



TREASURE STATE RESOURCES ASSOCIATION OF MONTANA

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TREASURE STATE RESOURCES ASSOCIATION NEWS

August, 2022

Reservations Open for TSRA 2023 Legislative Showcase: Sponsorship and Exhibitor Opportunities

TSRA's popular Legislative Showcase is scheduled for the evening of January 3, 2023. Participants have the opportunity to "showcase" their companies or associations by reserving booth or table space. Others may choose to be recognized as sponsors of the event by helping with food and beverage costs. Since it is the second night of the legislative session, participating in the showcase gives you and your company or association the chance to meet new legislators and reconnect with those who are returning before their schedules become too hectic.

The event takes place in the ballroom of the Delta Colonial Hotel in Helena. With plenty of parking and two other legislative events being held on the property, legislators can settle in for the evening and take advantage of the opportunity to learn more about our TSRA members and how they contribute to Montana's economy and way of life.

As noted, there are opportunities for either booth space or table displays for sharing information. Some sponsorship levels also include an option for booth space if desired. Booth and table spaces for exhibitors are assigned on a first come, first-served basis. Space is limited so sign up early. There are also individual registrations available. Click here to print a reservation form: [2023 TSRA Showcase Reservations](#)

If you have any questions about the event, please contact Peggy Trenk at 406-461-9945 or ptrenk@tsria.net

Public Comment Period Open on DEQ Water Quality Variance Rules

On June 3, 2022, the Department of Environmental Quality (department) initiated rulemaking on proposed NEW RULE I which implements statute at 75-5-320, MCA. The statute at 75-5-320, MCA, provides the department authority to adopt rules which describe criteria and procedures to issue temporary variances to water quality standards, under certain conditions. NEW RULE I sets forth these criteria and procedures, as well as the applicable conditions. The statute at 75-5-320, MCA, was adopted during the 2019 Regular Session of the Montana Legislature and provides the means for dischargers to qualify for water quality standards variances under state law and as provided in federal law at 40 CFR 131.14 (the federal regulation for water quality standards variances). For purposes of consistency with federal law, NEW RULE I also adopts 40 CFR 131.14 by reference.

A water quality standards variance is a time-limited water quality standard for a specific pollutant(s) or water quality parameter(s) that reflects the highest attainable condition during the term of the variance. When a variance is approved, the goal remains full attainment of the underlying beneficial use and criterion from which the variance is sought, and all other applicable water quality standards not specifically addressed by the water quality standards variance remain applicable. NEW RULE I may be used to seek a temporary variance from a variety of different Montana water quality standards, both narrative and numeric, including those found in Department Circular DEQ-7. Under NEW RULE I, a variance may be granted for one of six factors referenced at 40 CFR 131.14(b)(2)(i)(A)(1).

The requirement to meet a water quality standard could result in substantial and widespread economic and social impacts on an affected community; this situation is addressed by one of the aforementioned factors (factor six). In the past, under 75-5-313, MCA (now repealed), the department has approved water quality standards variances for nutrient standards using factor six. The department continues to see a critical need to use variances to regulate discharges of nutrients, whether such variances are from narrative or numeric nutrient standards. Temporary water quality standards variances under NEW RULE I provide a means to preclude economic and social impacts, because a variance can be based on affordability. The affordability evaluation ensures that dollars expended for purposes of meeting a water quality standard are kept to a feasible level for a community.

On August 18, 2022, at 10:00 a.m., a public hearing will be held in room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider NEW RULE I. You may also join the meeting virtually via Zoom. A copy of the Montana Administrative Register (MAR) notice of proposed rulemaking has been enclosed for your consideration. More information is available on the department's website, including instruction on how to attend remotely, at <https://deq.mt.gov/public/publiccomment>. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice (see the enclosed MAR notice for details).

