

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - 2nd SPECIAL SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Senator Lawrence G. 'Larry' Stimatz, Chair, on July 16, 1992, at 1:25 p.m.

ROLL CALL

Members Present:

Lawrence Stimatz, Chairman (D)
Cecil Weeding, Vice Chairman (D)
John Jr. Anderson (R)
Esther Bengtson (D)
Don Bianchi (D)
Steve Doherty (D)
Lorents Grosfield (R)
Bob Hockett (D)
Thomas Keating (R)
John Jr. Kennedy (D)
Larry Tveit (R)

Members Excused: None.

Staff Present: Michael Kakuk (EQC)

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None.

HEARING ON HOUSE JOINT RESOLUTION 1

Presentation and Opening Statement by Sponsor:

Representative Hal Harper told the Committee House Joint Resolution 1 was drafted at the request of the Water Policy Committee. He explained it would extend the state of disaster in Montana called for drought purposes which allows certain statutes to be suspended upon the order of the Governor to allow the state to cope with the disaster situation.

Proponents' Testimony:

George Oschenski told the Committee HJR 1 is a useful tool for the Governor.

Stan Bradshaw of Trout Unlimited spoke in support of House Joint Resolution 1.

Gary Fritz of the Montana Department of Natural Resources told the Committee the department supports House Joint Resolution 1. He stated the June 29, order signed by the Governor suspended the Department of Natural Resources' ability to process new water right application. The order in effect now allows some exception to the permit processing moratorium. He pointed to a chart of the Palmer Draught Index. The chart demonstrated the possibility of continued and severe draught. He stated there is no snow pack in the mountains.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Weeding asked Mr. Fritz what factors go into the Palmer Drought Index. Mr. Fritz explained it is primarily soil moisture. He told the Committee there are two factors, surface and sub-soil moisture. The other index is the surface-water supply.

Closing by Sponsor:

Representative Harper closed on House Joint Resolution 1.

HEARING ON HOUSE BILL 58

Chair Stimatz entered over 60 letters which he received in support of House Bill 58 and House Bill 59 into the record (Exhibit 1a through 1ap). He advised those in attendance at the hearing to be as brief as possible in their presentation of testimony. He noted the close relationship of House Bill 58 and House Bill 59, but stated each bill would have its own hearing. He stated much of the testimony from HB 58 would apply to HB 59.

Presentation and Opening Statement by Sponsor:

Representative James Madison told the Committee he represented HD 75 which includes the Montana City area where the Ash Grove Cement Plant is located. He stated House Bill 58 proposes to put a moratorium on the burning of hazardous waste until October 1, 1993. He explained both House Bill 58 and House Bill 59 would "buy a little time". He stated a very strict citing act with high standards, as where hazardous or medical waste may be burned, how emissions are to be monitored and how remaining ash is to be handled and stored should have already been passed during the regular session in 1991. Detailed provisions should also be set down to transport such waste. He explained due to unduly interfering with interstate commerce this bill may be unconstitutional, but does not feel it will interfere with the purpose of the bill in buying time. He stated Montana

is a participant in the Capacity Assurance Program (CAP) which is a grouping of 17 western states. If the moratorium is passed, Montana could be removed from CAP if it were currently importing and burning hazardous waste. The moratorium would continue what is currently being done.

Proponents' Testimony:

Representative Mike Foster (House District 32) explained he represented all of Meagher County and portions of Broadwater and Cascade Counties. Only about a month and half ago the public became aware of the medical waste incinerator proposal at Ringling. This came about after application of a solid waste permit which is in the comment stages with the Department of Health. The Department of Health could issue a permit with construction beginning soon. The public was not aware even though the applicants had received two air quality permits in 1990 and in 1991. He told the Committee something is wrong with the system when there is "such a total void of public knowledge". He stated all rules and regulations were followed which included only one legal notice in the legal ads of the local paper. He explained time is needed for the Department of Health and the Montana Legislature to address the process of permitting and to hold off on construction until all the fact are known.

Senator Jack "Doc" Rea of Senate District 38 which encompasses the area from East Helena to Butte and Belgrade and back to Helena stated Ash Grove in Montana and the Holnum Cement Plant in Three Forks are in his Senate District. He spoke in support of both House Bill 58 and House Bill 59. He told the Committee it is important to have more time to address this issue.

Paul Smietenka spoke from prepared testimony (Exhibit #2).

Nancy McCaffree of Forsyth told the Committee she had 18 children, four of which live in Montana City and attend the Montana City School. She explained Ash Grove is less than a mile from the school. She stated the time should be taken to assure the safety of the children.

Hank Brewer, a rancher from Ringling told the Committee he time be taken to allow Montanans to establish clear guidelines which would regulate facilities such as the medical waste incinerator proposal in Ringling. As an adjacent landowner to the proposed area he received an environmental assessment from the Department of Health and Environmental Sciences on May 19, 1992. He stated he "had no idea what impact this would have on their agricultural land". He questioned what would have to grain crops as well as livestock from the toxins. He told the Committee the company applying for the permit to burn medical waste is "notorious for its violations" with the Department of Health and Environmental Sciences. The Water Quality Bureau has tried from ten years to bring this company into compliance with

their standards. He stated guidelines must be adopted and companies must demonstrate by their past actions they are willing to comply.

Anne Johnson representing the Montanans Against Toxic Burning spoke from prepared testimony (Exhibit # 3). Ms. Johnson also presented a petition to be entered into the record (Exhibit #4), and an assessment of the boiler and industrial furnace rules prepared by the Senate subcommittee on Environmental Protection (Exhibit #5).

Elizabeth Brewer, a Ringling rancher told the Committee the ranchers and residents of Ringling do not consider themselves activists or environmentalists. She explained they wish to take care of the land because they believe the land will then take care of them. The incinerator proposal would burn many times the amount of medical waste generated in Montana. She stated she was asking for more time for stricter regulations.

Rebecca Johnston told the Committee she ranched northwest of White Sulphur Springs along the Smith River. She stated all citizens of Montana have a responsibility to protect Montana. She stated well-thought out plans, regulations and enforcement must be in place before issuing permits to such companies. She presented a petition to be entered into the record (Exhibit #6).

Connie Bellet spoke in support of House Bill 58 and House Bill 59 from prepared testimony (Exhibit #7).

Wayne Shong from White Sulphur Springs told the Committee his wife was chemically poisoned in March of 1991. He stated he had purchased land at a premium because it has never been treated with chemicals. After making all the arrangements and beginning construction on their new 'chemical free' home their doctor advised them not to build within 10 miles up-wind of the proposed plant. He stated Alcotec has not paid property taxes in the amount of \$88,000. Mr. Shong entered a written statement from his wife Rebecca Shong (Exhibit #8).

John Beaver, a ranch employee northeast of Wilsall told the Committee the largest animals around a potential incinerator in Montana will be cattle or sheep. He stated there was not sufficient data to show what doses or what time frame would make the meat of these animals toxic. He expressed his concern as to the health risks.

Dave Anderson, Jefferson County Commissioner told the Committee he was among those people asking to expand the session to include the issue addressed in House Bill 58 and House Bill 59. He entered an article from the Reader's Digest into the record (Exhibit #9).

Pat Tallent entered prepared testimony on behalf of her husband, Gordon Tallent (Exhibit #10).

Rachael Sirs spoke in support of House Bill 58 and House Bill 59 from prepared testimony (Exhibit #11). She also presented a petition (Exhibit #12).

Mary Ann Wellbanks spoke in support of House Bill 58 and House Bill 59. She stated she lived about 2 miles from the Ash Grove Cement Plant which is very near the ASARCO lead smelter in East Helena. She told the Committee "people are now having to rip up their lawns because of the lead pollution, they cannot eat the vegetables from their gardens, and the kids have toxic levels of lead in their body".

Mark Albee spoke from prepared testimony in support of House Bill 58 and House Bill 59 (Exhibit #13).

John Hanewald, along with his son, from White Sulphur Springs spoke in support of House Bill 58 and House Bill 59. He stated the problems with medical waste is what to do with it in 1993. He told the Committee he called EF Industry in Denver which is handling 1.2 to 1.4 million pounds of medical waste per month. The facility will handle 4.5 million pounds per month. He stated a facility built in Montana would "be a monster that they cannot feed".

Marla Grossberg Atkins spoke from prepared testimony (Exhibit #14) and presented written testimony from her husband, Charles Atkins (Exhibit #15).

Anita Queneman spoke in support of House Bill 58 and House Bill 59 from prepared testimony (Exhibit #16).

Lester Field, a rancher near the Townsend area told the Committee he has written letters to all concerned in support of House Bill 58 and House Bill 59. He stated plants do not close themselves down. If their tests indicate a problem, chances are, they are not going to close themselves down. He stated self-policing is often "a joke". Prepared testimony was presented from Dawn Field (Exhibit #17).

Dan Pittman spoke in support of House Bill 58 and House Bill 59 from prepared testimony (Exhibit #18).

Additional testimony presented in writing was added to the record (Exhibit #19a through 19j).

Opponents' Testimony:

None.

Statements From Others in Attendance:

Tom Daubert, representing Ash Grove Cement told the Committee it is important to know that the proposal at Ash Grove has not been finalized, no full permit application has been

submitted. The permitting process will answer the questions which have been raised. The Part B permit process is "widely regarded as one of the most complicated and exhaustive permits that exist in state and federal government". He stated in other states it has taken up to five years with still no permit issued. Ash Grove has continued to issue a newsletter containing information about the company's proposal, and neither objects to nor supports House Bill 58 and House Bill 59.

Jerome Anderson, attorney representing Holnum, Inc. which operates and owns the cement plant at Trident, told the Committee Holnum's program proposal to burn hazardous waste is known to the residents of Gallatin County. He expressed the initial concern that the permitting process would be stopped due to House Bill 58. With amendment from the House the permit process can go forward and the permits would not be issued before October 1, 1993.

Questions From Committee Members:

Senator Kennedy asked Mr. Steve Pilcher, Chief of the Department of Health and Environmental Sciences about the testimony presented by Mary Ann Wellman regarding the East Helena ASARCO Plant. Mr. Pilcher explained the East Helena area has been designated as a federal Super Fund site. He explained there is an extension clean up taking place there with lawns being removed and replaced.

Senator Bianchi asked Mr. Pilcher how a permit can be issued without public awareness or involvement. Mr. Pilcher told the Committee the issue is out of the ordinary. State agencies do not take their responsibilities lightly. He explained the Legislature has given Statutes and the department promulgates rules to tell the public how these responsibilities are carried. The rules are then subject to public review and comment. He explained due to today's "environmental sensitivity, environmental awareness" the public participation requirements need to be revisited. The legal obligations are met, for instance by placing notice in the legal notice of the newspaper. This public notification requirement should also be revisited.

Senator Bianchi asked Mr. Pilcher if the public participation notification by placing notice in the newspaper is done by statute or by rule. Mr. Pilcher stated it was by rule.

Senator Bianchi asked Mr. Pilcher about the ethanol plant by White Sulphur Springs which has been in violation of water quality standards for several years. He asked why these violations were not corrected. Mr. Pilcher stated the question would be better answered by the company. He stated there had been a fish kill on 16 Mile Creek. Investigations showed that waste water had not been properly treated and disposed of and had been reaching the stream. An enforcement action was taken in the form of a civil complaint against Alcotech in the early to

mid 1980s. The company paid a civil penalty and submitted a compliance plan for approval. The compliance plan was approved and there is question whether the provisions of the compliance were adequately and fully carried out. He explained recent inspections by agency staff would indicate they did not accomplish all the things to which the company had committed. Further enforcement action is being considered by the agency.

Senator Bianchi asked Mr. Pilcher if companies which are not in compliance in areas such as this apply for further permits, are these facts taken into consideration in the permitting process. Mr. Pilcher told the Committee it cannot be taken into consideration legally because there is no "bad actor" provision in the solid and hazardous waste laws or in the air quality laws.

