

MEETING MINUTES
HUMAN SERVICES SUBCOMMITTEE
JANUARY 15, 1987

The meeting of the human services subcommittee was called to order by Chairman Cal Winslow on January 15, 1987 at 8:06 a.m. in room 108 of the Capitol building.

ROLL CALL: All committee members were present.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

(9a:073) Shelly Immel, Vice Chairman of the Lewis and Clark City/County Health Board, read her prepared statement in support of appropriations for air quality programs in the state (exhibit 1).

(9a:157) Duane Robertson, chief of the Solid and Hazardous Waste Bureau (SHW), presented an overview of the Superfund Program from his prepared text (exhibit 2, 1/14/87). The bureau is requesting a budget modification increase of 3 FTE's for the core group.

(9a:442) Vic Anderson, also from the SHW Bureau, described the superfund process with the aid of a flow chart (exhibit 2). The process was divided into two (2) major components: actions leading to national priority list determination, and typical response matrix for uncontrolled hazardous waste sites.

Discussion followed centering on the following main points: operation and maintenance of the program, identifying responsible parties to recover cleanup funds, lawsuits, specific sites and projects, and state monitoring responsibilities.

Ray Hoffman then presented the executive budget general fund request (exhibit 3), outlining state share of indirects and state level of effort funds.

(9b:173) The committee discussed policy issues, including vacancy savings and indirect costs. Peter Blouke, of the Legislative Fiscal Analyst Office, discussed personal services and the differences of computation between the executive and LFA; the LFA did not take vacancy savings on longevity, while the executive took vacancy savings on all components of personal services. Both offices used a 4% vacancy savings factor with the exception of agencies having 20 or fewer FTE's.

Rep Bradley asked if the committee would divert funds not expended in the block grants to the counties. Chairman Winslow stated that was possible.

(9b:430) Taryn Purdy gave an overview on indirect costs, covering guidelines and intent (exhibit 4), and stated that OBPP computed total personal services before the 4% vacancy savings and applied the indirect rate to that total to

determine how much authority would need to be added to the program for the indirect cost pool. The LFA current level analysis computed personal services after vacancy savings of 4%. Lois Steinbeck delineated the OBPP formula and its justification.

EXECUTIVE ACTION

(10a:000) Rep Bradley made a motion to adopt a 4% vacancy savings formula as included in the OBPP and LFA budget.

A voice vote was taken and the motion PASSED, with Sen Manning voting no.

Rep Bradley made a motion to accept the executive calculations of the indirects.

A voice vote was taken and the motion PASSED unanimously.

(10a:023) Peter Blouke addressed the issues of budget amendments and federal grants. The agencies (DHES, SRS) are concerned that if the committee does not grant the full amount requested by the executive, they will not be allowed to come in for a budget amendment later in the event of a higher level of federal participation. If the committee decides that, based on the information available to them, a particular level of federal funding is the expected level, and these funds are subsequently available, those funds can be budget amended. Too high a level of anticipated federal funds that do not materialize will result in an excess of spending authority. It was suggested that the committee anticipate what federal funds could be available under a particular grant and establish that level. Any additional funds received would then be processed by a budget amendment. If the committee decides a higher level of funds will be available, but chooses to appropriate the program at a lower level, the department cannot come in for a budget amendment because the committee considered the full amount of funds and specifically denied that level.

No motion was made at this time.

(10a:122) Sen Hims1 expressed his concern over unanticipated revenue being used to set up new programs. If a program was put in place with these funds, then was the future legislature committed to support the continuing program that it did not generate. He was not against budget amendments for unanticipated funds, but was concerned about specifying what the budget amendment proposes to do.

EXECUTIVE ACTION

(10a:263) Rep Bradley made a motion to accept the LFA calculation of personal services, which does not include vacancy savings on longevity.

A voice vote was taken and the motion PASSED unanimously.

