

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRMAN ROGER DEBRUYCKER, on February 17,
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: DEPT. ENVIRONMENTAL QUALITY
Remediation Division
Petro Tank Release Div.

Executive Action: DEPT. ENVIRONMENTAL QUALITY
Remediation Division
Petro Tank Release Div.

Tape 1,A
Speed 2.4

DEPARTMENT ENVIRONMENTAL DIVISION
HEARING REMEDIATION DIVISION

EXHIBITS 1 AND 1A. Pie Chart showing the Environmental Quality
Protection Expenditures and FY99 Biennium Budget.

Denise Mills, Remediation Division reviewed the chart.

EXHIBIT 2, State Superfund Sites. Explanation by Ms. Mills.

EXHIBIT 3, UST/Lust Program Funding. Explanation by Ms. Mills.

EXHIBIT 4. Map of Underground Storage Tanks by County. **Ms. Mills** stated that 6,800 tanks were registered in 1996 and issued 721 permits.

{Tape: 1; Side: A; Approx. Time Count: 11.2; Comments: .}

Questions and Responses:

EXHIBIT 5. Map of Leaking Underground Storage Tanks by County.

EXHIBIT 6. UST Releases and Corrective Actions.

EXHIBIT 7. Glacier Reporter article concerning the air quality that happened at the East Glacier Park School.

{Tape: 1; Side: A; Approx. Time Count: 17.7 ; Comments: .}

Questions and Responses:

BUDGET ITEMS - Page C-103.

EXECUTIVE ACTION REMEDIATION DIVISION

{Tape: 1; Side: A; Approx. Time Count: 25.9; Comments: .}

Discussion:

Discussion on FTE's and vacancies.

Motion: REP. WISEMAN MOVED TO REDUCE THE FTE IN THE SCHEDULE ON PAGE C-101 BE REDUCED FROM 52.66 FTE TO 48 FTE.

Discussion:

Mr. Simonich stated that there work begins when the tanks were removed from the ground and anticipate an increase in workload.

Questions and Responses:

Mr. Lloyd asked REP. WISEMAN what type of FTE'S does he want them reduced and where.

REP. WISEMAN stated he would leave that to the discretion of the department.

Vote: Motion carried unanimously.

{Tape: 1; Side: A; Approx. Time Count: 31.7; Comments: .}

Motion/Vote: SEN. KEATING MOVED TO APPROVE OPERATING EXPENSES, EQUIPMENT, GRANTS AND DEBT SERVICE AS SHOWN ON PAGE C-101. Motion carried unanimously.

4) Equip. Replacement:

5) Leased Vehicles Replacement:

Motion/Vote: SEN. KEATING MOVED TO APPROVE ITEMS 4, AND 5.
Motion carried unanimously.

Motion/Vote: REP. WISEMAN MOVED TO APPROVE OTHER BASE
ADJUSTMENTS. Motion carried unanimously.

EXECUTIVE NEW PROPOSALS

1) Abandoned Mine Computer/GIS FT:

Mr. Lloyd reviewed the narrative on Page C-104.

Discussion:

Ms. Mills reviewed item 1.

Note: No action was taken on Item 1.

2) Lap Top Commuter-UST:

3) .Gps Equipment-UST:

4) Superfund Vehicle Lease - Dot:

Motion: REP. WISEMAN MOVED TO APPROVE ITEMS 2, 3 AND 4.

Discussion:

Vote: Motion carried unanimously.

{Tape: 1; Side: A; Approx. Time Count: 40,2; Comments: .}

Mr. Simonich stated that there was one FTE in the Planning, Prevention and Assistance Division that was left out until after the hearing in the Remediation Division. That item should be in the Remediation Division's budget.

Mr. Lloyd stated That item was in the Table on Page C-93. The narrative appears on Page C-95.

Motion/Vote: SEN. KEATING MOVED TO APPROVE ITEM 4, PUBLIC INFORMATION FROM THE PLANNING, PREVENTION & ASSISTANCE DIVISION TO THE REMEDIATION DIVISION AND WOULD BECOME ITEM 6 ON PAGE C-104. Motion carried unanimously.

