



**TREASURE STATE**  
**RESOURCES ASSOCIATION**  
OF MONTANA

P.O Box 1700, Helena, Montana 59624

Phone: (406) 443-5541

**TREASURE STATE RESOURCES ASSOCIATION NEWS**

**March, 2020**

**Comments on Montana Climate Solutions Council Draft  
Recommendations Due March 31<sup>st</sup>**

The Climate Solutions Council appointed by Montana Governor Steve Bullock is taking public comments on a list of draft recommendations for the state to address climate change through March 31.

The proposals include evaluating what infrastructure might be vulnerable to the effects of climate change and using active forest management to address wildfire concerns. Other suggestions are to update building standards and increase energy efficiency.

Some recommendations seek to impose new mandates on those who supply energy to Montana's homes and businesses. That could impact both energy rates and the ability to meet peak loads.

Since the draft recommendations were released in February, DEQ has been compiling comments into weekly "volumes" and publishing them each Monday to the "How to Get Involved" tab on the Climate Council webpage: <https://deq.mt.gov/DEQAdmin/dir/Climate>. A copy of the draft recommendations and other information about upcoming meetings can also be found on the site.

TSRA members are encouraged to review the proposals and offer input. Council members are expected to modify the recommendations based on public comment and submit the final report to the Governor in June.

## **Revenue and Tax Study Committees Meet March 19-20**

Source: Montana Legislative Services Division

The Revenue Interim Committee and the HJ 35 Tax Study Committee meet March 19-20 in Room 317 of the Capitol building in Helena. The HJ 35 Tax Study Committee meeting begins at 9:30 am. on March 19<sup>th</sup> and the Revenue Interim Committee meets at 8:00 a.m. on March 20<sup>th</sup>.

The HJ 35 Tax Study Committee meeting will include follow up on property tax issues from the January meeting. The committee will then shift gears to discuss the individual income tax and the corporate income tax. Staff will provide an overview of both taxes and information requested by committee members in January.

The Revenue Interim committee agenda will include agency updates from the Montana Tax Appeal Board and the Department of Revenue and a revenue update from the Legislative Fiscal Division.

As part of its new duty to review tax credits, the committee will evaluate the tax credit for energy-conserving expenditures and the alternative energy systems tax credit. Staff will provide an overview of the credits, their usage and the legislative history of the credits. Interested parties are encouraged to provide public comment at the meeting or to submit comments to staff in advance of the meeting.

Copies of the agendas, reports and other materials can be found on the committee website at: <https://www.leg.mt.gov/committees/interim/2019rvic/>

## **Local Government Interim Committee Meets March 17-18**

Source: Montana Legislative Services

The Local Government Interim Committee will continue its study of alternative septic systems and introduce new topics at its March meeting.

The LGIC meets in Helena on March 17 and 18 to continue its interim work. The two-day meeting starts at 1:00 p.m. in room 137 of the state Capitol on Tuesday, March 17 and continues at 9:00 a.m. on Wednesday. The committee has a diverse agenda that follows up on existing study topics and begins work on a few new ones.

The committee will continue its work on SJ3, a study of alternative septic systems, with updates from the Subdivision Development Advisory Council and an overview of funding options available to private landowners and municipalities to provide adequate wastewater treatment systems.

Other topics the committee will continue exploring include regional fire protection authorities discussed at the November meeting. They will look at assessment methods available to a fire authority and further analyze SB17, introduced during the 2019 session. (Note: This is a matter of concern for owners of forest land).

The MSU Local Government Center funding will be discussed at more length, and the committee will revisit a funding proposal presented in January.

New topics the committee will delve into include:

- Affordable housing with a topic introduction and update on HB16 passed during the 2019 session; and
- Special purpose districts with an overview of special district statutory authority and property tax authority available to local governments.

For more information contact:

Committee staff: Toni Henneman, 406-444-3593, <mailto:toni.henneman@mt.gov>

## **MT DEQ Clean Air Act Advisory Committee to Meet March 25<sup>th</sup>**

The Clean Air Act Advisory Committee is scheduled to meet March 25, 2020 from 1:00 pm. to 3:00 pm. in Room 111 at the DEQ Metcalf Building in Helena.

The Air Quality Bureau will provide information on ongoing projects and other matters. Bureau staff is expected to report they don't plan to seek an increase in the per ton or administrative fees at this time. Sufficient savings have been achieved through vacancy savings and management changes to meet current needs, but that is likely to change in the future due to the impact of the closure of Colstrip Units 1 and 2. In addition, no increases are expected for the oil and gas registration fees. The Bureau is working with contractors and others to establish a new registration fee system for their operations.