Director's Office

Personal Services

(19a:304) Sen Manning made a motion to accept the LFA current level of 7 FTE for the directors office for 1988 and 1989.

A voice vote was taken and the motion PASSED unanimously.

Sen Manning made a motion to accept the LFA current level funding of \$257,714 for 1988 and \$257,813 for 1989.

A voice vote was taken and the motion PASSED unanimously.

Operating Expenses

Sen Manning made a motion to accept the LFA current level of \$46,273 for 1988 and \$46,595 for 1989.

(10a:497) A voice vote was taken and the motion PASSED, with Rep Winslow voting no.

Funding

(10a:592) Dr Drynan noted there may be excess in the Maternal and Child Health Block Grant that could be used for general fund as long as the 10% cap was not exceeded.

Sen Manning asked if there would be any problems in taking the executive funding over the LFA funding in this instance. Taryn Purdy stated there would be none; it depended on how the committee wanted to allocate the entire block grant.

(10a:615) Peter Blouke, interjected that it would probably be easier to clarify the block grant and then proceed with the fund. This recommendation was accepted.

Board of Health

Personal Services

Rep Bradley made a motion to accept the LFA current level of \$3,150 for 1988 and \$3,150 for 1989.

A voice vote was taken and the motion PASSED unanimously.

Operating Expenses

Sen Manning made a motion to accept the LFA current level of \$6,395 for 1988 and \$6,395 for 1989.

After discussion, Chairman Winslow asked Sen Manning if he would withdraw his motion, as Rep Bradley was preparing to introduce a motion to reconsider action on the operating expenses for the director's office dealing with legal expenses. Sen Manning stated he would not.

A voice vote was taken and the motion PASSED unanimously.

Funding

Rep Bradley made a motion to accept the LFA general fund of \$9,545 for 1988 and \$9,545 for 1989.

A voice vote was taken and the motion PASSED unanimously.

Legal Unit

Personal Services

Sen Manning moved to accept the LFA current level of 3 FTE.

A voice vote was taken and the motion PASSED unanimously.

Rep Bradley moved to accept the LFA current level of \$100,411 for 1988 and \$100,288 for 1989.

A voice vote was taken and the motion PASSED unanimously.

Operating Expenses

Taryn Purdy, noted the executive figures included the Westlaw database expenses and funds to network computers. She suggested that a decision be postponed on network funds until the committee makes a decision on the total number of computers.

Rep Bradley made a motion to accept the executive figures of \$13,026 for 1988 and \$12,626 for 1989 minus \$268 for FY 1988 to network the proposed PC addition.

A voice vote was taken and the motion PASSED unanimously.

Equipment

Rep Bradley made a motion to accept the executive budget of \$12,284 for 1988 and \$1,200 for 1989.

(10b:098) A voice vote was taken and the motion PASSED, with Rep Switzer voting no.

Sen Manning made a motion to amend the operating budget to include \$268 for FY 1988 to network the PC addition.

A voice vote was taken and the motion PASSED unanimously.

Funding

Sen Manning made a motion to accept the executive budget of \$109,976 for 1988 and \$109,663 for 1989.

A voice vote was taken and the motion PASSED unanimously.

(10b:130) Rep Bradley made a motion to reconsider action on the operating expenses for the director's office, removing the \$14,151 for legal expenses for each year of the biennium.

A voice vote was taken and the motion PASSED unanimously.

Rep Bradley then moved to adopt the executive of \$33,278 for 1988 and \$33,442 for 1989 for the director's office operating expenses, which includes \$1,186 more for out-of-state travel, and an additional \$3,068 each year for legal fees for the Board of Health.

A voice vote was taken and the motion PASSED unanimously.

Rep Bradley made a motion to reconsider action taken on the Board of Health operating expenses.

A voice vote was taken and PASSED unanimously.

Rep Bradley then made a motion to add \$500 for travel into the Board of Health operating expenses.

