

HOUSE JOINT RESOLUTION NO. 6

INTRODUCED BY SCHYE, CODY, NATHE, E. SMITH, POFF, COMPTON

IN THE HOUSE

JANUARY 15, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

JANUARY 23, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

JANUARY 28, 1987 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

JANUARY 30, 1987 SECOND READING, DO PASS.

JANUARY 31, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 90; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

MARCH 24, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 31, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House JOINT RESOLUTION NO. 6
 2 INTRODUCED BY Debra Lee
 3 Paul Campbell
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE U.S.
 6 ENVIRONMENTAL PROTECTION AGENCY, REGION VIII, TO REVISE ITS
 7 POLICY CONCERNING UNDERGROUND SALT WATER INJECTION INTO THE
 8 JUDITH RIVER FORMATION ON THE FORT PECK RESERVATION AND TO
 9 ESTABLISH A MONITORING AND DATA COLLECTION PROGRAM.

10
 11 WHEREAS, the Environmental Protection Agency (EPA)
 12 administers the Underground Injection Control (UIC) Program
 13 and has issued permits for a number of salt water disposal
 14 wells on the Fort Peck Reservation; and

15 WHEREAS, under present policy EPA is allowing continued
 16 injection of salt water within certain limits for a number
 17 of wells that existed prior to the UIC Program's inception
 18 in the portion of the Judith River Formation west of a line
 19 running north-south between Range 48E and 49E; and

20 WHEREAS, under present policy EPA will permit new salt
 21 water injection wells in the portion of the Judith River
 22 Formation east of the line between Range 48E and 49E; and

23 WHEREAS, the Judith River Formation is a relatively
 24 shallow aquifer, and water in the western portion of the
 25 formation qualifies as an underground source of drinking

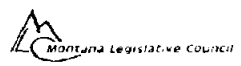
1 water as defined by EPA regulations; and
 2 WHEREAS, persons living on and near the Fort Peck
 3 Reservation are presently using water from the western
 4 portion of the Judith River Formation for livestock and
 5 domestic purposes, and technological advances may make other
 6 beneficial uses economically feasible in the future; and

7 WHEREAS, EPA policy concerning continued salt water
 8 injection in the Judith River Formation is based primarily
 9 on theoretical calculations and on limited or no empirical
 10 data concerning ambient water quality, hydrology and
 11 fracture gradients in the formation, the containment of
 12 injected salt water within approved limits in the vicinity
 13 of each well, and the cumulative effects of all wells
 14 injecting into the formation on beneficial use of the
 15 aquifer; and

16 WHEREAS, available data indicate that a number of wells
 17 have exceeded or are likely to exceed the carrying capacity
 18 of their approved disposal areas within the Judith River
 19 Formation; and

20 WHEREAS, pressure buildup from salt water disposal
 21 wells could cause lower quality formation water to be
 22 displaced toward portions of the formation where beneficial
 23 use of higher quality water is occurring; and

24 WHEREAS, EPA has not begun regulatory review of a
 25 number of existing wells disposing salt water into the



1 Judith River Formation.

2

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
4 OF REPRESENTATIVES OF THE STATE OF MONTANA:

5 (1) That EPA establish a comprehensive monitoring and
6 data collection program on the Fort Peck Reservation to
7 obtain reliable information concerning the ambient water
8 quality, hydrology, and fracture gradients of the Judith
9 River formation and the individual and cumulative effects of
10 salt water disposal wells on the formation's water quality.

11 (2) That EPA revise its policy to postpone approval of
12 new salt water disposal wells in the eastern portion of the
13 Judith River Formation until there is sufficient data to
14 prove that there will be no adverse effect on existing and
15 potential future beneficial use of formation water.

16 (3) That EPA revise its policy concerning existing
17 salt water disposal wells in the western portion of the
18 Judith River Formation to reflect the primary objectives of
19 returning the water quality of the formation to prior
20 ambient levels and promoting beneficial use of formation
21 water.

22 (4) That EPA develop a schedule for phasing out the
23 existing wells in the western portion of the Judith River
24 Formation within a reasonable time.

25 BE IT FURTHER RESOLVED, that the Secretary of State

1 send a copy of this resolution to the Regional
2 Administrator, U.S. Environmental Protection Agency, Region
3 VIII.

-End-

APPROVED BY COMM. ON NATURAL RESOURCES

HOUSE JOINT RESOLUTION NO. 6

INTRODUCED BY SCHYE, CODY, NATHE, E. SMITH, POFF, COMPTON

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION VIII, TO REVISE ITS POLICY CONCERNING UNDERGROUND SALT WATER INJECTION INTO THE JUDITH RIVER FORMATION ON THE FORT PECK RESERVATION AND TO ESTABLISH A MONITORING AND DATA COLLECTION PROGRAM.

WHEREAS, the Environmental Protection Agency (EPA) administers the Underground Injection Control (UIC) Program and has issued permits for a number of salt water disposal wells on the Fort Peck Reservation; and

WHEREAS, under present policy EPA is allowing continued injection of salt water within certain limits for a number of wells that existed prior to the UIC Program's inception in the portion of the Judith River Formation west of a line running north-south between Range 48E and 49E; and

WHEREAS, under present policy EPA will permit new salt water injection wells in the portion of the Judith River Formation east of the line between Range 48E and 49E; and

WHEREAS, the Judith River Formation is a relatively shallow aquifer, and water in the western portion of the formation qualifies as an underground source of drinking

water as defined by EPA regulations; and

WHEREAS, persons living on and near the Fort Peck Reservation are presently using water from the western portion of the Judith River Formation for livestock and domestic purposes, and technological advances may make other beneficial uses economically feasible in the future; and

WHEREAS, EPA policy concerning continued salt water injection in the Judith River Formation is based primarily on theoretical calculations and on limited or no empirical data concerning ambient water quality, hydrology and fracture gradients in the formation, the containment of injected salt water within approved limits in the vicinity of each well, and the cumulative effects of all wells injecting into the formation on beneficial use of the aquifer; and

WHEREAS, available data indicate that a number of wells have exceeded or are likely to exceed the carrying capacity of their approved disposal areas within the Judith River Formation; and

WHEREAS, pressure buildup from salt water disposal wells could cause lower quality formation water to be displaced toward portions of the formation where beneficial use of higher quality water is occurring; and

WHEREAS, EPA has not begun regulatory review of a number of existing wells disposing salt water into the



1 Judith River Formation.

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3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
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23 existing wells in the western portion of the Judith River
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25 BE IT FURTHER RESOLVED, that the Secretary of State

1 send a copy of this resolution to the Regional
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3 VIII, AND THE MONTANA CONGRESSIONAL DELEGATION.

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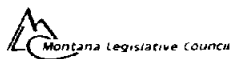
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