Senator Keating asked Mr. Pilcher if, East Helena ASARCO now being a super fund area is no longer a threat. Mr. Pilcher stated the company is continually in the process of upgrading their emission control equipment and are generally in compliance. He stated it is the goal the learn from past experiences and to not allow haste to create another situation which would cost the company or the people millions of dollars to correct. He told the Committee rules were developed to deal with boiler and industrial furnaces. There were 700 comments on the proposed rule which brought to light issues the public thought should be addressed.

Senator Keating asked Mr. Pilcher if any company, ready to make investments, should be aware that standards are in law and they stand to loose large investments if they do not comply. Mr. Pilcher stated the company should want to fully understand their obligations before undertaking a proposal.

Senator Doherty asked Mr. Pilcher about the fish kills and the enforcement action was filed by the Water Quality Bureau in the 1980s. He asked who was responsible for the followup on compliance by Alcotech. Mr. Pilcher stated the responsibility rests primarily with the Department of Health and Environmental Sciences. He explained the staff available for complained inspection was quite limited at that time.

Senator Doherty asked Mr. Pilcher if the compliance plan was court ordered. Mr. Pilcher told the Committee it is the common practice to have it court ordered. The Alcotech violations were handled by filing a complaint, negotiating a resolution with the company, and filing a consent decree which was approved by the court.

Senator Doherty asked Mr. Pilcher when it was discovered Alcotech was not in compliance. Mr. Pilcher stated he did not have a specific date. He offered to have staff in the Water Quality Bureau to prepare a chronology for the Committee's information.

Senator Doherty asked if the permits granted in 1990 and 1991 were done on the basis of an environmental analysis or on the basis an environmental impact statement. Jeff Chaffee, Bureau Chief of the Air Quality Bureau told the Committee the permits granted to the Alcotech Facility for the medical waste incineration project were done with an environmental assessment.

Senator Doherty asked if it were true there were significant differences between the level and degree of public participation required under an environmental analysis and that level and degree found under an environmental impact statement. He asked Mr. Chaffee why the environmental analysis was selected. Mr. Chaffee explained the requirements in state and federal law were met when designing the permit to achieve air pollution control on the facility. He stated they are coordinating with the solid/hazardous waste bureau. He told the Committee he was not aware if an environmental impact statement will be done.

Senator Doherty asked Representative Foster if he were aware that Alcotech had been cited when it was decided to use the environmental analysis. Representative Foster told the Committee there was a public hearing regarding the solid waste permit application the past Monday in White Sulphur Springs. He stated he had asked for the environmental impact statement and stated there were other people who have asked also.

Closing by Sponsor:

Representative Madison closed on House Bill 58.

HEARING ON HOUSE BILL 59

Presentation and Opening Statement by Sponsor:

Representative Madison waived his opening statement of House Bill 59 in order to allow Dr. Allen S. Lefohn to present proponent testimony.

Proponents' Testimony:

Dr. Allen S. Lefohn spoke in support of House Bill 59 from prepared testimony (Exhibit #19).

Chair Stimatz noted testimony presented during the hearing on House Bill 58 would be apply (when relevant) in the presentation of House Bill 59.

Representative Foster rose in support of House Bill 59 because it reflects the responsibility of the Legislature to address the issue of medical and hazardous waste which is being produced in Montana.

Senator Rea rose in support of House Bill 59.

Dave Anderson told the Committee it is important to note they health department is charting new ground with many unknowns.

Jim Jenson, Executive Director of the Environmental Information Center told the Committee Montana must learn to recycle and reuse. The issue must be revisited by the 1993 Legislature.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Keating asked Representative Madison if there is an overlap with solid waste and medical waste. Representative Madison stated there probably is an overlap, solid waste may include medical waste but not hazardous waste.

Senator Grosfield asked Steve Pilcher if there are any permits applications pending at this time. Mr. Pilcher stated air pollution were issued to Western Recovery facility. At the present time, for the medical waste facility, the only valid application is at Alcotech. The rule making has not been completed for the cement plant application.

Senator Grosfield asked Michael Kakuk about the constitutionality of House Bill 58 and House Bill 59. Mr. Kakuk explained House Bill 59 had to largest constitutional questions. He explained if it were found the intent of the moratorium on the permitting was just to keep out hazardous waste it would then be a constitutional question as well. This would apply to discrimination to out-of-state hazardous waste transporting.

Senator Grosfield asked Mr. Kakuk if there were a trigger for an environmental impact statement contained in House Bill 58 as it applies to the Ringling proposal. Mr. Kakuk told the Committee MEPEA is triggered independently at anytime the department takes an action which could have an action on the environment.

Senator Grosfield asked if the citing bill was addressed the air quality permit would still be in effect and could not be retroactively effected. Mr. Kakuk stated the permits are not open-ended and could not be effected retroactively.

Closing by Sponsor:

Representative Madison closed on House Bill 59. He noted two important points: 1) These moratoriums are not in any way designed to stop the transporting in or moving out of hazardous or medical waste; and 2) During the hearing before the House industry wanted it to be clear these moratoriums would not halt or delay to process of having industry bring forth permit

applications.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 1

Motion:

Senator Grosfield moved House Joint Resolution 1 BE CONCURRED IN.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

House Joint Resolution was BE CONCURRED IN UNANIMOUSLY.

EXECUTIVE ACTION ON HOUSE BILL 58

Motion:

Senator Bianchi moved House Bill 58 BE CONCURRED IN.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

House Bill 58 was CONCURRED IN UNANIMOUSLY.

EXECUTIVE ACTION ON HOUSE BILL 59

Motion:

Senator Hockett moved House Bill 59 BE CONCURRED IN.

Discussion:

Senator Grosfield stated he could not vote for legislation

which could possibly be unconstitutional.

Amendments, Discussion, and Votes:

None.

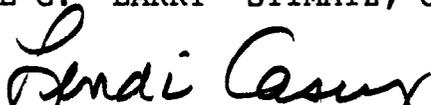
Recommendation and Vote:

House Bill 59 was CONCURRED IN with two (2) NO VOTES by Senator Tveit and Senator Grosfield.

ADJOURNMENT

Adjournment At: 3:15 p.m.


SENATOR LAWRENCE G. 'LARRY' STIMATZ, Chairman


LINDA CASEY, Secretary

LGS/11c

ROLL CALL

NATURAL RESOURCES COMMITTEE

DATE 7/16/92

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ANDERSON	X		
SENATOR BENGTON	X		
SENATOR BIANCHI	X		
SENATOR DOHERTY	X		
SENATOR GROSFIELD	X		
SENATOR HOCKETT	X		
SENATOR KEATING	X		
SENATOR KENNEDY	X		
SENATOR TVEIT	X		
SENATOR STIMATZ, CHAIR	X		
SENATOR WEEDING, VICE CHAIR	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
July 16, 1992

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 58 (third reading copy -- blue), respectfully report that House Bill No. 58 be concurred in.

Signed: *Lawrence G. Stimatz*
Lawrence G. Stimatz, Chairman

191 7-16-92
And. Coord.

Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
July 16, 1992

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 59 (third reading copy -- blue), respectfully report that House Bill No. 59 be concurred in.

Signed:


Lawrence G. Stimatz, Chairman

1991 7-15-92

Asst. Coord.

Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
July 16, 1992

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Joint Resolution No. 1 (third reading copy -- blue), respectfully report that House Joint Resolution No. 1 be concurred in.

Signed: *Lawrence G. Stimatz*
Lawrence G. Stimatz, Chairman

7/16/92
Amd. Coord.
RE
Sec. of Senate

SENATE NATURAL RESOURCES
EXHIBIT NO. 1a
DATE 7/16/92
BILL NO. HB 58

Senator:
Please inform the Senate National Resource
Committee that I support House Bill 58 that declared a
moratorium on permits to burn medical and hazardous
wastes.

July 15th 1992

Theresa McS. Buckingham
White Sulphur Springs

Senator Larry Stimatz =

*I'm For house bill 58
to prohibit permitting & licensing
of hazardous and medical waste*

SENATE NATURAL RESOURCES
EXHIBIT NO. 1b
DATE 7/16/92
BILL NO. HB 58

Paul Kury

TO: Montana Senate
Natural Resources Committee

Let's not allow Montana to become a dumping ground for the nation!

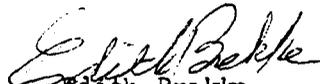
Our beautiful state used to be called, "The Land of the Shining Mountains", but we have come to the point when we seldom see our mountains clearly. Why add to the pollution and obscure them further?

If plans continue for making a big business of burning hazardous and medical wastes, we are not only increasing the air pollution but adding health hazards as well.

Surely, we have unique resources in the state to provide employment and a healthy environment without going into a large-scale business of burning wastes from other states. Tourists come to Montana for the scenery, the good air, and sparkling streams. Let's hang on to that!

I have experienced the air and water problems connected with the ethanol plant and know that the stench is unbearable. Instead of enjoying good fresh air as formerly, it has not been necessary to keep windows closed and stay indoors. And good fishing along the stream is a thing of the past.

I hope that you will consider all the ramifications of the proposals before you and decide in the best interests of Montana's future.


Edith Brekke

SENATE NATURAL RESOURCES
EXHIBIT NO. 1c
DATE 7/16/92
BILL NO. HB58

Senator Larry Stimatz:

I'm for House Bill 58

to prohibit permitting & licensing of
hazardous and medical waste.

SENATE NATURAL RESOURCES

EXHIBIT NO.

1d

DATE

7/16/92

BILL NO.

HB58

Anger Knox

913 Smith River Rd

W.S.S.

July 15, 1992

Dear Senator Stimatz:

Please support HB 58!

Sincerely,

Elizabeth Johnson

SENATE NATURAL RESOURCES

EXHIBIT NO. 1e

DATE 7/16/92

BILL NO. HB 58

July 15, 1992

Senator

We are very much
in favor of House Bill #58
for the benefit of our State
We hope that you also
will be in favor of it.

Thank you

Sincerely

Jean D. Bates
Martin A. Bates
Box 132
Wilson, GA
59086

SENATE NATURAL RESOURCES

EXHIBIT NO. 1f

DATE 7/16/92

BILL NO. HB58

Wendy Lowman
P.O. Box 343
White Sulphur Springs, Mt. 59645

July 15, 1992

Honorable Senator *Larry Stimutz*
Capitol Station
Helena, Mt.

Dear Honorable Senator *Stimutz* :

Please vote in favor of House Bill 58, which is to support a moratorium on permits to burn or import medical or hazardous waste.

Sincerely,

Wendy Lowman
Wendy Lowman

SENATE NATURAL RESOURCES

EXHIBIT NO. 19

DATE 7/16/92

BILL NO. HB 58

Kepp & Helen Super
5500 Hwy 89
White Sul. Spg, MT 59645
July 15, 1992
547-3575

Natural Resource Committee
Capital Station

Dear Sir:

We urge you to vote for the moratorium to stop the transportation and burning of hazardous and medical waste in Montana.

Not only is this a pollution factor it is also a major health risk. Not to mention, what allowing this would do to property values.

Burning of these products would benefit very few, but could harm many.

Montana is the "Big Sky Country" Lets keep our air clean and water clear.

Tourism would benefit everyone, however, you can't have both. Last week I read in the paper that we're had more visitors in Yellowstone Park than ever before. Remember, they are all spending money.

Please vote to stop this endeavor.

Sincerely
Dale Super
Helen Super

SENATE NATURAL RESOURCES
EXHIBIT NO. 16
DATE 7/16/92
BILL NO. HB58

Capitol Station
Helena, MT.

Dear Senator *Ferry Stimatz*

Would you please support House Bill 58 to prohibit the licensing of medical and hazardous waste incinerators until October of 1993.