The Bureau does anticipate they'll need to seek an increase in the cost for open burning permits in the near term, but first plan to meet with stakeholders to gain input. The U.S. Forest Service and MT Department of Natural Resources play the bulk of those fees, but some timber companies may also be impacted.

Air Quality Bureau staff also plan to look for savings in all areas of their operations, including reviewing ways to manage required reporting by regulated entities more efficiently.

More details about the meeting agenda and options for remote participation will be available soon. If there are topics anyone would like to see included on the Agenda, please feel free to contact Liz Ulrich at <mailto:eulrich2@mt.gov>

## **EPA Disapproves MT. DEQ's Revision to its Nutrient General Variance**

On February 24, 2020 the Environmental Protection Agency disapproved the rule revisions affecting the nutrient general variance that were adopted by Montana DEQ late last year in response to a July 16, 2019 order from the district court in the *Upper Missouri Waterkeeper v. EPA* case. The court found that EPA's earlier approval of a general variance for a 17-year term was arbitrary and capricious because it allowed the discharger to meet an "interim standard".

The EPA stated that it was disapproving the revisions to the general variance for both mechanical plants and lagoons because they did not meet the requirements of the Clean Water Act **as interpreted by the district court**. The district court order essentially forces dischargers to meet stringent nutrient standards more quickly than may be feasible. EPA noted they do not agree with the district court's interpretation, but felt they were required to apply it in this instance.

The rule revisions proposed by DEQ primarily affected four municipalities with the City of Manhattan being the one most likely to need more time to reach compliance. Dischargers can still seek individual variances, but it's not clear what EPA's action means in terms of the availability of a general variance going forward.

In the meantime, EPA, MT DEQ and other Intervenors in the original litigation (including TSRA) have all filed a notice of appeal of the district court's ruling with the Ninth Circuit Court of Appeals. Even prior to the EPA's recent action, private dischargers were rule "out of scope" for purposes of receiving a general variance based on financial and social hardship. TSRA remains interested in the matter, however, in order to protect the concept of issuing variances under the Clean Water Act and allowing for consideration of financial impacts in the future.

## **Senate Energy Package Recognizes American Mining is Essential to All Aspects of American Energy**

February 27, 2020

WASHINGTON, D.C. – The National Mining Association (NMA) applauded the Senate's "American Energy Innovation Act," introduced today, which includes important steps to address the nation's alarming mineral import reliance and to increase the nation's development and deployment of essential carbon capture technologies.

“Mining has never been more important to all of our energy needs,” said Rich Nolan, NMA President and CEO. “From the fuels that provide the foundation for the nation’s electricity grid, to the materials essential to future technologies and transportation systems, mining is the often overlooked but essential and irreplaceable part of our energy story.”

### Minerals Security

The package includes reforms long-championed by Sen. Lisa Murkowski that would modernize federal permitting systems to improve access to minerals critical for energy and technological innovation.

“The World Bank projects that demand for the key minerals needed for future technologies could jump 1,000 percent in the coming years. Without action, as demand increases permitting hurdles will continue to obstruct our domestic supply, causing alarming overreliance on foreign imports for the minerals we need and weakening the competitiveness of critical industries,” said Mr. Nolan. “This legislation will better-position the U.S. to achieve lasting minerals security while securing the essential supply chains of tomorrow from within our own borders.”

### Carbon Capture

Also included are important measures to make the U.S. the world leader in the development and deployment of carbon capture technologies.

“The answer to our own energy and emissions challenges – as well as the world’s – is innovation, and it’s encouraging to see next generation coal technology and carbon capture made a priority,” said Mr. Nolan. “Additions of alternative energy sources are coming largely on top of existing energy demand, not in place of it, with coal meeting 38 percent of global electricity demand. Commonsense policy can help support a solution to the emissions challenge both at home and abroad, allowing us to utilize the incredible ingenuity and capacity of the nation’s coal workforce and capture a market for advanced energy technology that is only growing.”

In [polling conducted last month for NMA](#), Morning Consult found 63 percent of voters believe the U.S. should take an energy and environmental leadership role by pursuing the development and deployment of advanced coal and carbon capture technologies that can reduce emissions in the U.S. and overseas (only 11 percent disagree, remainder did not answer).

## **2020 U.S. Census Kicks Off April 1<sup>st</sup> (No, this isn’t an April Fool’s Joke)**

Source: U.S. Census Bureau

Information about the 2020 U.S. Census will be mailed to most addresses beginning mid-March. People can respond online, by mail, or by phone. If no response is received, a census-taker will come to your home to follow up in person.

