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SENATE JOINT RESOLUTION NO. 15

INTRODUCED BY HARP

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING FLEXIBILITY AND TIMELINESS BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, PARTICULARLY THE REGION 8 OFFICE, IN THE CONSIDERATION OF REGULATIONS AND APPLICATIONS FOR PRIMACY FOR CERTAIN ENVIRONMENTAL PROGRAMS AFFECTING THE MANAGEMENT OF HAZARDOUS AND OTHER WASTES PRODUCED IN MONTANA.

WHEREAS, it is the goal of this Legislature to promote improved working relationships between government and business interests with regard to environmental regulations; and

WHEREAS, there is a need to improve the performance of the state and federal governments in striking a more sensible balance in preserving Montana's environment, protecting public health and safety, and maintaining and serving local and state economies that must be capable of accommodating the needs of the citizens of this state; and

WHEREAS, the federal government has been adding new and common industrial wastes to the list of federally regulated wastes and has been tightening its regulations in dictating the ways in which regulated wastes must be treated and disposed; and

WHEREAS, because of increased regulation and economic growth the quantity of waste generated in Montana and regulated as hazardous under federal environmental law has increased at a substantial rate over the past several years; and

WHEREAS, local and state budgets now available and projected for future funding of enforcement of state environmental regulations could be adequate to protect public health and safety, particularly with regard to treatment and disposal of hazardous wastes or handling of toxic substances during the manufacturing process, in particular if the federal government were to allow fees paid by the regulated industries under Chapter 341, Laws of 1993, to be used as state matching funds for federal program grants; and

WHEREAS, Montana does not have within its borders a permitted facility for the commercial treatment or disposal of regulated hazardous wastes and this lack of a permitted in-state treatment and disposal facility or facilities has caused a steadily increasing percentage of Montana's regulated wastes to

1 be shipped long distances to out-of-state facilities; and

2 WHEREAS, the costs of environmental regulation to businesses operating within Montana,
3 particularly with regard to businesses required to comply with government regulations related to toxic and
4 hazardous substances, are relatively higher than they are for businesses outside of Montana because of this
5 lack of permitted in-state facilities to treat and dispose of hazardous substances in a cost-effective manner;
6 and

7 WHEREAS, these relative cost increases are placing Montana's existing businesses at a competitive
8 disadvantage to comparable businesses located outside Montana and these additional costs further serve
9 as an impediment to out-of-state businesses or entrepreneurs that might otherwise consider locating in
10 Montana; and

11 WHEREAS, the U.S. Congress is likely to reduce the budget of the U.S. Environmental Protection
12 Agency (EPA) and restrain EPA's ability either to issue new regulations or to monitor and enforce existing
13 environmental regulations, which is of great concern to Montana because there are many Montana state
14 primacy applications currently pending with the EPA Region 8 Office, including applications for state
15 primacy to regulate underground injection wells for oil and gas, boilers and industrial furnaces, toxicity
16 characteristic rules, and other modifications to the state's program for regulating hazardous and
17 nonhazardous wastes, some of which have been pending EPA approval for as long as 5 years.

18

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

21 (1) That the Montana Congressional Delegation be encouraged to play a more active and concerted
22 role in working with the President of the United States, the EPA, and other federal environmental regulators
23 to expedite granting primacy to the state of Montana for environmental regulatory decisionmaking and
24 enforcement.

25 (2) That the Legislature requests that President Clinton, EPA Administrator Browner, and EPA
26 Region 8 Administrator Yellowtail move more expeditiously in responding positively to the various requests
27 and applications under consideration within EPA for primacy and greater flexibility in meeting the
28 environmental regulatory burdens placed on and assumed by the state.

29 (3) That Governor Racicot be encouraged to accelerate activities in working with Montana state
30 agencies and governors and agencies in neighboring states in a collective effort to encourage and promote

1 greater flexibility by EPA and the federal government in dealing with the environmental regulatory needs
2 of the state of Montana relating to the management of hazardous and other wastes produced in Montana.

3 (4) That copies of this resolution be sent to the Montana Congressional Delegation, the President
4 of the United States, the Administrator of the EPA, the Administrator of the Region 8 Office of the EPA,
5 and the Governor.

6 -END-

APPROVED BY COM ON
NATURAL RESOURCES

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