That would provide the opportunity to have adequate laws to govern this process rather than letting it be grandfathered in.

I feel very strongly that at this time our laws are not sufficient to take care of this.

Thank you very much.

David H. Brewer
Ringling, MT.
(406)-547-2143

SENATE NATURAL RESOURCES
EXHIBIT NO. 11
DATE 7/16/92
BILL NO. HB 58

Capitol Station
Helena, MT.

Dear Senator *Larry Stimatz*

Would you please support House Bill 58 to prohibit the licensing of medical and hazardous waste incinerators until October of 1993.

That would provide the opportunity to have adequate laws to govern this process rather than letting it be grandfathered in.

I feel very strongly that at this time our laws are not sufficient to take care of this.

Thank you very much.

Rosemarie Brewer

Ringling, MT.
(406)-547-2143

SENATE NATURAL RESOURCES

EXHIBIT NO. 1j

DATE 7/16/92

BILL NO. #B58

Capitol Station
Helena, MT.

Dear Senator *Stimatz*,

Would you please support House Bill 58 to prohibit the licensing of medical and hazardous waste incinerators until October of 1993.

That would provide the opportunity to have adequate laws to govern this process rather than letting it be grandfathered in.

I feel very strongly that at this time our laws are not sufficient to take care of this.

Thank you very much.

Mary Brewer
Ringling, MT.
(406)-547-2143

SENATE NATURAL RESOURCES
EXHIBIT NO. 1K
DATE 7/16/92
BILL NO. HB 58

Capitol Station
Helena, MT.

Dear Senator *Stimatz*

Would you please support House Bill 58 to prohibit the licensing of medical and hazardous waste incinerators until October of 1993.

That would provide the opportunity to have adequate laws to govern this process rather than letting it be grandfathered in.

I feel very strongly that at this time our laws are not sufficient to take care of this.

Thank you very much.

Shannon Brewer

Ringling, MT.
(406)-847-2143

SENATE NATURAL RESOURCES
EXHIBIT NO. 11
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Honorable Larry Stimatz,

I am in favor of a moratorium on permits to burn medical and hazardous wastes. I support House Bill 58. We may need more **stringent** laws to protect Montana. I do not want to import wastes from other states.

Thank you,

Patricia and Jack Knight

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 m

DATE 7/16/92

BILL NO. H1358

Joyce Matson
P.O. Box 316
White Sulphur Springs, Mt. 59645
Ph - 547-3391

July 15, 1992

Honorable Senator
Capitol Station
Helena, Mt.

Larry Stimatz

Dear Honorable Senator

Stimatz:

Please vote in favor of House Bill 58, which is to support a moratorium on permits to burn or import medical or hazardous waste.

Sincerely,

Joyce Matson
Joyce Matson

SENATE NATURAL RESOURCES

EXHIBIT NO. 1n

DATE 7/16/92

BILL NO. HB58

July 15, 92

Mr. Larry Stimatz
Senate Natural Resource Comm.

Dear Sir,

My husband & myself are voters of
Meagher Co., White Sulphur Spring, Mt

We urge you to vote in favor of
a moratorium on burning of & importing
hazardous & medical waste in our
state & county, until Oct of 1993.

We also urge you to pass a
moratorium on all or any permits
concerning this project of a medical
waste incinerator to be sited near
Lingling, Mt. Please support the
Environmental Impact Study & contact
the Dept of Environmental Science & Health
& give your support for an
Env. Impact Study.

Thank you!

Sincerely
Arlene A. Bachler
Ernest J. Bachler

SENATE NATURAL RESOURCES
EXHIBIT NO. 10
DATE 7/16/92
BILL NO. HB58

July 15, 1992

Dear Senator Stimatz:

I am writing to strongly urge you to support HB 58 — a moratorium would allow the 1993 Legislature ^{time} to consider all impacts of this type of industry on our wonderful State of Montana.

Please Support HB 58.

Sincerely,

Rebecca Johnston

SENATE NATURAL RESOURCES
EXHIBIT NO. 1P
DATE 7/16/92
BILL NO. HB 58

Honorable Senator Larry Stenetz
Capitol Station
Helena, MT 59620

P.O. Box 653

White Sulphur Spring

Montana 59645

July 15, 1992

Dear Sir:

I support House Bill No. 58
to enact a moratorium on all
permits to burn hazardous
and medical wastes in the
State of Montana.

Thank you.

Yours truly,

Claudia Cameron

SENATE NATURAL RESOURCES

EXHIBIT NO. 19

DATE 7/16/92

BILL NO. HB58

July 15, 1992

Park Co.

Wilsall, Mt 8086

Members Of the National Resources Committee,

We are writing to ask that you please support H.B. 58. The Bill to prohibit issuing any permits to license Medical or Hazardous waste incinerators until Oct. 1993, so legislature has time to discuss it.

Thank you,

Sincerely,

Doug Lander

SENATE NATURAL RESOURCES

EXHIBIT NO. 10

DATE 7/16/92

BILL NO. HB 58

HANK BREWER

BOX 133
RINGLING, MONTANA 59642
PHONE (406) 547-3090-2279

Natural Resources Committee
Capitol Station
Helena, Montana 59620

Dear Senator,

Would you please support HB 58 to prohibit the permitting and licensing of infectious medical and hazardous waste incinerators until October of 1993? This would provide the legislature with more time to work out strong and viable laws in the licensing and permitting of such facilities.

Montana and the people of Montana need to have the assurance that the laws will protect us from any health hazards or environmental hazards that may occur.

Please take a good look at laws and regulations, so we can formulate them to fit infectious medical and hazardous waste incinerators. We don't want an irreparable problem to have to deal with in the future.

Thank-You

Hank Brewer

Hank Brewer

SENATE NATURAL RESOURCES
EXHIBIT NO. 15
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Honorable Senator Larry Stimatz:

We ask that you please vote to support a moratorium to stop issuance of permits allowing burning and/or importing of infectious medical waste or hazardous waste incineration in our State.

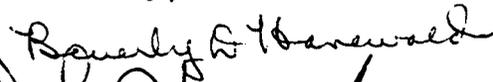
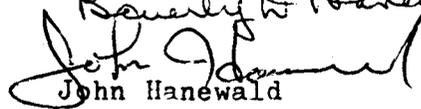
We strongly oppose any efforts to introduce industry associated with hazardous or infectious medical waste incineration. As concerned citizens, we have done considerable research on this subject. We have uncovered the grim details of burning infectious medical waste.

Also, we know of the tax burdens placed on communities that allowed the ash to be deposited in their landfills. Unregulated states have become the targets for incineration facilities' sites. Citizens in affected areas have provided nightmarish accounts of health concerns and lifestyle adjustments. The heavy metals flow out of the so-called "state of the art" equipped plant stacks polluting the air, land and water.

We can't afford to allow our families, cattle, land, water, wildlife and fish to be poisoned.

PLEASE PROTECT MONTANA BY SUPPORTING HOUSE BILL #58.

Sincerely,

John Hanewald
Beverly D. Hanewald
P. O. Box 472
White Sulphur Springs, Mt. 59645
Phone #547-2232

SENATE NATURAL RESOURCES
EXHIBIT NO. 1+
DATE 7/16/92
BILL NO. HB 58

July 15, 1992
White Sulphur Springs
MONTANA -

HONORABLE LARRY STIMATZ
Capitol Building
Helena, Mt.
- 59620 -

Dear Sir:

I AM IN FAVOR OF House bill No.
* 58 TO ENACT A MORATORIUM ON ALL
permits to burn HAZARDOUS AND MEDICAL
wastes IN THE STATE OF MONTANA.

Sincerely Yours,

Elizabeth L. Broger

SENATE NATURAL RESOURCES
EXHIBIT NO. 1a
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Senator *Larry Stinatz*
Capitol Station
Helena, MT 59620

Dear Senator *Stinatz*

I would like to see a moratorium to prohibit licensing of hazardous and medical waste incinerators until after the 1993 legislative session. This will give the legislature time to discuss and pass more stringent laws to protect our state of Montana.

Please support House Bill 58.

Sincerely,

Marion A. Lucas
Charles M. Lucas
Sen. Lucas

SENATE NATURAL RESOURCES
EXHIBIT NO. 1v
DATE 7/16/92
BILL NO. HB 58

John Beaver
Rt 2 Box 374
Wilsall, MT 59086

July 15, 1992

Dear Senator:

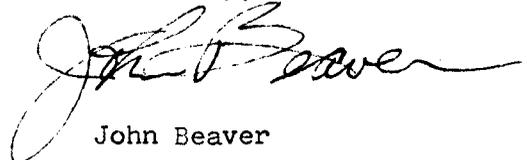
I am writing you as well as the other members of the Senate Natural Resources Committee to urge you to actively support and push through the Senate, House Bill 58 which would impose a moratorium on issuing permits for burning hazardous or infectious medical waste in Montana until October 1993.

Montana needs more time to develop stringent controls and laws which deal with this type of waste before we allow this incineration to begin. I would especially like to see every effort made to include the public in these decision making processes before they reach advanced stages.

Much of the waste which is being proposed for incineration in Montana originates out of state. I do not believe that as a state, we should agree to take care of someone else's waste problem; especially before we have adequately taken care of our own.

Montana is a state full of rich cultural and environmental heritage. Please help us to retain that and vote yes on H.B. 58. Thank you for your time.

Sincerely,



John Beaver

SENATE NATURAL RESOURCES
EXHIBIT NO. 1W
DATE 7/16/92
BILL NO. HB 58

John Beaver
Rt 2 Box 374
Wilsall, MT 59086

July 15, 1992

Dear Senator:

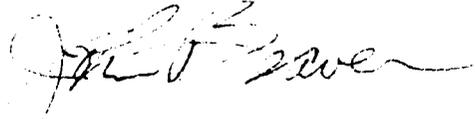
I am writing you as well as the other members of the Senate Natural Resources Committee to urge you to actively support and push through the Senate, House Bill 58 which would impose a moratorium on issuing permits for burning hazardous or infectious medical waste in Montana until October 1993.

Montana needs more time to develop stringent controls and laws which deal with this type of waste before we allow this incineration to begin. I would especially like to see every effort made to include the public in these decision making processes before they reach advanced stages.

Much of the waste which is being proposed for incineration in Montana originates out of state. I do not believe that as a state, we should agree to take care of someone else's waste problem; especially before we have adequately taken care of our own.

Montana is a state full of rich cultural and environmental heritage. Please help us to retain that and vote yes on H.B. 58. Thank you for your time.

Sincerely,



John Beaver

SENATE NATURAL RESOURCES
EXHIBIT NO. IX
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Park Co.

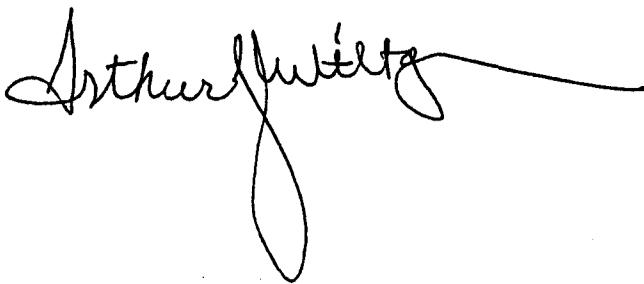
Wilsall, Mt 89086

Members Of the National Resources Committee,

We are writing to ask that you please support H.B. 58. The Bill to prohibit issuing any permits to license Medical or Hazardous waste incinerators until Oct. 1993, so legislature has time to discuss it.

Thank you,

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur J. Wilts", with a long horizontal flourish extending to the right.

SENATE NATURAL RESOURCES
EXHIBIT NO. 14
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Park Co.