HEARING PETRO TANK RELEASE COMP BOARD

EXHIBIT 8. Jean Riley, Executive Director Petro Tank Release Comp Board reviewed the Present Law Adjustment issues.

EXHIBIT 9, Organizational Chart.

EXHIBIT 10. Vital Statistics by Fiscal Year for the Petroleum Tank Release Program.

{Tape: 1; Side: A; Approx. Time Count: 47.6; Comments: .}

Ms. Riley reviewed the history of the Board.

Discussion:

Ms. Riley stated that she was the only supervisor in the Tank Release program.

{Tape: 1; Side: A; Approx. Time Count: 58.0; Comments: .}

Mr. Lloyd reviewed the narrative of the 1996 audit of the Petro Tank Release Program, Pages C-88 and C-89.

Continued discussion by the Department:

Ronda Alexander, Representing the Petroleum Marketers Association stated that most claims were paid within a 90 day period.

{Tape: 1; Side: A; Approx. Time Count: 67.3; Comments: .}

Continued testimony by Ms. Alexander.

Questions and Responses from the committee members:

EXECUTIVE ACTION PETROLEUM TANK RELEASE PROGRAM

Motion/Vote: REP. WISEMAN MOVED TO REDUCE THE FTE FROM 24.34 TO 22.34 FTE, ONE TO BE REMOVED FROM THE BOARD STAFF AND ONE FROM THE DEQ STAFF. Motion carried 4 - 2 with SEN. JOHNSON and SEN. NELSON voting no.

Motion/Vote: SEN. KEATING MOVED TO APPROVE THE OPERATING EXPENSE AND EQUIPMENT IN THE 1996 BASE AS SHOWN ON PAGE C-86. Motion carried unanimously.

4) Operating Adjustments:

Ms. Mills reviewed Item 4.

Motion/Vote: REP. WISEMAN MOVED TO APPROVE ITEM 4. Motion carried unanimously.

5) Operating Adjustments:

Motion/Vote: REP. WISEMAN MOVED TO APPROVE ITEM 5. Motion carried 5 - 1 with SEN. BAER voting no.

6) Equipment:

7) Lease Vehicle Replacement:

Motion/Vote: REP. WISEMAN MOVED TO APPROVE ITEMS 6 AND 7.
Motion carried unanimously.

Other Base Adjustments:

Motion/Vote: REP. WISEMAN MOVED TO APPROVE OTHER BASE
ADJUSTMENTS. Motion carried unanimously.

{Tape: 1; Side: A; Approx. Time Count: 80; Comments: .}

EXECUTIVE NEW PROPOSALS

1) Petro Board Staff:

Explanation by Ms. Mills.

Motion/Vote: REP. WISEMAN MOVED TO APPROVE ITEM 1, PETRO BOARD
STAFF. Motion carried 4 - 1 with SEN. BAER voting no.

2) Leased Vehicles:

Motion/Vote: SEN. KEATING MOVED TO APPROVE ITEM 2, LEASED
VEHICLES. Motion carried unanimously.

Tape 1,B
Speed 2.4

Mr. Simonich stated that because the committee reduced the staff in Personal Services in every division, means that there would be a percentage increase that would be in the Centralized Services Division. If the committee would consider the percentage rate that was negotiated with EPA there would be a decrease in Centralized Services Division staff because of less funding out of Personal Services.

Mr. Lloyd explained that Pages G-89 and G-90 explained the breakdown of Centralized Services that makes up the rate of 17%. He said that for every dollar that was reduced in the other divisions, Central Management would get .17 less.

Motion: SEN. KEATING MOVED TO APPROVE THE 17% RATE FOR
CENTRALIZED SERVICES.

Discussion:

Ms. Hanson stated that because of the cuts in staff because of the committee's actions they would ask the committee to approve the rate at 19.5%. The difference between 17% and 19.5% would be approximately \$250,000.