You are invited to submit data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Loryn Johnson, Paralegal, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or emailed to loryn.johnson2@mt.gov no later than 5:00 p.m., August 22, 2022. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

Biden-Harris Administration Creates New Task Forces to Inform Responsible Development and Deployment of Carbon Capture, Utilization, and Sequestration

Source: White House Council on Environmental Quality, July 27, 2022

The White House Council on Environmental Quality (CEQ) has announced it is seeking nominations for two new task forces that will provide input to inform the responsible development of Carbon Capture, Utilization, and Sequestration (CCUS). The task forces, which are required by the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act, will provide recommendations to the Federal government on how to ensure that CCUS projects,

such as carbon dioxide pipelines, are permitted in an efficient manner, reflect the input and needs of a wide range of stakeholders, and deliver benefits rather than harms to local communities. One task force that CEQ is creating will focus on CCUS permitting and development issues on Federal lands and the Outer Continental Shelf. The other will focus on CCUS permitting and development issues on non-Federal lands.

Consistent with the USE IT Act, CEQ is seeking nominations of a diverse range of qualified candidates to serve on the task forces; the call for nominations notes, in particular, a priority on ensuring that the experiences and perspectives of environmental justice communities are reflected in the task forces.

CEQ delivered new guidance in February to Federal agencies to help ensure that the advancement of Carbon Capture, Utilization, and Sequestration (CCUS) technologies is done in a responsible manner that incorporates the input of communities and reflects the best available science. That guidance built on CEQ's June 2021 CCUS report and identifies measures to facilitate sound and transparent environmental reviews for CCUS projects.

Members of the public can begin submitting nominations via the Federal Register on Thursday, July 28, 2022, using the following links:

- [Requests for Nominations: Carbon Dioxide Capture, Utilization and Sequestration Federal Lands and Outer Continental Shelf Permitting Task Force](#)
- [Requests for Nominations: Carbon Dioxide Capture, Utilization and Sequestration Non-Federal Lands Permitting Task Force](#)

Vacancies are anticipated to be filled by December 31, 2022.

Montana State Forester Named BLM Montana/Dakotas State Director

Bureau of Land Management Director Tracy Stone-Manning recently announced that Sonya Germann has been selected as the new BLM Montana/Dakotas State Director, starting her position in August.

As BLM Montana/Dakotas State Director, Germann will also oversee approximately 600 permanent staff and up to 230 career/temporary seasonal employees who help manage a myriad of public land uses and resources, including energy development, livestock grazing, outdoor recreation and the protection and control of wild horses and burros.

Germann's experiences comes from her time as Montana's State Forester, heading Montana's Department of Natural Resources and Conservation (DNRC) Forestry Division since April 2018 where she led the state's wildland fire operations, oversaw state and private forestry assistance, and collaborated with governmental and non-governmental partners to address forest health and wildland fire risk issues across ownership boundaries.

Germann first went to work for DNRC in 2004 as a part-time staff person in the Forestry Division's seedling nursery. In 2007, she was hired full-time as a planner in the Trust Lands Division's Forest Management Bureau. She was promoted to chief of that bureau in 2012. Before working for the DNRC, Germann worked as a biological sciences technician for the U.S. Department of Agriculture Forest Service at the Tongass National Forest in Alaska and was a community rights organizer for the Montana Human Rights Network.

Germann holds bachelor's degrees in wildlife biology and liberal studies, both from the University of Montana. She is nearing completion of a master's degree in resource conservation from the University of Montana College of Forestry.

Montana DEQ Announces Approximately \$1 Million in Available Grants for Water Quality Projects

The Montana Department of Environmental Quality (DEQ) is seeking applications for approximately \$1 million in funding for nonpoint source pollution reduction projects available under the Federal Clean Water Act. Nonpoint source pollution is the single largest cause of water quality impairment in Montana's lakes and streams, and typically comes from sources spread out over a large area that are not regulated under a discharge permit.

Nonpoint source water pollution is often associated with land uses such as agriculture, forestry, urban and suburban development, and runoff from abandoned mine sites. Common pollutants include sediment, nutrients, pathogens and toxic metals. In lakes, streams and wetlands, these pollutants can cause serious harm to aquatic life and can make the water unsafe for human recreation and consumption. DEQ monitors water quality in Montana's lakes and streams and identifies water bodies that are impaired. This funding is one way that DEQ works to improve impaired waters across Montana.