Wilsall, Mt 59086

Members Of the National Resources Committe,

We are writing to ask that you please support H.B. 58. The Bill to prohibit issuing any permits to license Medical or Hazardous waste incinerators until Oct. 1993, so legislature has time to discuss it.

Thank you,

Sincerely,

Kari Swandal Wittgen

SENATE NATURAL RESOURCES
EXHIBIT NO. 12
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Park Co.

Wilsall, Mt 89086

Members Of the National Resources Committee,

We are writing to ask that you please support H.B. 58. The Bill to prohibit issuing any permits to license Medical or Hazardous waste incinerators until Oct. 1993, so legislature has time to discuss it.

Thank you,

Sincerely,

Tara Swandal

SENATE NATURAL RESOURCES
EXHIBIT NO. 1aa
DATE: 7/16/92
BILL NO. HB 58

July 15, 1992

Park Co.

Wilsall, Mt 89086

Members Of the National Resources Committe,

We are writing to ask that you please support H.B. 58. The Bill to prohibit issuing any permits to license Medical or Hazardous waste incinerators until Oct. 1993, so legislature has time to discuss it.

Thank you,

Sincerely,

Rege Swandal

SENATE NATURAL RESOURCES

EXHIBIT NO. lab

DATE 7/16/92

BILL NO. HB 58

1718 Highway 360

White Sulphur, Montana 59645

July 15, 1992

Senator Larry Steimatz

Senate Natural Resources Committee

SENATE NATURAL RESOURCES

DATE

lac

DATE

7/16/92

RE: NO. 1

HB 58

Dear Senator Steimatz:

I teach school and my husband ranches here in Meagher County. We are not representatives of any environmental or other special interest group. We are concerned citizens - concerned because we are very much afraid the process of permitting the incineration of hazardous waste is advancing without due consideration of what could happen to the unique quality of Montana's air and water.

We would like to see Montana develop a state-wide plan for disposal of its medical and other hazardous waste while working to preserve strict standards of air and water quality. For that plan to be developed, we need precious time. Please support HB 58.

Sincerely,

Mrs. Julie Pitt

July 15, 1992

Mary Stimatz:

Please vote for House Bill 58 as I feel we need to know more and have some laws in effect before and if we would accept medical wastes from other states.

Sincerely,

Cecelia N. Roma

Cecelia N. Roma
White Sulphur Springs, MT

SENATE NATURAL RESOURCES
EXHIBIT NO. lad
DATE 7/16/92
BILL NO. HB 58

Judith D Sandgren
1220 Franklin Ave
Great Falls, MT 59405

July 15th 1992

The Honorable Farry Stimatz
Senate Natural Resources Committee
Capitol Station
Helena, M.T. 59620

Dear Sir:

I am a voter in Cascade Co.
However, I do make my home part of the
time, with my daughter in White Sulphur
Springs, M.T.

I would like to have you ^{vote} in favor
of a moratorium on burning and import-
ing of hazardous and medical waste
until Oct 1993 - and on all the
permits to do this.

Thank you,
Judith D Sandgren

SENATE NATURAL RESOURCES
EXHIBIT NO. 1ae
DATE 7/18/92
BILL NO. HB 58

Eugene M. Halmer
Phyllis M. Halmer
2175 - Lingshire Rd.
Wht. Sulphur Spgs, Mt
59645

July 13, 1992

The Honorable Larry Stimatz
Natural Resources Committee

Capital Station

Helena, Mt. 59620

SENATE NATURAL RESOURCES

EXHIBIT NO. laf

DATE 7/16/92

BILL NO. HB 58

Dear Sir:

We would like to see a moratorium
on all burning and importing of hazardous
and medical waste until October of 1993 -
and on all permits to do so -

We own and operate a ranch in
Meagher Co. and have lived in Montana
all our lives - have raised our children here
and are now seeing our grandchildren grow
and enjoy our Big Sky State. There has
always been clean air and plenty of clean
water - for drinking and for fishing. We want
to see these conditions continue.

Just how stringent are our Montana
laws when it comes to protecting our air
and our water - and yes, the people who

would work in these places? Recently a young man from our area was very seriously injured at a plant in Mt. City - one of the proposed burning sites.

If these burning sites are a good idea, the idea will still be good a year from now. Let's give ourselves ~~some time - time~~ ^{ITAG} so our legislature can discuss and pass more stringent laws.

We, as residents of Meagher Co., would also appreciate your support towards an Environmental Impact study of the proposed medical waste incinerator at Ringling, Mt. Please contact the D. H. E. S. in support of this.

Yes, this will use some more of our tax money - but, as taxpayers we believe "an ounce of prevention can be worth a pound of cure" - and sometimes there is no cure.

Thank you for voting in favor of the moratorium.

Eugene M. Holmes
Phyllis M. Holmes

Charles Logan
Box 96
Ringling Mt.
59642

Dear Senator: Larry Stimatz

I am in support of House Bill #58
To prohibit licensing and permitting
of medical and hazardous waste
incinerators until October 1993

I believe that the incinerator being
proposed to Ringling is having a serious
and devastating impact on our community.

I believe it needs much more re-
viewing by the House and Senate
before licensing be granted to burn
hazardous & medical waste in our clean state.

Date: July 15, 1992

Thank you
Charles Logan

SENATE NATURAL RESOURCES
EXHIBIT NO. 1a9
DATE 7/16/92
BILL NO. 41358

July 15, 1992

Senator Larry Stiney:

Would you please support H. B. 58.

Thank you for your consideration

Mr. & Mrs. Wallace Buckingham

1700 Smith River Rd

White Sul. Spgs

Ph. 59645

SENATE NATURAL RESOURCES

EXHIBIT NO. 1a

DATE 7/16/92

BILL NO. HB 58

Senator Larry Stimatz,

Please support House
Bill 58. Thank you for your
consideration.

Sincerely,
Don + Jerry L. Middlestadt
1700 Smith River Road
White Sulphur Springs
Montana 59645

SENATE NATURAL RESOURCES

EXHIBIT NO. 1a1

DATE 7/16/92

BILL NO. HB 58

Post Office Box #383
White Sulphur Springs
Montana 59645
July 14, 1992

The Honorable Senator Larry Stimatz
Natural Resources Committee
Capitol Station
Helena, Montana 59620

Dear Senator Stimatz:

Being a native of Meagher County, a mother and grandmother, and a retired educator, I feel compelled to register my strong opposition to the medical waste proposal being considered in Ringling. There are too many unknowns for Meagher County - and for Montana, in fact - that we should be used as a guinea pig with these possibly hazardous and tragic unknowns developing two or more generations down the road.

The least that we should demand at this time would be to pass HB 58 placing a moratorium on such permits and requiring an EIS. Your support will be appreciated.

Yours very truly,
Jean B. Ellison
Jean B. Ellison

SENATE NATURAL RESOURCES
EXHIBIT NO. 101
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Senator Larry Stimat
Capital Station
Helena, MT. 59620

RE: HOUSE BILL # 58

Dear Senator Stimat

I am writing as a concerned citizen, to ask you to please support House Bill #58 - A moratorium on permits to burn hazardous and medical waste until October, 1993, and thus allow more time for thorough investigation of said burning.

Thank you for your consideration.

Sincerely,

Pam Sundstrom

Pam Sundstrom
P. O. Box 652
White Sulphur Springs, MT. 59645

SENATE NATURAL RESOURCES
EXHIBIT NO. 1aK
DATE 7/16/92
BILL NO. HB 58

White Sulphur Springs, Montana
July 16, 1992

Dear Senate Natural Resource Committee
Member; -

I would like to request that
you vote in favor of the moratorium
on all permits to burn or import
medical or hazardous waste into Montana.

This is of great concern to us
in Meagher County. Please vote to
keep Montana clean and clear and the
beautiful "Big Sky Country."

Please give your heart felt
support to the passage of House
Bill # 58.

I thank ^{you}, my family thanks you,
and so many strong friends and
neighbors will be so grateful,

Sincerely,
Dorothy Lucas MacKay

SENATE NATURAL RESOURCES
EXHIBIT NO. 1a1
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Dear *Larry Stimetz*,

Recently it has been noted in our community that Western Recovery has infact, entertained the idea of building a Medical Waste Incinerator. Also, it was brought to our attention of a House Bill #58, that will prohibit such a incinerator.

I sincerely hope you will be in favor of this Bill that will prohibit such a polluting and contaminating facility in our one of a kind state. It seems so us that in the meetings we have attended, there is so many unanswered questions that no one knows the impact of these incinerators. How can we allow such a thing happen in Montana, when no one knows the impact of this years down the road or even months?

Please support this bill at least to give more time to determine if there are other safer ways to deal with this problem.

We came from a polluted area. You can't imagine the hurt we feel in our hearts to think of this area being like that, just to benefit some "business person?"

Please!

Thank you.

Daryl Meschter

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 am

DATE 7/16/92

BILL NO. HB 58

Linda Jellock
Box 747
W.S. NH 59645
July 15, 1992

Dear Senator Larry Stimpz:

I am in full support of House Bill #58 to prohibit the permitting and licensing of Medical and Hazardous Waste Incinerating until Oct. 1993.

I feel that the process of licensing and permitting has to be reviewed by the Senate. The seriousness of allowing such permitting and licensing to go through as this process stands now. Will be not only detrimental to our small community, but to everyone in this state.

Thank you
Linda Jellock

SENATE NATURAL RESOURCES
EXHIBIT NO. lan
DATE 7/16/92
BILL NO. HB 58

July 15, 1992

Dear *Larry Stimmach*,

I am writing to ask you to be in support of the House Bill #58, that prohibits permitting and licensing of Medical and Hazardous Waste Incinerators, until Oct. 1993.

We live in such a beautiful state. I can't imagine polluting it with hazardous wastes and contaminating the ground and the cows and other wildlife. Is this what we want to show the tourists? Come and see the polluted and deadly incinerators??

This is a very serious matter. Please consider all the other alternatives. I know it can be dealt with in save ways as microwave it. This can be quite an expense but how can you put a price on life?

Please support the House Bill, Maybe by October 1993, we can have a better way to deal with this problem.

Thank-you,

Linda Meseker
W 3 MT

SENATE NATURAL RESOURCES

EXHIBIT NO. 120

DATE 7/16/92

BILL NO. HB 58

July 15, 1992

Senator Larry Stimatz, Chair
Senate Natural Resources

Dear Senator and members of the Committee:

I write to you in support of HB 58 and urge your approval of the bill. As a citizen living in the shadow of the cement plant at Montana City I ask you to not let Montana become the handmaiden of hazardous waste, the consort to the nation's garbage.

The Constitution of the State of Montana in Article II, Section 3 grants to us all "...the right to a clean and healthful environment...". We need not play the role of prostitute as our state has too often in the past. Be assured no one would have testified before this Committee in the late 1890's that the smelter at Anaconda would pollute the ground water in Milltown with heavy metals or make the Clark Fork a major clean up project. No one would admit that lead, arsenic and other dangerous materials would make the yards of homes in East Helena unsafe to our children. Until there is firm, clear and convincing evidence to the contrary, I urge you to protect us and not to sell us to special interest.

I do not say that never can waste be burnt, but I am saying we do not yet know enough to make a well informed decision. Rest assured the captains of industry will not agree. What fox would say the chicken coop is not strong enough? In Montana's past when the captains of industry left the citizens inherited health hazards and monstrous superfund projects. While soil, water and trees can not vote, you can. Recalling the guidance of our Constitution, please support this bill.

Sincerely,



Edwin L. Hall
Montana City

SENATE NATURAL RESOURCES
EXHIBIT NO. lap
DATE 7/16/92
BILL NO. HB 58

JULY 16, 1992 TESTIMONY OF PAUL A. SMIETANKA
A PROPONENT OF HOUSE BILLS 58 AND 59

I'm Paul Smietanka, I live but a few miles from the Ash Grove Cement plant. I am a member of the Jefferson County Solid Waste Board and I testify today not as a representative of that board but as a member and as a private citizen.