A voice vote was taken and PASSED unanimously.

There being no further business, the meeting was adjourned at 10:26 a.m. (10b:253).



Rep Cal Winslow, Chairman

WITNESS STATEMENT

EXHIBIT 1DATE 1-15-87

HB _____

NAME Shelley Lee Immel BILL NO. _____
 ADDRESS 410 Raymond, Helena DATE 1-16-87
 WHOM DO YOU REPRESENT? Lewis & Clark City-County Health Bd.
 SUPPORT OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

My name is Shelley Lee Immel. I am Vice-Chairman of the Lewis & Clark City County Health Board. The Health Board is responsible for administering the Air Quality Program for Lewis & Clark County.

I am here to support the appropriations for air quality programs in this state. I am here also to ask that this subcommittee find a way to either increase the pass through monies for county air quality programs, or more fairly distribute the allowed monies so that all four local program counties (Yellowstone, Cascade, Missoula, and Lewis & Clark) receive appropriations. Currently these monies (\$101,291.00) are destined for only Yellowstone, Missoula & Cascade Counties.

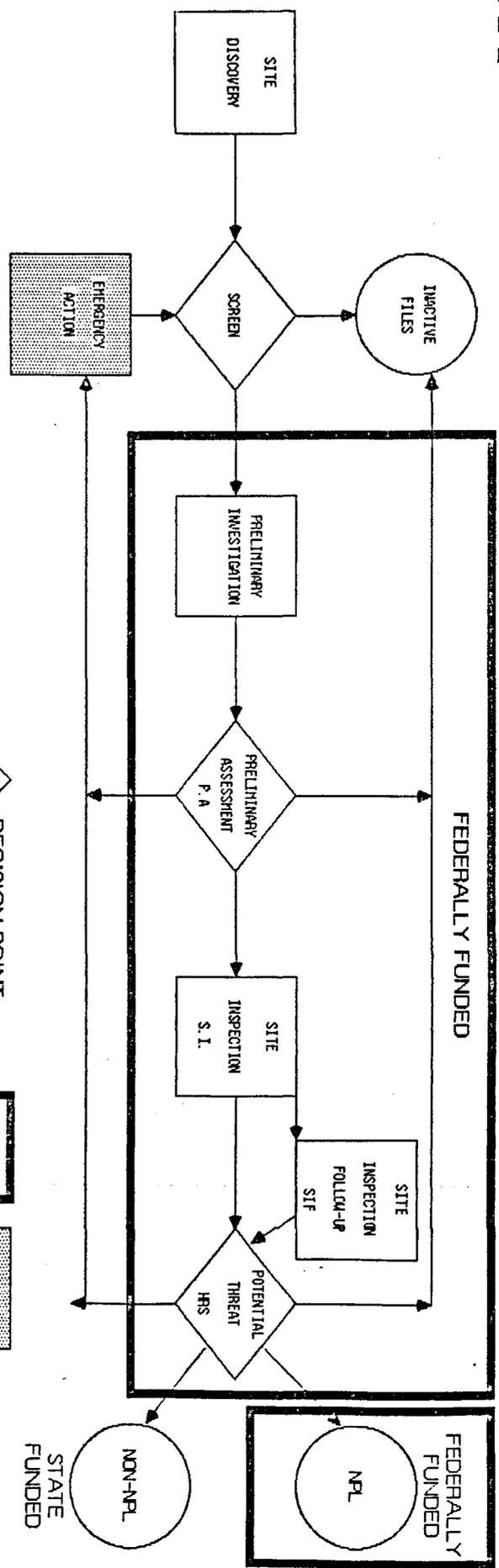
The State Air Quality Bureau originally requested \$16,000 for our local program. Before requesting this ^{partial} funding from the state, our Health Board reduced the air quality program budget by \$13,893.00 from our 1985 budget. This program is totally

funded by property tax revenues from Lewis & Clark taxpayers.