Mr. Lloyd stated they wouldn't know the exact dollar amount for those FTE'S at this time.

{Tape: 1; Side: B; Approx. Time Count: 11.4; Comments: .}

Discussion:

Continued discussion on the percentage rate for Centralized Services and the under-recovery in FY96.

{Tape: 1; Side: B; Approx. Time Count: 18.7; Comments: .}

Continued Discussion:

Mr. Simonich suggested that the committee vote on the motion for 17% and the department would return tomorrow with the dollar figures for the committee and perhaps they would reconsider their action.

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

{Tape: 1; Side: B; Approx. Time Count: 26.5; Comments: .}

EXHIBIT 11. Ms. Sensibaugh gave testimony on the Pinesdale's Compliance with Surface Water Treatment Requirements.

Mark Staples stated that Pinesdale was a Mormon community of 400 to 500 people near Hamilton.

Questions and Responses:

Committee members and department staff.

{Tape: 1; Side: B; Approx. Time Count: 42.4; Comments: .}

EXHIBIT 12. Ms. Sensibaugh gave testimony on the Cenex permitting problem.

Discussion:

Committee members and the department staff discussed the permitting fees, etc.

{Tape: 1; Side: B; Approx. Time Count: 55.7; Comments: .}

EXHIBIT 13. Mr. Simonich reviewed a chart showing the number of supervisors in the Department of Environmental Quality as requested by the committee.

Questions and Responses:

Mr. Simonich, SEN. KEATING, REP. WISEMAN.

{Tape: 1; Side: B; Approx. Time Count: 59.9; Comments: .}

Mr. Simonich gave the committee an overview of the status of the McDonald Gold Project which started in 1992.

Questions and Responses:

REP. WISEMAN, SEN. KEATING, Mr. Simonich.

{Tape: 1; Side: B; Approx. Time Count: 79.6; Comments: .}

Motion/Vote: REP. WISEMAN MOVED TO REQUEST A LEGISLATIVE PERFORMANCE AUDIT ASSESSMENT OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH SPECIFIC INTEREST IN PLANNING, PROGRAMMING AND PERMITTING ON THE MCDONALD GOLD PROJECT AND TO BE DONE BY FY99. ALSO REQUEST THAT THE LEGISLATIVE AUDIT DOES A CUSTOMER SPOT CHECK SURVEY TO SEE IF THE DEPARTMENT IS IN FACT TAKING CARE OF THEIR CUSTOMERS. Motion carried unanimously.

Tape 2,A
Speed 2.4

{Tape: 2; Side A; Approx. Time Count: 0; Comments: .}

EXHIBIT 14. Non-point Source and Wetlands.

Discussion:

CHAIRMAN DEBRUYCKER asked if the department wanted to wait to see the results of SEN. TASH'S bill concerning the move from DEQ to DNRC on Non-Point Source and Wetlands as requested by the conservation districts.

Doug Schmitz, Budget Office said he had not heard anything on the bill regarding a fiscal note.

Mr. Simonich stated he did not agree that it would be the right thing to do to move that program to DNRC and leave the enforcement actions in DEQ. He stated that the Conservation Districts were more interested in the grants and there was only 1.1 FTE focused on that area. The others would come under the Clean Water Act.

Mr. Simonich said that to transfer that program to DNRC would severely hamper DEQ to carry out their responsibilities under the Clean Water Act.

{Tape: 2; Side: A; Approx. Time Count: 8.8; Comments: .}

Discussion:

Discussion continues on the proposed transfer of the Non-Point Source and Wetlands to DNRC.

Mike Valesky, Conservation Districts stated that there were more than 1.1 FTE'S that dealt with the grants. The other areas were included in the grant projects.

Questions and Responses:

REP. WISEMAN requested information from EPA on what other states were doing with their TMDL program.

Mr. Simonich responded that they would get that information for the committee.

ADJOURNMENT

Adjournment: 11:25 A.M.



REP. ROGER DEBRUYCKER, Chairman



THEDA ROSSBERG, Secretary

RD/TR