I urge this body to adopt legislation providing for a moratorium on the importation of hazardous waste and its necessary storage or processing. Likewise, I urge you to place a moratorium upon the incineration of hazardous waste in Montana.

Now there appears to be a misconception that those who support HB 58 and HB 59 are anti business. Nothing could be further from the truth. As an ^{former} attorney for the Department of Administration I endeavored for 6 years to promote the rightful partnership between the private and public sectors.

However, it is my reasoned belief that the public health can not and should not be entrusted to for-profit enterprises who are subject to the myriad of pressures of a competitive market place. Some very good and honorable people sincerely believe that the burning, processing and storage of hazardous waste can be done without harm to our environment or health. That remains to be seen, long term.

I suggest to you that the question is not whether or not private enterprise can do a responsible job in this area. The question is: Are not state and local governments the proper responsible stewards of the health and environment we all share as Montanans? Long after the Ash Grove and Trident facilities live out their useful lives, and their corporate holding companies dissolve, it will be those same state and local governments that will be left to resolve the aftermath of any profit maximizing decisions that all private enterprises must make to survive and prosper in a competitive market place. In this regard, the potential for a conflict between private interests and the public good is very real. It is unconscionable to place otherwise honorable, private sector managers in the untenable position of simultaneously serving the interests of the company and the public

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 7/16/92

Finally, let's not forget two significant points. First, we are not talking about Montana just processing its own wastes here. The situation being addressed is Montana becoming a convenient, for-hire, regional cesspool of toxic materials and incinerator by-products. Ash Grove alone has the potential to import and burn 1,000 semi-tractor truck loads of toxins a year. It will not stop in Montana City. This is big time, big business. And as Montanans we are being asked to gamble our children's legacy for a few pieces of silver.

Second, while in some rare instances environmental engineers might be able to identify some of the compounds going into Ash Grove's kiln, none of those engineers can authoritatively identify more than 10% the recognizable toxins or any of the new toxins that will be produced by incineration.

Let's not mortgage Montana's future for a quick fix of the seeming, but very short term economic stimulus that is promised by proponents of hazardous waste importation, processing and incineration.

Twenty years from now we should all be able to look our children and grandchildren in the eye and still say "An ounce of prevention is worth a pound of cure." We should be able to say "We took our time, we did it right." That's what HB 58 and HB 59 are asking you to do.

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 7/18/92

BILL NO. HB 58 + HB 59

Respectfully Submitted

PAUL A. SMIETANKA

94 BLUE SKY HEIGHTS

CLANCY MT 59034

953-5789

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 16 day of July, 1991.

Name: Anne Johnson

Address: 6981 Patterson Rd
Bozeman, MT

Telephone Number: 586-8371

Representing whom?
Montanans Against Toxic Burning, physicians of Gallatin County

Appearing on which proposal?
HB 58

Do you: Support? Amend? Oppose?

Comments:
Please see accompanying testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARIES

EXHIBIT NO. 3

DATE 7/16/92

SENATE NATURAL RESOURCES

SENATE NATURAL RESOURCES COMMITTEE, JULY 16, 1992

Testimony submitted by Anne Johnson on behalf of Montanans Against Toxic Burning

My name is Anne Johnson. I am from Bozeman, representing Montanans Against Toxic Burning, a grassroots organization formed about 8 months ago. I am also addressing the Committee as a mother, and as a 4th generation Montanan. I am attending this hearing at my own expense, taking unpaid leave from my job, and after arranging extended daycare for my young children.

I represent the more than 3000 citizens of Gallatin and surrounding counties who signed petitions calling for a moratorium against hazardous waste incineration at the Holnam cement kiln near Three Forks. Copies of these petitions were submitted to the House Natural Resources Committee on July 14, 1992.

And I represent the Gallatin County Physicians, 58 of whom signed a petition opposing burning of hazardous waste at the Holnam cement plant. A copy of that petition, as well as testimony presented to the US Senate Subcommittee on Environmental Protection by Dr. Doug Elsen, outlining potential health risks caused by emissions from hazardous waste incinerators will be submitted to you today as well.

Our concerns have been consistent: transportation, emissions, unregulated landfills, and proximity to homes, schools, and water supplies. We are also concerned about the expense to the state, under the existing laws, for monitoring, emergency response, and collection of fines through the courts in the event non-compliance.

For greater detail on these concerns I refer you to testimony presented by MATB to the US Senate Subcommittee On Environmental Protection here in Helena last March, which I am also submitting for your review.

We urge you to act today to pass HB 58 and 59. Without this moratorium the permit applications already before the DHES could be completed without the benefit of the carefully considered legislation and policy which we feel is essential to protect the health of our citizens, economy, and environment. The DHES currently lacks the authority to write adequate regulations. We must look past these recent incineration proposals which are inundating our state to what is happening in cities and towns nationwide where incineration is already occurring. We must learn from mistakes which have been made, and adopt responsible policies toward hazardous and solid waste disposal.

SENATE NATURAL RESOURCES
EXHIBIT NO. 3
DATE 7/16/92
BILL NO. HB 58

And if Montana is going to move to incineration as a disposal method we must site those facilities properly, whether at the state level or regionally. We must look forward 50 or 100 years and try to visualize the products of our actions today. Pass HB 58 and 59. Give us the time to develop the best possible solutions to these complex and far-reaching problems. Thank you.

SENATE NATURAL RESOURCES
EXHIBIT NO. 3
DATE 7/16/92
BILL NO. HB 58

Submitted to Senate Natural Resources Committee
July 16, 1992

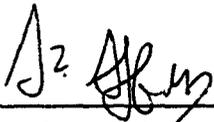
January 31, 1992

Mr. Dennis Iverson
Ms. Patti Powell
Department of Health and Environmental Sciences
Cogswell Building
Helena, MT 59620

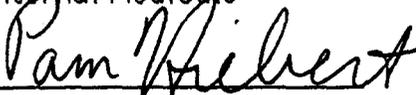
Dear Mr. Iverson and Ms. Powell:

We are writing to you to express our concern regarding the proposal to burn hazardous waste at the Trident Cement Plant in Three Forks, MT as well as our concerns about the BIF regulations surrounding cement plant incineration of hazardous wastes. As physicians in Gallatin county we oppose the plan to burn hazardous waste at the Trident plant because of significant health and environmental risks. We also feel that the federal regulations as outlined in BIF are too lenient and that Montana should adopt stricter regulations regarding the incineration of hazardous waste at cement kilns.

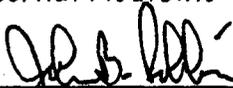
Sincerely,



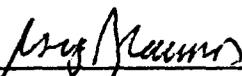
Steve Shaneyfelt M.D.
Internal Medicine



Pam Hiebert M.D.
Internal Medicine



John Robbins M.D.
Internal Medicine



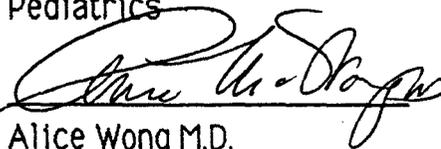
George Saari M.D.
Internal Medicine



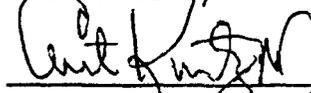
Peter O'Reilly M.D.
Anesthesia

By PHONE

Paul Visscher M.D.
Pediatrics



Alice Wong M.D.
Obstetrics/Gyn



Curt Kurtz M.D.
Family Practice

SENATE NATURAL RESOURCES
EXHIBIT NO. 4
DATE 7/16/92
BILL NO. HB 58

D.C. Lehfeldt

D.C. Lehfeldt M.D.
Pathology

John Mathews

John Mathews M.D.
Orthopaedic Surgery

Dan Gannon

Dan Gannon M.D.
Orthopaedic Surgery

By PHONE

Frank Humberger M.D.
Orthopaedic Surgery

David King

David King M.D.
Family Practice

Doug Elson

Doug Elson M.D.
Emergency Medicine

Steve Gipe

Steve Gipe D.O.
Emergency Medicine

C. Fritz

Charles Fritz M.D.
Emergency Medicine

John Cunningham

John Cunningham M.D.
Family Practice

Brian Rogers

Brian Rogers M.D.
Dermatology

Ralph Berry

Ralph Berry M.D.
MSU Student Health

Bob McKenzie

Bob McKenzie M.D.
MSU Student Health

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SENATE NATURAL RESOURCES

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FILE NO. HB 58

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SENATE NATURAL RESOURCES

EXHIBIT NO. 4

DATE 7/16/92

BILL NO. HB 58

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SENATE NATURAL RESOURCES

EXHIBIT NO. 4

DATE 7/16/92

FILE NO. 4B58

Senate Testimony of Douglas R. Elson M.D. regarding hazardous waste incineration at cement kilns, Saturday, March 28, 1992.

Also submitted to Senate Natural Resources Committee. July 16, 1992

Senator Baucus:

My name is Doug Elson. I am a physician in Bozeman, MT. I received an undergraduate degree in Biology from Middlebury College, Middlebury, Vermont. I attended the University of Washington School of Medicine through the Montana WAMI program and completed a residency in Family Practice at Swedish Hospital Medical Center in Seattle, Washington. I am now in full time practice in Emergency Medicine at Bozeman Deaconess Hospital in Bozeman, MT. I have several concerns regarding the potential health risks of incinerating hazardous waste at cement kilns in general and at the proposed Trident Cement plant in Three Forks, MT in particular. These concerns are primarily around the toxicities of heavy metals to a great degree and organic hydrocarbons to a lesser degree. I am not a toxicologist, and do not consider myself an expert in this field. I am however a physician, and thus a health care advocate for my patients. As such I have spent a fair amount of time researching this subject and would like to share my concerns with you.

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I first became concerned about this issue after attending an informational forum regarding the proposal by the Holnam Company to burn hazardous waste at the Trident Cement plant. That meeting included speakers from the State Department of Health and Environmental Sciences as well as speakers from what is now Montanans Against Toxic Burning (MATB). As a result of this meeting my partner Dr. Steve Gipe and I asked the president of the Gallatin County Medical Society, Dr. Ladd Rutherford, to bring this issue to the medical community of Bozeman so physicians could be informed about the potential health impacts of burning hazardous wastes. At the December meeting of the Gallatin County Medical Society, speakers from Holnam, the Environmental Toxicology Institute (ETI), a consulting firm employed by Holnam, and representatives from Montanans Against Toxic Burning addressed both sides of this issue. The meeting was not well attended, and no strong consensus other than the statement that potential health risks exist and more study is needed was obtained. Although the majority of the medical community was not represented at this meeting, a large proportion had responded to an informal poll conducted by Dr. Steve Gipe. This poll showed widespread opposition to Holnam's proposal on the basis of potential health risks to the community. As a result, a letter was drafted to Dennis Iverson at the Department of Health and Environmental Sciences, a copy of which I have supplied to you. This letter was signed by 57 of the approximate 72 physicians in Gallatin county, including 7 of 8 Primary Care Internists, 10 of 13 Family Physicians, 4 of

4 Pediatricians, 4 of 4 Obstetricians and 3 of 3 Emergency Physicians representing 31 of 33 primary care physicians in Gallatin County. In talking with most of these physicians I do not believe this was a hasty decision, but well considered regarding the potential health risks to their patients. Several weeks later I was asked to speak before the Gallatin County Health Board by County Commissioner Deb Bergland. As a result of that meeting the Gallatin County Health Board also endorsed the same statement as the 57 local physicians.