## Census 101: What You Need to Know

- *It's in the Constitution. The U.S. Constitution mandates that everyone in the country be counted every 10 years. It includes every person living in the U.S. regardless of citizenship or immigration status.*
- *Your privacy is protected. It's against the law for the Census Bureau to publicly release your responses in any way that could identify you or your household. By law, your responses cannot be used against you and can only be used to produce statistics.*
- *How the census is taken. The 2020 count will be the first one to allow all U.S. households to respond online. Paper forms will still be available, and, for the first time, you can call 1-800 numbers to give responses over the phone. Census workers will make home visits to remote areas, including some American Indian reservations. Households in the rest of the U.S. that do not respond themselves by early April may start receiving visits from door knockers trained to conduct census interviews and collect responses using smartphones.*
- *It's about fair representation. The results of the census are used to reapportion the U.S. House of Representatives, determining how many seats each state gets. (Note: Montana is poised to gain another House member as a result of the 2020 Census) After each decade's census, state officials redraw the boundaries of the congressional and state legislative districts in their states to account for population shifts. Reapportionment of congressional seats goes into effect beginning with the 2022 elections.*
- *It's about \$675 billion. The distribution of more than \$675 billion in federal funds, grants and support to states, counties and communities are based on census data. That money is spent on schools, hospitals, roads, public works, and other vital programs.*

For more information, go to: [census.mt.gov](https://census.mt.gov)

## Save the Date: TSRA Annual Meeting June 17-18, 2020

TSRA's 2020 Annual Meeting will be held June 17-18 at the DoubleTree Hotel in Billings, Montana. As in past years, events kick off with the TSRA Golf Scramble that will be played at the Pryor Creek Golf Course at Huntley on Wednesday afternoon, June 17<sup>th</sup>. We are tentatively planning a barbeque "social" following golf to which 2020 candidates for office will be invited to meet with our members.

The “official” annual meeting will take place Wed. morning, June 18<sup>th</sup> followed by a program featuring timely topics of interest to our membership. Watch for registration information later this month.

**Upcoming Events/Dates:**

March 9 – 10, 2020	Water Policy Interim Committee State Capitol, Helena, MT
March 17-18, 2020	Local Government Interim Committee State Capitol, Helena, MT
March 19-20, 2020	Revenue Interim Committee State Capitol, Helena, MT
March 23-24, 2020	Energy and Telecommunications Interim Committee State Capitol, Helena, MT
March 25-26, 2020	Environmental Quality Council State Capitol, Helena, MT
May 12-13, 2020	Revenue Interim Committee State Capitol, Helena, MT
May 13, 2020	Local Government Interim Committee State Capitol, Helena, MT
May 18-19, 2020	Water Policy Interim Committee State Capitol, Helena, MT
May 21-22, 2020	Energy and Telecommunications Committee State Capitol, Helena, MT
May 27-28, 2020	Environmental Quality Council State Capitol, Helena, MT
June 17-18, 2020	TSRA Annual Meeting DoubleTree Hotel, Billings, MT
June 17, 2020	State Administration Interim Committee State Capitol, Helena, MT

July 13-14, 2020	Water Policy Interim Committee State Capitol, Helena, MT
July 14, 2020	Local Government Interim Committee State Capitol, Helena, MT
July 15, 2020	Energy and Telecommunications Committee State Capitol, Helena, MT
July 20-21, 2020	Revenue Interim Committee State Capitol, Helena, MT
July 29-30, 2020	Environmental Quality Council State Capitol, Helena, MT
August 25, 2020	State Administration Interim Committee State Capitol, Helena, MT
September 8, 2020	Energy and Telecommunications Committee State Capitol, Helena, MT
September 9, 2020	Local Government Interim Committee State Capitol, Helena, MT
September 9-10, 2020	Environmental Quality Council State Capitol, Helena, MT
September 11, 2020	Revenue Interim Committee State Capitol, Helena, MT
September 14-15, 2020	Water Policy Interim Committee State Capitol, Helena, MT
October 29, 2020	State Administration Interim Committee State Capitol, Helena, MT
November 19, 2020	Revenue Interim Committee State Capitol, Helena, MT

*If you don't want to receive the TSRA Newsletter, please let me know. If you want to share with others in your company or organization, please do so. The mission of the Treasure State Resources Association is to promote and enhance the Montana Way of Life through responsible resource development.*