fund, RIT and permit fees.

Amended Motion: SEN. KEATING AMENDED HIS MOTION TO APPROVE THE FUNDING SWITCH OF \$34,000 FROM GENERAL FUND TO OTHER REVENUE SOURCES.

Discussion:

Mr. Lloyd explained that the funding switch would actually be A "0" balance.

Vote: Motion carried 5 - 1 with REP BAER voting no.

{Tape: 1; Side: A; Approx. Time Count: 22.9 ; Comments: Budget Item No. 5.}

5) Shallow Well Injection Permits:

Mr. Lloyd reviewed his narrative on Page C-112.

Questions and Responses:

SEN. KEATING asked who made applications for injection wells.

John Arrigo, Supervisor Ground Water Section replied that there were 5 different types of injections wells. The operators would apply for a permit of which permit fees would be charged.

{Tape: 1; Side: A; Approx. Time Count: 26.4; Comments: Discussion on permits, cost, etc. for an injection well..}

Motion: REP. WISEMAN MOVED TO APPROVE ITEM 5 FOR .38 FTE IN FY98 AND REDUCE THE FTE REQUEST BY .5 IN FY99 AND REDUCE THE APPROPRIATION ACCORDINGLY.

{Tape: 1; Side: a; Approx. Time Count: 35.2; Comments: .}

Discussion:

Amended Motion/Vote: REP. WISEMAN AMENDED HIS MOTION TO INCLUDE THE LANGUAGE ITEMS a, b and c FROM PAGES C-112 AND C-113 FOR BUDGET ITEM 5. Motion carried unanimously.

6) Operator Certification Support Staff:

Note: No action was taken on item 6.

7) Solid Waste Equipment:

Motion/Vote: REP. WISEMAN MOVED TO APPROVE ITEM 7, SOLID WASTE EQUIPMENT. Motion carried unanimously.

EXHIBIT 1, Cenex Boiler Permit Application Chronology as requested by REP. WISEMAN.

Tape 1,B
Speed 2.4

HEARING ENFORCEMENT DIVISION

EXHIBIT 2. Page C-96 - Program Description.

EXHIBIT 3. John Arrigo, Administrator, Enforcement Division gave on overview of the division.

EXHIBIT 4. - Citizen Complaints.

{Tape: 1; Side: B; Approx. Time Count: 20.3; Comments: .}

Mr. Arrigo's continued testimony on Enforcement Division.

Questions and Responses:

SEN. BAER asked what account the fines went into.

Mr. Arrigo stated that those funds were deposited to the general fund or a special revenue account.

{Tape: 1,; Side: B; Approx. Time Count: 13.0; Comments: .}

Questions and Responses regarding the funding.

EXHIBIT 5 - Current Enforcement Cases.

{Tape: 1; Side: B; Approx. Time Count: 30.6; Comments: .}

Mr. Arrigo discussed current enforcement cases.

{Tape: 1; Side: B; Approx. Time Count: 42.9; Comments: .}

Mr. Lloyd explained the funding for the FTE'S shown on Page C-96.

EXHIBIT 6 - Enforcement Division.

EXECUTIVE ACTION ENFORCEMENT DIVISION

BUDGET ITEMS:

Motion: REP. WISEMAN MOVED TO ADJUST THE BASE TO 15.5 FTE FROM 17.5 FTE AND REDUCE THE GENERAL FUND ACCORDINGLY.

Discussion:

Mr. Simonich responded to REP. WISEMAN'S motion.

Vote: Motion carried 4 - 2 with SEN. NELSON and SEN. JOHNSON voting no.

Motion/Vote: SEN. KEATING MOVED TO APPROVE THE OPERATING EXPENSES AND EQUIPMENT IN THE BASE. Motion carried unanimously.

{Tape: 1; Side: B; Approx. Time Count: 54.3; Comments: .}

EXHIBIT 7, Page C-98

Present Law Adjustments:

Discussion:

Mr. Simonich and Mr. Lloyd and the committee discussed the base figures.

Motion/Vote: REP. WISEMAN MOVED TO APPROVE ITEMS 1, 2, AND 3 OF THE PRESENT LAW ADJUSTMENTS AND THE BUDGET REDUCTION IN ITEM 1 TO REFLECT THE FTE REDUCTION. Motion carried unanimously.

4) Base Adjustments:

Motion/Vote: SEN. KEATING MOVED TO APPROVE ITEM 4, BASE ADJUSTMENTS. Motion carried unanimously.

5) Equipment Replacement:

Motion/Vote: SEN. KEATING MOVED TO APPROVE ITEM 5, EQUIPMENT REPLACEMENT. Motion carried unanimously.