With regard to my specific concerns, I will start with what I feel is the most important, the concern regarding heavy metal toxicities. As you know, the hazardous waste to be burned at cement kilns will have varying amounts of the heavy metals, including lead (Pb), mercury (Hg), cadmium (Cd) and arsenic (As). The fact that these metals are toxic in relative large doses has been well known for quite some time. What is becoming apparent, however, is that there are significant toxicities to heavy metals at very low doses, especially in children, and especially with long term, chronic exposure. The symptoms of chronic heavy metal exposure are very non-specific and difficult to diagnose, often being mistaken for psychosomatic illnesses or chronic fatigue. In addition, the threshold levels that are considered acceptable for these metals has been decreasing. The most well known example of this is lead. The threshold level of concern for lead poisoning that was 60 in the 1960's has been reduced each decade, and recently was again

reduced to 10 by the Center for Disease Control. The concern is highest in children, where chronic low level lead poisoning is associated with decreased cognitive abilities and behavioral disturbances such as hyperactivity and poor attention span. Recent evidence has shown that very low level methyl mercury ingestion in pregnant monkeys results in behavioral and cognitive defects in the offspring. The researchers concluded that there may very well be no safe threshold for mercury ingestion during pregnancy. Mercury and lead are probably the best researched of the heavy metals. I have significant concerns that the other heavy metals could well have significant toxicities at levels far below what is now considered "acceptable".

With regard to the current BIF regulations, I feel that there are several problems concerning the heavy metals. First, the allowed concentrations are based upon a risk of no greater than 1/100,000 additional cancer cases. As discussed above, the primary toxicity of heavy metals is not cancer, but subtle neurologic manifestations, and this toxicity occurs at significantly low levels of exposure. In addition, I question the assumption, as have others, that there is any truly safe threshold for exposure to children and pregnant women. All of the heavy metals that are transported to the kiln will stay in the area. Heavy metals are not destroyed, but just redistributed in either particulate emissions or in the residue of the burning process, fly ash and kilndust. The BIF regulations are based upon a three tier system: Tier I is feed rate based, tier II is emission based, and tier III

is dilutional based. In both tier II and tier III there is no regulation concerning the amounts of heavy metals in the fly ash and kiln dust. Although this metal is not being widely distributed, it accumulates in significant concentration at the disposal site and will probably distribute through leaching into ground water. The BIF regulations do not address the storage of fly ash and kiln dust. In fact they are exempt from the regulations regarding hazardous waste storage, despite the fact that they are high in heavy metals. Heavy metals all tend to bioaccumulate in the food chain, and mercury, in particular, bioaccumulates in fresh water fish, a frequently eaten item in Gallatin Valley. The fact that the Holnam site is within 1/4 mile of the headwaters of the Missouri river, a pristine wetlands, makes this fact particularly worrisome.

There are conflicting studies with regard to the amount a heavy metal that is distributed through emissions. ETI, Holnam's consulting group, states that there is no significant increase in the amount of heavy metal emissions from traditional coal fired cement kilns compared to hazardous waste burning kilns. They have not presented any data on this except their own studies. In contrast there are several studies that show significant increases in the heavy metal emissions, up to 16.6x that in coal fired plants. It appears that there are varying study designs and fuels that account for these differences, making the actual amount of heavy metal emissions difficult to assess. Monitoring of heavy metal emissions would certainly be difficult considering the varying fuel composition with regard to

heavy metal concentration.

~ With regard to the organic hydrocarbons, I have several concerns. Dioxins and furans are known potent carcinogens. What is more concerning are the products of incomplete combustion (PIC). These are the recombination of halogenated hydrocarbons in the stack, and they are poorly characterized. The potential toxicities of these PICs is high, and according to the EPA they may be more toxic than their parent compounds. PICs tend to occur during "upsets" at the kiln, periods when the kiln puts out black smoke. Cement kilns seem to be prone to these upsets, and in fact the Holnam plant has had more than 70 upsets in the past 10 months. In addition, BIF regulations do not call for actual measurement of PICs, but rather monitor carbon monoxide as an indirect measure of complete combustion. There has been criticism of this approach, stating that there is poor correlation between CO and PIC concentrations.

My final concern has to do with the siting of a hazardous waste incinerator. It appears reasonable that if we are to burn hazardous waste, we should choose a site that will have the least impact on health and the environment. The site would ideally be away from population centers and food producing areas, be away from waterways that could distribute toxic materials, and be in a geologically stable area. Utah has in fact adopted regulations addressing some of these concerns. Inherent in the problem of cement kiln incineration of hazardous waste is the fact that the plant already exists, and therefore siting concerns can not be entertained.

This is demonstrated in the Trident case where the proposed hazardous waste incinerator is within 1/4 mile of the Missouri river, clearly not the best place to locate such a facility. It is expedient to use cement plants to burn hazardous waste, and cheap. The risks, however, are high.

As a physician, I often must make decisions based on a risk/benefit ratio. Most of the things I do carry risks to my patients, and the potential benefit must outweigh the risk. I feel this same thinking can be applied to both the Holnam proposal as well as to the BIF regulations. With regard to the Holnam proposal, I feel the risks are quite high. There is the risk of heavy metal accumulation in the Gallatin Valley, with significant toxicities at low levels. There is poor siting, as the plant is next to the Missouri river, and the unregulated fly ash and kiln dust disposal site can easily leach heavy metals into the river which can bioaccumulate in fish and wildlife. In addition, I feel regulation would be very difficult for the state with limited funds for this type of regulation. Finally, I think the plant would actually impose an economic burden on the valley which is currently experiencing economic growth. Tourism and real estate values could well suffer, and business may choose not to relocate to the Gallatin Valley. In fact, Patagonia, an outdoor equipment and clothing company, has publicly stated that they will not relocate other aspects of their company to Bozeman if Trident is allowed to burn hazardous waste. The benefits, on the other hand, are fairly small, at least for the average citizen of Gallatin Valley. Holnam will make a great deal of money, which

is attractive for them, but most of that capital will not stay in the valley.

Approximately 20 new jobs will be created, a small, but significant number. In addition, hazardous waste from around the state will be disposed of, although it is estimated that 85% of the waste will be from out of state.

In terms of the risks of cement plant incineration of hazardous waste in general there are several. I feel the heavy metal problem is really not being adequately addressed with the present regulations. Threshold levels of safety for many heavy metals really have not been established or are being re-evaluated. Storage of the fly ash and kiln dust must be regulated and made safe. In addition, it is not clear if the cement itself may pose health risks, and at least one municipality in Ohio has refused to use cement from hazardous waste burning kilns in its water pipes. Adequate studies have not been done addressing this problem. Siting is a significant issue, with many cement plants being in much less than optimal locations for hazardous incineration. Finally the regulation of PICs is perhaps less than optimal and should be re-evaluated.

The benefits of cement kiln burning include financial expediency. The plants exist now and have the capacity to burn at no cost to society. In fact, it is quite financially rewarding for the companies involved. And, the process would allow us to burn off organic waste that must be disposed of somehow.

It is my my opinion that the risks clearly outweigh the benefits. In my opinion and in the opinion of my colleagues in Bozeman's medical community, we should

not allow the incineration of hazardous waste at cement kilns under the current BIF regulations.

**Assessment of the
Boiler and Industrial Furnace Rules**

**Prepared for
Senate Subcommittee on
Environmental Protection**

**Submitted by
Montanans Against Toxic Burning**

March 28, 1992

Helena, Montana

Draft

*Submitted to Senate Natural Resources
Committee, July 16, 1992*

SENATE NATURAL RESOURCES
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Introduction

The burning of hazardous wastes in cement kilns is a contentious and controversial practice. The practice began in 1980, when the Environmental Protection Agency gave a unique reading to the Resource Conservation and Recovery Act (RCRA). The EPA decided that the burning of hazardous wastes in cement kilns constituted 'recycling' of the wastes, using the reasoning that recovering the heat value of the wastes is a form of recycling.

Unfortunately, the EPA knew very little about the effects of burning hazardous wastes in cement kilns. To this day, very little research has been done to discover to what degree kilns can actually destroy hazardous wastes, and how much hazardous material is actually released to the environment.

The theory is that cement kilns produce very high temperatures, and that the residence time of chemicals in the kiln is long enough to ensure complete destruction of hazardous materials.

This theory is not borne out in fact. The hazards of heavy metals are not recognized; the ability of chemicals to travel undestroyed through the kiln is not well understood; and the formation of Products of Incomplete Combustion (PICs) constitutes the most unknown and potentially the most dangerous aspect of the process.

Indeed, test burns and studies at cement kilns which are burning hazardous wastes show a high potential for the release of large amounts of unidentified, uncharacterized chemicals of unknown toxicity.

After years of stalling, the EPA announced the Boiler and Industrial Furnace rules in February, 1991. The rules seem to regulate the cement kiln industry to the level of what they are able to do, rather than what they should do. The EPA seems to have an institutional bias toward creating a large amount of excess incineration capacity, no matter the technical proficiency of the incinerator operators or the abilities of their equipment.

As will be discussed below, the existence of excess capacity for hazardous waste incineration is problematic. Taking a marketplace approach to the disposal of hazardous waste is not necessarily a wise policy. Hazardous waste disposal inevitably places irreducible costs onto public health and the environment, and the marketplace does not account for these costs. Indeed, hazardous waste is never entirely disposed of. Some residues and emissions are always redistributed into the environment around the disposal facility.

We believe that Federal policy toward hazardous waste should be set by elected representatives in a clear and open debate. This policy should not be allowed to stumble along by default in the Federal bureaucracy, nor be formed to the benefit of private industry.

No policy for hazardous waste disposal should exist without a companion policy that requires and results in the reduction of hazardous waste generation.

I. Burning Hazardous Wastes in Cement Kilns

ADVANTAGES

There are few apparent advantages to burning hazardous waste in cement kilns, and these accrue to industry and government bureaucracy, to the detriment of public health and environmental quality.

Operators of waste-burning cement kilns enjoy a financial advantage over their conventionally-fueled competitors in that hazardous waste generators pay for the disposal of their waste, and the kiln operator participates in this revenue flow along with the fuel blender. In addition, the kiln operator, who is now in the business of hazardous waste disposal, has a financial advantage over commercial hazardous waste incinerators, because the cement kiln operates in a comparatively lax regulatory environment and therefore can incinerate hazardous waste at a lower cost.

The advantage to the Environmental Protection Agency (EPA) is the creation of lots of cheap capacity for the disposal of wastes for which Congress requires regulation.

The advantage to hazardous waste generators is the existence of abundant, low-cost disposal capacity for hazardous waste. This eliminates the cost burden of source reduction, re-use, and true recycling, which seem to be mandated by the Resource Conservation and Recovery Act (RCRA).

In addition, generators benefit from the elimination of long-term liability for the consequences of distributing their hazardous wastes into the environment. When toxic wastes are incinerated, they can no longer be traced back to the source. Any residues, ash, or emissions can be traced only to the incinerating device.

DISADVANTAGES

While liability-free incineration is an advantage to the generators, it is but one example of how the process of burning hazardous waste in cement kilns results in long-term costs being passed on to the public.

Under the Boiler and Industrial Furnace (BIF) rules, the public has no right to know what hazardous waste activities are taking place in or near their communities. They have no right to know the identity, quantity, or toxicity of hazardous wastes being brought to cement kilns. They have no say in the permitting process, and no way to find out with certainty the quantities and identities of residues and emissions which are released to the environment.

Indeed, while hiding behind the rubric of 'recycling', cement kilns incinerate more hazardous waste with less control than any other type of operator.

Because of the lax emissions standards in the BIF rules and the paucity of required monitoring equipment, waste-burning kilns can get away with much higher emissions than can commercial incinerators which burn the exact same waste. Thanks to the Bevill exclusion, hazardous ashes and residues from cement kilns are not regulated as hazardous wastes, which means that they are released to the environment in a haphazard manner.