We are hoping for a very windy winter and therefore less inversions and less air pollution. We are also hoping that this subcommittee will help us with this very vital program by adjusting the appropriations for pass through monies to allow the Air Quality Program in Lewis & Clark County to be partially funded by state monies.

Thank you for your time & attention.

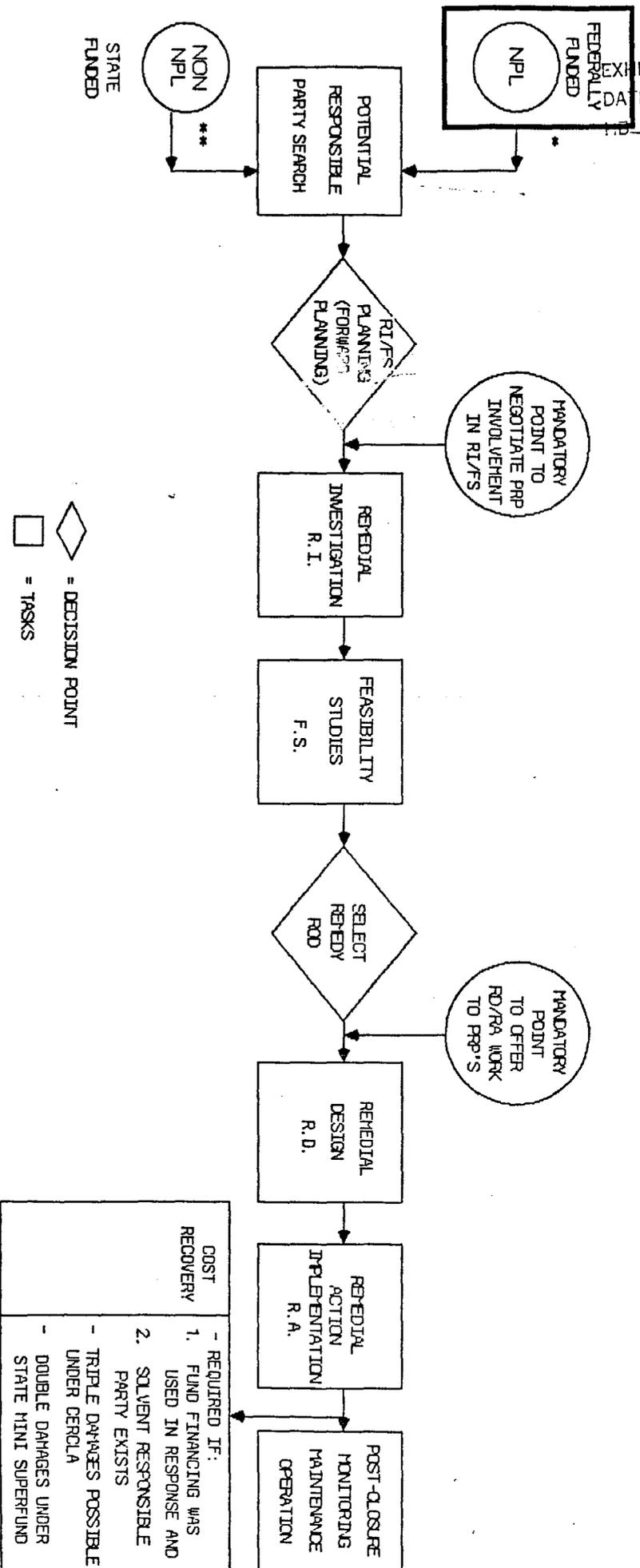
ACTIONS LEADING TO NATIONAL PRIORITY LIST (NPL) DETERMINATION



- ◇ DECISION POINT
 - TASKS
 - ▤ TASKS ELIGIBLE FOR FEDERAL FUNDING
 - ▨ OTHER CERTAIN CRITERIA MAY BE FEDERALLY FUNDED
- * NPL SITE RESPONSE ACTIONS ARE FEDERALLY FUNDED (10% STATE MATCH FOR RD & RA)
- * NON NPL SITE RESPONSE ACTIONS WILL REQUIRE STATE FUNDING