This funding supports the implementation of locally developed watershed restoration plans. By working with local organizations, DEQ puts communities in the driver's seat and leverages local knowledge to improve Montana's lakes, rivers and streams. Nonprofit or government organizations can submit applications for proposed projects that help reduce nonpoint source pollution. Examples of past projects include cost share for septic maintenance, restoring wetlands

and native vegetation along streambanks, or working with farmers and ranchers on water quality best management practices while protecting their property from flood and drought impacts.

Water quality project funding applications are due in October. The recommended range for new funding applications is \$10,000 to \$250,000 per project, and 40 percent of the total project cost must be matched with non-federal funds. Approximately \$500,000 of the available funding will be focused on projects in the lower Gallatin watershed. DEQ focuses funding on a specific watershed and rotates to a different watershed every two or three years. This targeted approach maximizes the cumulative impacts of water quality restoration projects within a watershed. The remaining \$500,000 is open to projects across Montana. DEQ does prioritize some of the funding to administer mini-grant programs for low-cost nonpoint source pollution prevention activities and local capacity building.

The application form and instructions can be downloaded from DEQ's website using the following hyperlinks:

- [Call For Applications](#)
- [Application Form Instructions](#)
- [Application Form – General and Focus Watershed](#)
- [Application Form – Supplemental Project Form](#)
- [Application Form – Mini-Grant Programs](#)

All projects must address nonpoint source pollution and implement a DEQ-accepted Watershed Restoration Plan. DEQ staff will be available, upon request, to provide feedback on project applications. The deadline for applications is 5 p.m., Friday, Oct. 7, 2022.

For more information on eligibility and to see current and recent applications, visit the DEQ website at: [Nonpoint Source Program](#) and scroll down to view 319 project funding under the nonpoint source program tab.

2023 Legislative Bill Draft Request Information Now Available

The Montana Legislative Services Division has launched the 2023 LAWS site, allowing members of the public to get a glimpse of what bills might be coming in January. Holdover Senators, or candidates who don't have an opponent in the November election are allowed to submit bill draft requests for purposes of getting an early start on having their proposals ready to introduce early in the session. Bill draft requests can also serve as placeholders by using broad titles that could cover a range of specific proposals that are offered later in the session. To see what requests have already been submitted go to: [2023 Bill Information](#)

Upcoming Interim Legislative Committee Meeting Schedule

The schedule of upcoming meetings for interim committees followed by TSRA is listed below. The September meetings are generally the last that will be held by interim committees at which time they finalize any remaining study reports and recommend legislation as committee bills. Agendas and other information will be available closer to the meeting date on the committee's website:

Energy and Telecommunications Interim Committee

September 1, 2022 State Capitol or via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/etic/>

Environmental Quality Council

September 8-9, 2022 State Capitol or via Zoom

Link to Committee Site: <https://leg.mt.gov/committees/interim/eqc/>

Revenue Committee

State Capitol or Via Zoom

September 15, 2022

Link to Committee Site: <https://leg.mt.gov/committees/interim/ric/>

Water Policy Committee

State Capitol or Via Zoom

September 20-21, 2022

Link to Committee Site: <https://leg.mt.gov/committees/interim/wpic/>

TSRA 2023 Annual Meeting Location Selected – Save the Date: June 14-15, 2023

TSRA will be holding its 2023 Annual Meeting at The Forge Hotel in Anaconda, MT on June 14-15, 2023. The TSRA golf scramble will be played at the Old Works Golf Course on the afternoon of June 14 with the first tee time at 1:00 pm.

The Forge Hotel is a new Best Western property that allows easy access to the golf course and area dining and recreational options. Barclays II Steakhouse is located on the property.

Please put this date on your 2023 calendar and plan to attend.

Upcoming Events/Dates:

August 29-31, 2022

Montana Petroleum Association Annual Meeting
Billings, MT

September 15, 2022

Montana Wood Products Association Annual Meeting
Missoula, MT

November 16-18, 2022

Legislative Caucus Training
State Capitol, Helena, MT

January 3, 2023

TSRA Legislative Showcase
Delta Colonial Hotel, 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.