In fact, the BIF rules, along with the Bevill exclusion, allow cement kilns to operate under the old falsehood that "the solution to pollution is dilution". Hazardous waste being incinerated in kilns is diluted, then released to the environment as emissions, or landfilled in cement kiln dust, or sold to an unknowing public in the cement itself.

Since cement is a commodity, and its producers must compete on price, more and more cement companies find that they must get into the business of hazardous waste disposal in order to stay in the cement business. When one producer finds a cost advantage, all of its competitors must likewise avail themselves of the same advantage. By opening the loophole which allowed cement kilns to incinerate hazardous waste, the EPA has created a monster which requires that kiln operators become hazardous waste incinerators.

The creation of cheap, low-regulation incineration capacity has circumvented the original intent of the RCRA law by creating disincentive for source reduction and true recycling of hazardous waste. It has also been a disincentive for technologically superior, but more expensive, commercial incineration.

II. Hazardous Waste Capacity

Cement kilns have become all too important in providing hazardous waste treatment capacity. As noted above, the existence of cheap, under-regulated incineration capacity simply stimulates increased production of hazardous and toxic wastes. When generators can pass the irreducible costs of hazardous waste disposal on to the public and the environment, they will do so.

No matter how thoroughly hazardous wastes are incinerated, the bottom line is that hazardous wastes are not 'disposed of'. They are redistributed into the environment around the disposal sites.

The question of hazardous waste capacity is one which Congress must address in the context of hazardous waste reduction. Federal policy must move in the direction of source reduction, re-use, and true recycling of hazardous wastes.

The rules of the marketplace must be arranged such that industry is given real incentives to reduce hazardous waste production. Congress must direct the EPA to require real source reduction and real recycling before any hazardous waste is sent to any incinerator.

In the business of hazardous waste incineration, competition is not necessarily a good thing. Overcapacity means that clean, recyclable wastes are burned, not recycled, because fuel blenders and kilns require a liquid carrier for high-profit, low-BTU solids. Real recycling is minimized.

Overcapacity also means that commercial incinerators must use virgin fuels, because more appropriate fuels are being siphoned off into the lower-cost cement kilns.

In Montana, there is no capacity problem. Of the annual hazardous waste production here, on the order of 19,000 tons of burnable wastes, about half is disposed of within the state. This is primarily refinery waste handled on land farms. The remainder is being adequately dealt with in nearby states, primarily Idaho and Utah.

We believe that any hazardous waste incineration capacity must be needs tested before being constructed. Individual states must be allowed to control hazardous waste importation, if not by outright ban, then by controlling the amount of incineration capacity to fit the needs of the state.

To suit the needs of Western states, Congress and the EPA need to develop a regional approach to hazardous waste capacity so that states of small population and industry, such as Montana, are not required to build large amounts of excess capacity in order to dispose of relatively small quantities of hazardous wastes.

III. Interim Status

The existence of 'interim status' is a testimony to what a sham the regulation of boilers and industrial furnaces has been.

Cement kilns burning hazardous wastes could have been regulated by EPA in 1980, but they were not. In 1984, Congress directed the EPA to regulate cement kiln incinerators. EPA ignored this. It was seven more years before the EPA issued regulations, and then only under court order from a Federal judge. An EPA employee has made persuasive charges that the resulting BIF regulations were developed by the EPA in a very close and cozy relationship with the regulated industry.

And all this time, cement and aggregate kilns were (and still are) burning hazardous waste with no permit, no effective oversight, and little public knowledge about this dangerous activity. Most average folks in Montana with whom we've spoken agree with us that this is absurd. In the same way that we don't allow people to drive cars or fly airplanes without demonstrating their competence to do so, we should not allow anyone to engage in the potentially very dangerous activity of burning hazardous wastes without first having in hand a complete and comprehensive permit.

Interim status should be abolished. Any cement kiln not already commercially burning on 21 February 1991 must be required to obtain a full Part B permit before burning. Those cement kilns already commercially burning on 21 February 1991 must be required to obtain a Part B permit within one year of any legislation requiring the same. Any cement kiln with interim status that has any violation of any permit to which it is subject, including interim status standards, must immediately cease burning hazardous wastes and await receipt of a full Part B permit.

Compliance test burns due 21 August 1992 must contain DRE tests. If tests are not passed for any reason, burning must cease until a full Part B is obtained.

IV. Restrictions on Wastes Burned in Cement Kilns

There is no need to burn hazardous wastes in Montana's cement kilns. Regionally, there is no financial imperative for the kilns to burn hazardous waste in order to compete with other waste-burning kilns, nor does Montana need this huge glut in incineration capacity.

In general, cement kilns should not be in the business of incinerating hazardous waste. They are not designed to do so, they have demonstrated an inability to do so with the proper degree of safety, and they lack the safeguards required of commercial incinerators.

After more than ten years of hazardous waste incineration in cement kilns, the EPA has still not provided any substantive proof that this process works, nor has the Agency performed toxicology or epidemiology studies to discover the effect of the process on human health and environmental quality.

In addition, the use of cement kilns for what has euphemistically been called 'materials recovery' should be banned. Dumping hazardous solids into the cold end of the kiln to become cement is, once again, sham recycling, given that cement kilns distribute 100% of their received inorganic hazardous substances into the environment. Cement and aggregate kilns do not lack for cheap, abundant raw materials.

V. Deficiencies in the BIF Rules

The EPA's February 1991 rules regulating Boilers and Industrial Furnaces are far from adequate in protecting human health and the environment. The very existence of two sets of rules for burning one type of material makes the average person suspicious. The perception is that someone is pulling a fast one and getting a free ride.

Following is a list, by no means complete, of deficiencies. These suggestions ought to apply to all commercial hazardous waste Transport, Storage, and Disposal Facilities (TSDF's).

A. Commercial facilities must pass a needs test. If there is no need within a state or region for a commercial TSDF, it should not be built. Handling, transporting, and disposing of hazardous wastes is a dangerous business, with potentially devastating and catastrophic results for public health and environmental quality. Such facilities should be built where they are needed, not where they are cheap.

B. All boilers and industrial furnaces requesting to burn any amount of hazardous waste should be regulated exactly the same as any commercial hazardous waste incinerator.

C. All exemptions currently allowed under the BIF rules should be eliminated. All hazardous waste material should be regulated as hazardous waste and not as recycled materials.

1. All BIFs should be required to perform mandatory successful trial burns meeting the 99.99% DRE standard (40CFR 266.104) as part of the permit process.

2. The particulate matter standard of 40CFR 266.105 should be mandatory in all situations.

3. Any facility that fails to meet the 99.99% DRE standard on three trial burns should lose its permit permanently. Lackadaisical or incompetent management is not tolerable.

D. The Bevill exclusion should not apply to any BIF that burns hazardous wastes. The issue is not if the concentrations of toxic compounds in waste derived residue are significantly higher than in normal residue. Rather, the important point is that if the concentrations of toxic compounds in waste derived residue cannot pass the Total Characteristic Leaching Procedure (TCLP) test, then the residue must be treated as a hazardous waste itself.

E. In addition to requiring trial burns prior to permitting, semi-annual test burns should be required to insure that all equipment is performing as designed and specified. If a facility cannot meet DRE standards during a test burn, then the hazardous waste feed must be immediately shut off. The facility would then be required to document the proposed equipment modifications prior to conducting the follow-up test burn.

F. Cement or aggregate made in kilns burning hazardous waste should be clearly labelled as such.

G. The single most glaring omission in the BIF rules is the complete lack of siting requirements for hazardous waste incinerators. Several states have addressed this. Among the many sensible requirements is a minimum distance of 5 miles from dwellings, schools, public water supplies, surface waters, and active geologic faults.

H. All permits should be issued to the parent corporation of the applicant, not just an isolated subsidiary. All permits should be issued with agreed stipulated penalties for any violation.

I. A funding mechanism must be built into the rules whereby the permit applicant pays all costs of regulation. Taxpayers should not be required to subsidize the regulation of the lucrative hazardous waste industry.

J. No 'materials recovery' or 'metals recovery' should be allowed.

K. Rather than imposing specific standards and practices on permit applicants, the rules should require the use of Best Technology and Best Management practices. See the attached comments by Edward Kleppinger on this subject. Briefly, this proposal would require that the permit applicant meet the most stringent known technology and management standards for incinerating hazardous waste, as determined during the permit process. Operators must be required to meet the state of the art, rather than merely doing what they are able.

1. The applicant should be required to fund citizen and public interest groups which can prove that the applicant is not proposing the best known technological and management standards.

2. The permit should be rewritten every 5 years to ensure continuous upgrading and improvement of the facility's equipment, standards, and practices.

J. All permit applicants must be required to post a substantial bond, in the amount of \$5 to \$10 million, as assurance for any required corrective action under the permit, and as a guarantee against any fines or liabilities incurred as a result of operating a hazardous waste facility.

L. Hazardous waste facilities represent a clear risk to the public health and the environment. Therefore, applicants for permits to incinerate hazardous wastes must be required to pay for complete and thorough baseline studies to assess the character and state of human and livestock health and the quality of air, water, soil, and groundwater in and around the hazardous waste burning site, and for an extensive area downwind of the site.

1. The studies should specifically address contamination by heavy metals and organic pollutants, and the illnesses and other problems caused by such contamination.

2. In addition, continuing studies of a similar nature must be conducted on an annual basis to ensure that public health and the environment are not being placed at risk. Contamination which represents a potential risk to public health or the environment must be grounds for permit revocation.

M. The regulations must contain requirements for a background check of the permit applicant and of the parent corporation of the permit applicant. Applicants must be proven to be good faith operators of any similar hazardous waste burning facilities in any other location, worldwide, such good faith to be certified by the permitting of regulatory authority at each such location. Applicants who show a consistent pattern of permit, health, employee safety, or environmental violations must not be granted a permit to operate hazardous waste burning facilities. Applicants must have no outstanding fines or assessments for permit, health, employee safety, or environmental violations in any other location.

N. The permit applicant must be required to pay for round the clock inspection by EPA or state employees, and for continuing education and training of these inspectors.

O. Any cost incurred to satisfy any of these regulatory needs should be borne by the permit applicant.

P. All records, manifests, and data concerning the quantity and identity of hazardous wastes, the operating conditions of the incinerator, and the resulting emissions, must be immediately and freely available to the public.

Q. Consideration must be given to the total quantity of hazardous emissions. Kilns must not be allowed to hide large quantities by dilution in their large throughput of materials.

1. Stack emission standards must take into account the relatively large quantity of stack gas emitted by kilns.

Seemingly reasonable amounts per unit volume disguise the larger total emissions due to much higher total volume.

R. Greater care must be taken with Products of Incomplete Combustion (PIC's). Operators must be required to identify, characterize, and quantify all emissions. The public must not be placed at risk due to ignorance.

S. The test for Destruction and Removal Efficiency (DRE) must be improved to account for hysteresis effects and the propagation of error through imprecise measurements and calculations. No figure for DRE should be given without an accompanying margin of error.

We, concerned citizens of Meagher County, are asking the Senate Natural Resource Committee to PLEASE support HB 58 - which would set a moratorium on the issuance of permits to burn medical or hazardous waste until October 1, 1993. This would allow the legislature time during the 1993 Session to consider the impacts of medical and hazardous waste incineration on the State of Montana.

