

Proposed 2011 Session Legislation

Agency Name & No: Department of Environmental Quality-5301

Priority Number: 6 Filename: 5301-50-006

Short Title: Coal Program Postmining Revegetation Period

Agency Contact Person/Phone: Ed Coleman/444-4973

1. Purpose:

This request is to amend Section 82-4-235(3)(a), MCA, of the Montana Strip and Underground Mine Reclamation Act to make it as stringent as the Office of Surface Mining's interpretation of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

2. Background:

The 2009 Legislature passed HB 278, exempting water management and other support facilities from the revegetation responsibility period. The exempted facilities included, but were not limited to, sedimentation ponds, diversions, other water management structures, soils stockpiles, access roads, segments of haul roads and electrical substations. OSM has notified the Department of Environmental Quality that the "not limited to" language and the exemption of segments of haul roads and electrical substations makes the provision less stringent than OSM's interpretation of SMCRA.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

NA

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases FTE, Decreases FTE, Tax, Fee, Penalty, Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies, Special Interest Groups Affected, Other.

Proposed 2011 Session Legislation

Agency Name & No:	Department of Environmental Quality 5301		
Priority Number:	2	Filename:	5301-20-002
Short Title:	Revise State Building Energy Conservation Program		
Agency Contact Person/Phone:	Lou Moore 841-5280		

1. Purpose:

To align the collection and use of energy savings from the State Building Energy Conservation Program (SBECP) general obligation bond projects prior to 2007 with those of the 2009 revolving fund program, and address findings of a legislative audit.

2. Background:

The SPECP reduces energy and water use in state owned buildings through building renovations. Energy and water cost savings are used to repay the cost of the renovation. A legislative audit of the program in 2009 identified areas where the practice of collecting energy cost savings does not match statute for projects funded with bonds authorized prior to 2007. This legislation will align statute for old projects with the modifications made by the 2009 Legislature for a new revolving program. Agencies will repay the cost of the project until the project costs are repaid. The additional savings being collected and swept to the Long Range Building Program will stop.

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

No funds would be swept into the Long Range Building Program after 2012 because of excess energy savings. These funds would remain in the agencies that had completed energy projects and finished paying for them, or removed from agency budgets when they were no longer needed for repayment.

4. Summary Checklist [Check & complete all that apply]--

Housekeeping Only
 Federal Requirement
 Audit Recommendation (Audit No. _____)
 Major Legislation

Anticipated to be Controversial Legislation
 Bill Draft has been included in Legislation Submittal (if available)

Supports Submitted EPP Item Number: _____
 Local Government Fiscal Impact

Increases FTE, or
 Decreases FTE by _____
 List FTE amount and program _____

Increases Existing Revenue
 Tax
 Fee
 Penalty [amount in #3]

Decreases Existing Revenue
 Tax
 Fee
 Penalty [amount in #3]

Establishes New Revenue
 Tax
 Fee
 Penalty [amount in #3]

Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): _____

Legislation would affect other state agencies (list):
 Department of Administration

Special Interest Groups Affected (list): _____

Other: _____

Proposed 2011 Session Legislation

Agency Name & No: Department of Environmental Quality 5301

Priority Number: 4 Filename: 5301-20-004

Short Title: Municipal Wastewater Reuse Authorization

Agency Contact Person/Phone: Todd Teegarden/444-5324

1. Purpose:

To allow for the establishment of municipal wastewater effluent reuse, once appropriate treatment has occurred, to ensure public health and safety. Municipal wastewater effluent reuse would allow the Board of Environmental Review rulemaking authority to establish rules for municipal wastewater treatment systems to provide reuse options not currently available. Effluent reuse is an alternative to conventional discharge and helps conserve water and reduce nutrient pollution, which contributes to impacts.

2. Background:

The Montana Department of Environmental Quality (DEQ) has been developing numeric nutrient water quality standards for nitrogen and phosphorus, to protect recreation and fisheries uses in streams and rivers. These standards have been requested by the Environmental Protection Agency since 1998 and are being developed by DEQ and can, in some cases, be very difficult for communities to meet with today's treatment technologies. Effluent reuse is one of the alternatives considered as beneficial, can provide an affordable alternative for many communities, and would promote reuse standards similar to those used and adopted in other states.

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

There is no anticipated fiscal impact associated with state program activities once implemented, as this legislation could result in a reduction in permits issued, which is anticipated to offset additional staff time to perform plan reviews.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases/Decreases FTE, Revenue changes (Tax, Fee, Penalty), Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies (DNRC, DPHHS), Special Interest Groups Affected (MT League of Cities and Towns), Other.

Complete Shaded Areas

Proposed 2011 Session Legislation

Agency Name & No: Department of Environmental Quality - 5301

Priority Number: 5 **Filename:** 5301-40-005

Short Title: Updated Fiscal Requirements

Agency Contact Person/Phone: Sandi Olsen/841-5001

1. Purpose:

Update CECRA (state superfund law) to add a requirement for liable persons to pay invoices within 30 days when the invoice covers a 30-day invoicing period. Current statute sets a variable timeframe for payment tied to the number of days in the invoicing period.

2. Background:

Current statute has a variable timeframe for payment of invoices by liable persons that was based on past and inadequate fiscal process that failed to provide for timely invoicing. The Department of Environmental Quality has a process in place that ensures monthly invoicing of liable persons, thus the variable timeframes need to be supplemented. Invoices that are processed every 30 days should be paid within 30 days in order to provide for effective cash management. This also addresses the department's performance audit recommendation to improve cost recovery controls.

3. Fiscal Impact by Fund Typ

State Special Fund - 02162, the environmental quality protection fund (EQPF), will be affected by this legislation. However there will be no increase or decrease in cost recovery efforts and monies as a result of this legislation. Rather, cash flow will be more timely, reducing the cash reserve needed for day-to-day program support to a 30-day reserve from a 60-day reserve, increasing program solvency and avoiding the possible need for general fund loans as the fund balance fluctuates.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only Federal Requirement Audit Recommendation (Audit No.): _____ Major Legislation
- Anticipated to be Controversial Legislation Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number _____ Local Government Fiscal Impact
- Increases FTE, or Decreases FTE by _____ List FTE amount and program _____
- Increases Existing Revenue Tax Fee Penalty [amount in #3]
- Decreases Existing Revenue Tax Fee Penalty [amount in #3]
- Establishes New Revenue Tax Fee Penalty [amount in #3]
- Legislation has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no) _____ This was a line item in a big _____
- Legislation would affect other state agencies (list): _____
- Special Interest Groups Affected (list): _____
- Other: _____