TYPICAL RESPONSE MATRIX FOR UNCONTROLLED HAZARDOUS WASTE SITES

EXHIBIT 2
DATE 1/15/87



COST RECOVERY

REQUIRED IF:

1. FUND FINANCING WAS USED IN RESPONSE AND
2. SOLVENT RESPONSIBLE PARTY EXISTS

- TRIPLE DAMAGES POSSIBLE UNDER CERCLA
 - DOUBLE DAMAGES UNDER STATE HINI SUPERFUND

◇ = DECISION POINT
 □ = TASKS

** NPL SITE RESPONSE ACTIONS ARE FEDERALLY FUNDED (10% STATE MATCH FOR RD & RA)
 *** NON-NPL SITE RESPONSE ACTIONS WILL REQUIRE STATE FUNDING

EXHIBIT 2
DATE 8-87 1.15.87
HB _____

Site Discovery

The discovery of potential hazardous waste sites is not eligible for funding under CERCLA. States must assume all costs associated with conducting a site discovery program. The State submits the site name and location to EPA for listing on CERCLIS. Once the site is in CERCLIS, the State and EPA can agree to schedule a PA or an SI and the State may then proceed with work on the site.

Preliminary Investigation and Assessment (PA)

The purpose of a preliminary investigation and assessment is to provide the preliminary data and evaluations required to determine what action to undertake next (i.e., no further action, emergency action, or additional investigation). A PA includes the collection and review of all available information regarding the source and nature of the hazardous substances present. The EPA will fund PA work completed by the State.

Site Inspection (SI)

If a site warrants a SI, the State and EPA will decide which of the agencies will have the lead. The SI includes sampling, surveying, monitoring, and other field activities required to characterize the problem. Data gathered during the SI serves as the basis for the ranking of sites on the NPL.

EPA, through its field investigation team (FIT) contractors, will maintain a leading role in the performance of SIs. The amount of SI work performed by states will be determined on an individual basis depending on a number of factors, including the state's ability to adequately perform a given number of PAs and SIs, and cost effectiveness.

The scope of an SI is limited to identifying potential NPL sites and initiating the HRS scoring process. Therefore, there are tasks and expenses which are not allowed. Some examples follow:

 SIs designed specifically to support enforcement efforts are not allowed;

 Studies aimed at identifying the precise extent of off-site migration and the exact nature of on-site contamination are not allowed;

 Geophysical and hydrological testing requiring the use of remote sensing equipment is not routine; and

 Well installation for monitoring ground water should be avoided whenever possible.

Site Inspection Follow-Ups (SIF)

The purpose of an SIF is to collect additional data that is necessary to substantiate or strengthen a site's existing HRS score.

Hazard Ranking System (HRS)

The HRS is used to evaluate the relative potential of uncontrolled hazardous substance facilities to cause human health or safety problems, or ecological or environmental damage. If a site has a score of 28.5 or more on the HRS, the site is added to the NPL. If it does not, the State and EPA may decide that a SIF is needed to collect further data to raise the site's HRS score or the site will be removed to the inactive files category and no further Superfund monies will be spent by the EPA on this site.

During the HRS ranking, it may become evident that an removal action is necessary to prevent harm to human life, health, or the environment. Depending upon the speed with which a removal must be conducted, either the EPA or the State may be lead agency. Emergency removals requiring immediate action are facilitated by EPA retaining the lead. Less immediate removals may be funded in an MSCA.

NPL Sites

Responsible Party Searches: (PRP Search)

Efforts to identify responsible parties are allowable activities of a PA or an SI to the extent necessary to determine site owners/operators. Information concerning generators which is uncovered during the routine conduct of a PA, SI or SIF should be retained for future reference. However, responsible party searches are not allowable as separate pre-remedial activities.