6) Vehicle Lease:

Motion/Vote: REP. WISEMAN MOVED TO APPROVE ITEM 6, VEHICLE LEASE. Motion carried unanimously.

Other Base Adjustments:

{Tape: 1; Side: B; Approx. Time Count: 66.7; Comments: .}

Mr. Arrigo reviewed Other Base Adjustments.

Motion/Vote: SEN. KEATING MOVED TO APPROVE OTHER BASE ADJUSTMENTS. Motion carried unanimously.

EXHIBIT 8, Page C-99 - EXECUTIVE NEW PROPOSALS.

1) Leased Vehicles New:

Motion/Vote: SEN. KEATING MOVED TO APPROVE ITEM 1, LEASE VEHICLES. Motion carried unanimously.

{Tape: 1; Side: B; Approx. Time Count: 70.9; Comments: .}

Discussion:

The department and committee members discussed the leased vehicles.

HEARING PLANNING, PREVENTION & ASSISTANCE DIVISION

EXHIBIT 9, Page C-90

Van Jamison, Administrator Prevention & Assistance Division gave an overview of the division.

EXHIBIT 10 - Organizational Chart

Mr. Jamison reviewed the FTE in each bureau and the administrator's office.

EXHIBIT 11 - Chart showing the divisions where the FTE came from.

EXHIBIT 12 - Pie Chart showing the proposed funding.

{Tape: 1; Side: B; Approx. Time Count: 79.8; Comments: .}

Overview on the Technical Assistance Bureau by Mr. Jamison.

Tape 2,A

Speed 2.4

Mr. Jamison continued the Technical Assistance Bureau overview.

{Tape: 2; Side: A; Approx. Time Count: 17.5; Comments: .}

Questions and Responses:

Mr. Jamison and Mr. Simonich responded to question by the committee members regarding Technical Assistance.

{Tape: 2; Side: A; Approx. Time Count: 25.7; Comments: .}

POLLUTION PREVENTION BUREAU

Mr. Jamison gave an overview of the Pollution and Prevention Bureau. See EXHIBIT 10.

{Tape: 2; Side: a; Approx. Time Count: 51.0; Comments: .}

RESOURCE PROTECTION PLANNING BUREAU:

Review by Mr. Jamison.

Discussion:

Committee members and the Bureau staff.

Questions and Responses:

Robert Raisch, Chief Resource Protection Planning Bureau responded to REP. WISEMAN'S questions on the monitoring system located in Great Falls.

Discussion:

Discussion on the Radon monitoring issue.

{Tape: 2; Side: A; Approx. Time Count: 80.2; Comments: .}

EXHIBIT 13, Page C-95 - Mr. Lloyd reviewed the Major Facility Siting Act and some proposed options.

Discussion:

Tape 2,B

Speed 2.4

Continued discussion on the Major Facility Siting Act.

Questions and Responses:

EXHIBIT 14. SEN. KEATING asked about the funding sources on Page C-91.

Mr. Jamison responded.

EXECUTIVE ACTION PLANNING, PREVENTION & ASSISTANCE DIVISION

Motion: SEN. KEATING MOVED TO APPROVE 80 FTE IN THE BASE INCLUDING THE BASE ADJUSTMENTS FOR FY98 AND FY99.

Discussion:

Questions and Responses:

REP. WISEMAN asked how many FTE and the amount of funds would have to be transferred to DNRC if the 319 Program was moved out of DEQ.

Mr. Lloyd responded that he was working on that with the department, but suggested waiting until the committee acted on the budget because those figures may affect what would be moved to DNRC.

Vote: Motion carried 4 - 2 with SEN. NELSON and SEN. JOHNSON voting no.

Motion/Vote: SEN. KEATING MOVED TO APPROVE THE BASE IN PERSONAL SERVICES, OPERATING EXPENSES, EQUIPMENT, CAPITAL PROJECTS GRANTS, TRANSFERS AND DEBT SERVICE TO REFLECT THE 80 FTE REDUCTIONS. Motion carried 4 - 2 with SEN. JOHNSON and SEN. NELSON voting no.

Motion/Vote: SEN. KEATING MOVED TO APPROVE ITEM 2, INFLATION/DEFLATION AND ITEM 3, FIXED COSTS FOR PRESENT LAW ADJUSTMENTS. Motion carried unanimously.

EXHIBIT 15 - Environmental Management Bureau.


EXHIBIT 16 - Industrial and Energy Mineral Bureau.

EXHIBIT 17 - Water Protection Bureau.

ADJOURNMENT

Adjournment: 12:00 A.M.


REP. ROGER DEBRUYCKER, Chairman


THEDA ROSSBERG, Secretary

RD/TR