Remedial Investigation (RI):

The purpose of the RI is to collect and analyze the data necessary to define the nature and extent of threats to public health and the environment, and to support development and evaluation of alternatives in the feasibility study. During this phase of the process, the initial scope may be revised as additional information is gathered. Typical RI activities include: defining boundary conditions, hydrogeologic investigations, surface/ground water analyses and air monitoring.

Feasibility Study (FS):

The purpose of the FS is to identify and assess those remedial alternatives that would be appropriate for application of a site. Typically an FS involves several steps: development of alternatives, initial screening of alternatives (based on costs, technical feasibility and health/environmental impacts), detailed analyses of remaining alternatives, recommendation of an alternative and development of a preliminary conceptual design.

Remedy Selection: (ROD)

In selecting a remedial alternative, EPA must: 1) determine the appropriate extent of the remedy, and 2) consider the need to protect public health, welfare and the environment at a specific site against the availability of fund monies for response at other sites. In addition, remedies must be protective of human health and the environment, cost effective, and utilize permanent solutions and alternative technologies when applicable. Remedies must also meet applicable or relevant or appropriate Federal and State

EVENT 2
DATE 1.15.87
HB _____

standards. Once all requirements are satisfied, a Record of Decision (ROD) is signed to formalize the remedy selection process.

Remedial Design/Remedial Action: (RD/RA)

The last step in the process is to clearly define the selected remedy and outline the necessary plans and specifications in a bid package (remedial design). Once a contract has been awarded, construction activities necessary to implement the selected remedy begin (remedial action).

Maintenance and Operation: (M & O)

After the site has been cleaned up, there may be some operation and maintenance necessary to continue the integrity of clean-up. Examples might include:

- * electricity to run the water pump and heat the pumphouse for the Milltown water supply system;
- * maintenance of vegetative cover on a soil cap placed over a contaminated area;
- * fixing a security fence necessary to keep the public or animals off a site.

For the first ten years after clean-up, these costs are split 90/10 by EPA and the State respectively. After ten years the State is responsible for 100 percent of the M & O costs.

Completion/Deletion:

Once all of the required response actions as described on the ROD are completed, a site may be classified as a completion (i.e. receives a "C" cleanup status on the NPL). Completed sites criteria as delineated in the NCP and related guidance before they are deleted from the NPL.

DEPARTMENT OF HEALTH
EXECUTIVE BUDGET GENERAL FUND REQUEST

3
1.75.87

PROGRAM	FY 1988 GENERAL FUND	FY 1989 GENERAL FUND	
DIRECTOR	212,179	212,437	STATE SHARE OF INDIRECTS
BD OF HLTH	13,113	13,113	
LEGAL	110,297	109,773	
TOTAL	335,589	335,323	
CENTRALIZED SERV			
DIV ADM	1,781	2,216	
SUPPORT SERV	239,277	204,000	STATE SHARE OF INDIRECTS
REC/STAT	272,104	279,136	
CHEM	82,844	83,576	
MICRO	211,405	209,843	
TOTAL	807,411	778,771	
ENVIRONMENTAL			
SOLID WASTE	75,713	75,289	
AIR QUAL	320,657	320,657	PRIOR YEAR LEVEL OF EFFORT
OCCUP HLTH	160,911	159,559	
WATER QUAL			
DRINKING WATER	103,180	103,060	75% FED 25% STATE
POLL CONTROL	85,386	85,386	FY 1980 LEVEL OF EFFORT
QUAL MAN	74,196	72,975	
SUBDIVISION	139,013	139,014	
TOTAL WATER	401,775	400,435	
FOOD/CONSUMER	311,322	310,987	
TOTAL ENVIR	1,270,378	1,266,927	
HLTH SERV DIV			
DIV ADM	35,963	36,089	
MCH BUREAU			
BUREAU ADM	69,794	69,984	75% MCH BLOCK MATCH
PREV HLTH			
DENTAL	21,623	21,257	
IMMUNIZATION	21,795	21,838	20% F/S & INSTATE TRAVEL
STD	12,125	12,195	20% F/S & INSTATE TRAVEL
COMM DISEASE	43,345	43,614	
ESRD	125,000	125,000	
TOTAL PHB	223,888	223,904	

NURSING BUREAU	95,463	95,334	75% MCH BLOCK MATCH
EMS BUREAU	268,025	267,960	
LIC/CERT	242,072	241,705	MEDICAIDE MATCHING/STATE LICENSING/CERTIFICATION
TOTAL HLTH SERV	935,205	934,976	

MODIFIED REQUESTS

WELL HEAD PGM	66,667	66,667	75% FED 25% STATE
HS/MF DIV ADM	33,468	33,522	
HEALTH PLANNING	176,107	170,483	
LIC/CERT	126,402	125,831	MEDICAIDE MATCHING/STATE

TOTAL MODS	402,644	396,503	
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TOTAL DHES	3,751,227	3,712,500	
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PERCENT	37.4%	36.8%	
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INDIRECT COSTS

Example 1

Indirect Rate = 10%	
	<u>1986</u>
Personal Services	\$ 100
<u>Funding</u>	
General Fund	\$ 200
State Special	300
Federal	<u>500</u>
Total	<u>\$1,000</u>

State Special Funds represent 0.3 of total personal services costs.
 Therefore:

	\$100 (Total Personal Services)
X	<u>0.30</u>
	\$ 30
X	<u>0.10</u> (Indirect Rate)
	\$ 3 Total Indirect Costs

Federal Funds fund 0.5 of total personal services costs.
 Therefore:

	\$100 (Total Personal Services)
X	<u>0.50</u>
	\$ 50
X	<u>0.10</u> (Indirect Rate)
	\$ 5 Total Indirect Costs

Therefore: This program received additional authority or \$8 in operating expenses, and total funding would be:

General Fund	\$ 200
State Special Revenue	303
Federal Revenue	<u>505</u>
Total	\$1,008

Policy Issue

	<u>Before Vacancy Savings</u>	<u>After Vacancy Savings</u>
Personal Services	\$1,000	\$ 960
Indirect Rates	X <u>0.10</u>	X <u>0.10</u>
Required Authority	<u>\$ 100</u>	<u>\$ 96</u>
Personal Services	\$ 960	\$ 960
Indirect Costs	<u>100</u>	<u>96</u>
Total	<u>\$1,060</u>	<u>\$1,056</u>

VISITORS' REGISTER

HUMAN SERVICES SUBCOMMITTEE

BILL NO. _____

DATE January 15, 1987

SPONSOR _____

DEPT Health

NAME (please print)	Representing	SUPPORT	OPPOSE
<u>Ray Hoffman</u>	<u>DHES</u>	<u>X</u>	
<u>Shelley Lee Immed</u>	<u>Lewis Clark^{city} Co. Health Bd</u>	<u>X</u>	
<u>Lois Springbeck</u>	<u>OSPP</u>		
<u>JUDITH L CARLSON</u>	<u>W-C Co HEALTH</u>	<u>X</u>	
<u>Don Wiltemis</u>	<u>DHES</u>		
<u>Bill Opitz</u>	<u>DHES</u>	<u>X</u>	
<u>Dave Depew</u>	<u>MPEA</u>		
<u>Duane Robertson</u>	<u>DHES</u>	<u>X</u>	
<u>Vic Andersen</u>	<u>"</u>	<u>X</u>	
<u>Chris Volinucaty</u>	<u>DD</u>		
<u>Jackie Amsden</u>	<u>Women's Voluntary Fund</u>		
<u>Depew</u>	<u>DHES</u>	<u>X</u>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.