- | | |
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| <u>Jeremy Cowie</u> <small>Box 791 WSS</small> | <u>Melissa Mays</u> |
| <u>Edw Cowie</u> <small>Box 791 WSS</small> | <u>John M. Mays</u> |
| <u>Joyce Clander</u> | <u>Sandra A. Barth</u> <small>Box 783 W.S.S.</small> |
| <u>Edwin Clander</u> | <u>Nancy M. Mackay</u> |
| <u>Gene M Gudmundson</u> | <u>Angela Mackay</u> |
| <u>Jul Jaudemi</u> <small>Box 12 west Sulphur Spgs</small> | <u>Cornie Ballet Ringling MT</u> <small>Box XIII</small> |
| <u>R. G. Markins</u> <small>Box 12 west Sulphur Spgs</small> | <u>Elizabeth Brewer</u> <small>Box 98 Ringling, MT</small> |
| <u>Margaret A. Becking</u> <small>Box 86 WSS</small> | <u>Alba Brewer</u> |
| <u>Judith H. Berg</u> <small>Box 621 WSS</small> | <u>John Brewer</u> <small>Wickall, MT</small> |
| <u>Elmer Jay Berg</u> <small>Box 621 WSS</small> | <u>John Howard</u> <small>Box 472 WSS MT</small> |
| <u>Barbara F. Mueggen</u> <small>P.O. Box 317 W.S.S.</small> | <u>Maura Kusak</u> <small>Lenora MT</small> |

We, concerned citizens of Meagher County, are asking the Senate Natural Resource Committee to PLEASE support HB 58 - which would set a moratorium on the issuance of permits to burn medical or hazardous waste until October 1, 1993. This would allow the legislature time during the 1993 Session to consider the impacts of medical and hazardous waste incineration on the State of Montana.

Patty Knight

Patricia Stearns

Bob Jacobs

Susan Jacobs

Paul M. Holmes

Eugene M. Holmes

Helen E. Coleman

Clifton Coleman

Richard J. Lundgren

Frank Brewer Ringling MT.

Charles Logan Ringling MT.

Leida Jellak Ringling MT.

Derrick Logan Ringling

Wayne Long W.S.S.

SENATE NATURAL RESOURCES

EXHIBIT NO. 6

DATE 7/16/92

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 16TH day of JULY, 1992

Name: CONNIE BELLET

Address: Box 111, BINGLING, MT

Telephone Number: (406) 547-2272

Representing whom?

LAST OF THE BEST COALITION

Appearing on which proposal?

INCINERATOR MORATORIUM

58 MORATORIUM

Do you: Support?

Amend?

Oppose? 59 - No importation

Comments:

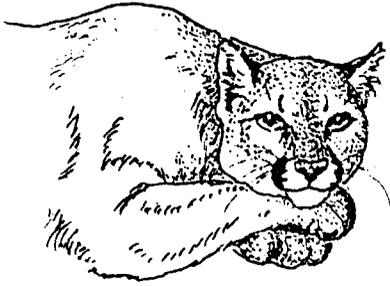
WE SUPPORT STRONG REGULATIONS ON
SITING, TRANSPORTATION, DISPOSAL, WASTE HANDLING.
MICHIGAN'S MORATORIUM PROVIDES A PRECEDENT
FOR A CONSTITUTIONAL BAN ON IMPORTATION
OF HAZARDOUS WASTE. ROGER CAREY, ATTY., OF HELENA
HAS RESEARCHED WORDING.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMISSIONER OF NATURAL RESOURCES

EXHIBIT NO. 7

DATE 7/16/92

HR 58 + HR 59



CONNIE BELLET

Artist and Scrimshander

Fickle Finger Flats
Box 111
Ringling, Montana 59642
(406) 547-2272

"I Scratch For A Living"

July 16, 1992

Senate of the State of Montana
Capitol Building
Helena, Montana 59601

Ladies and Gentlemen of the Senate:

Thank you for the opportunity to enter testimony regarding the feasibility of proposed incineration plants in Montana. As citizens, many of us are not convinced of the safety of the proposed facilities, and the burden of proof of this lies with the companies concerned, as well as the DHES itself. As a private citizen and promoter of our agricultural and tourism industries, I have a great many concerns which need to be addressed, but will confine my testimony to biological and health issues.

In 1991, the EPA did an 11 city study, which showed that 65,000 people per year were dying from legal levels of particulate pollution in the environment. (Science News) Particulate pollution, either airborne, in the soil, or in the water, is produced by incineration. This indicates that the EPA legal limits are too high to protect the populace, and that each state must determine and enforce legal and safe standards for incinerator emissions and ash disposal.

We appeal to you, our Legislators, to mandate Environmental Impact Statements for all incinerator construction and modification permitting, and to enact far more stringent regulation of siting, waste stream reduction, waste handling, incinerator temperature control, worker exposure to pollutants, transportation of infectious and toxic materials, liability and bonding of haulers in case of toxic spills, and disposal of ash in sealed, corrosion-proof containers buried in properly sited landfills. I would submit that since the applicant for any kind of incinerator permit would be the party responsible for the above concerns, that the cost of an EIS should be borne by that applicant, not the taxpayers.

The Ringling area has been known since the time the Crow Indians lived there as "The Valley of the Eagles." During the spring migration, I have counted as many as 60 eagles, both bald and golden, in the air

Exhibit # 7

7/16/92

Senate Nat'l Resource

HB 58

HB 59

along Highway 89, our scenic Centennial Highway. It is an awesome sight to watch territorial golden eagles fiercely chase the migrating balds away from their nesting and hunting areas. This is part of our heritage; something that is unique to our Valley of the Eagles. Dr. Allan Harmata from MSU has been studying these eagles for the past 16 years. Birds, with their high metabolic rates and peak position on the food chain, are extremely sensitive to particulate emissions, which bioaccumulate in their food supply. Dr. Harmata has discovered elevated lead levels in the blood of our eagles, indicating that they, as well as our peregrine falcons and ferruginous hawks, are already at risk. Additional pollution in this important flyway could seriously affect their reproduction, further threatening these species. According to a report for Environment Canada, similar effects can be expected to occur in both wildlife and humans, but the larger size and slower reproductive cycles of humans "require more time to observe patterns of effects on the most sensitive life-stage--the unborn and future generations." (Muir, 1987)

Ladies and Gentlemen of the Senate, we appeal to you to protect present and future generations of Montanans. Please pass the moratorium and mandate stricter regulations concerning permitting of incinerators in Montana. Thank you for your attention.

Respectfully submitted,

A handwritten signature in cursive script that reads "Connie Bellet". The signature is written in dark ink and has a long, horizontal flourish extending to the right.

Connie Bellet
Last of the Best Coalition

CHEMICAL POISONING

May 1992

In response to requests for information regarding my illness, I have decided to prepare this newsletter. I have been advised by my doctors to restrict letter writing to conserve strength for the healing process. We welcome your interest and desire to learn about chemical poisoning.

On March 21, 1991 while vacationing in Florida with Wayne, I suffered a severe allergic reaction that resulted in a "total chemical overload" of my body. I've had a history of allergies since the age of nine. I had been an annual patient at Mayo Clinic for ten years. All lab studies, pulmonary function studies and the twelve chemistry group were entirely normal at each and every checkup. I explained the petrochemicals that were provoking allergic reactions. It was a gradual process and neither the doctors or I understood the long term consequences. After the chemical poisoning in Florida, we struggled to obtain a correct diagnosis at three different hospitals. Two of the emergency room physicians refused to believe that it was allergy related although I insisted it was!!! They diagnosed viral pneumonia, bronchitis and even mono rather than chemically induced pneumonia. It was a life and death struggle but on April 24, 1991, I was correctly diagnosed "chemically hypersensitive/chlorine poisoning" by the only M. D. in Montana trained to recognize and treat environmental illness.

With my newly acquired knowledge, I can now recognize some specific low level chemical exposures that gradually caused my health to deteriorate. My immune system has been damaged and constantly over reacts to all chemical substances. I was instructed to avoid all chemicals in my food, air and water. My M. D.'s wife is a registered dietician. She counseled me on a strict organic diet with no wheat, corn, soy, caffeine or dairy products. I had been avoiding caffeine for six years and maintained a healthy lifestyle. I can't eat any flour or sugar products. I've never smoked or drank alcoholic beverages so that isn't a deprivation. Dr. Nelson advised against medication as it would put me at high risk of developing an autoimmune disorder.

I believe in a Complimentary Medicine approach. My local doctor, Gene Gudmundson, makes house calls to the ranch. He provides chiropractic adjustments, acupuncture and nutritional supplements to compliment the Nelson's program. All of my health care providers know the role each one has in my healing process.

Now I'll describe the most difficult and restrictive part of my illness.....avoiding pollution in the air. My over reactive immune system takes only 3 to 4 seconds for a surprise substance to trigger a reaction. Instantly, I become ill. Each episode usually required two to three days of bedrest providing I had only one reaction. We have oxygen equipment positioned next to the bed. Since beginning acupuncture treatments, I am able to recover quicker depending on the severity of the reaction. I'm unable to attend church, go to

SENATE NATURAL RESOURCES

EXHIBIT NO. 8

DATE 7/16/92

a grocery store or shopping mall, visit a friend's home or attend a social event. I wear a respirator mask to filter fumes to allow me to ride in our suburban. The only place I can tolerate other than our ranch house is the White Sulphur Spa Motel natural hot mineral water pools. It provides me with a wonderful therapeutic workout and an opportunity to socialize. Our house is restricted to Wayne and a select few people willing to take the extra effort to prepare for a non-toxic visit. They carefully follow instructions to bathe in baking soda and unscented soaps; wash their clothing in borax and baking soda without bleach or fabric softener; and use chemically free personal hygiene products.

During this illness, Wayne and I have learned a new degree of patience. I lost my voice for nine weeks from the 3/21/91 chemical poisoning. My communication was limited to hand written notes, hand signals and whispering when I could manage it.

On May 17, 1991, I suffered a severe reaction to petro-chemical fumes. I was trying to exercise/walk on our driveway. Hidden in the foothills $2\frac{1}{2}$ to 3 miles from me, a neighbor was operating a farm tractor. I was down wind and didn't know I was in a dangerous situation. Since then, all vehicle traffic or farm equipment within three miles of me must be monitored. While inside of our house, I have had reactions to vehicles and equipment.

On June 10, 1991, I was confined to our ranch house for $4\frac{1}{2}$ months due to aerial chemical spraying of neighboring agricultural land. All pesticide, herbicide and fertilizer treatments are life threatening to me. Spring and summer seasons are tough for environmentally ill individuals. Winter weather allows me to walk outside. After keeping a disciplined exercise program for over twelve years, I miss my outdoor routine.

Currently, there is a lack of public information. A century ago, coal miners carried canaries into the mines with them. Canaries are sensitive to toxic inhalants. If the canary died, it was important to get out of the mine. My local doctor has told me that Cynthia Wilson and I are the human canaries of this community. In 1991, another E. I. female and family have moved here from Billings, Mt. in search of a safer place to live.

The National Academy of Sciences Institute of Medicine estimates 98% of U. S. physicians practicing in the 1980's are unacquainted with chemical sensitivity. A study of the immune system and poisoning from chronic, low level exposure with it's resulting chemical sensitivity was not part of the curriculum when the majority of physicians attended medical school. Information and guidance is needed in understanding this disease so individuals can make reasonable choices about their health care or preventive actions to be pursued. Physicians trained in environmental medicine are recommended for diagnosis and testing of sensitivities. The Complimentary Medicine program that I'm employing offers the best opportunity of healing.

To locate a Clinical Ecologist in your area, write or call The American Academy of Environmental Medicine, P. O. Box 16106, Denver, Co. 80216. Phone (303) 622-9755.

This illness is known by a variety of names: environmental illness (EI), multiple chemical sensitivities (MCS), chemical hypersensitivity, sick building syndrome, total allergy syndrome, twentieth century illness, toxic responses syndrome (TRS), etc. Over 37 million Americans are in varying stages of this illness. It's estimated this figure will double in 1½ years. On the average, a chemically sensitive patient sees 15 conventional medical doctors before finally getting a correct diagnosis. They meet with outright hostility from traditional medical practitioners while struggling in a world that doesn't understand. They are told it's all in their head. Referral for psychologic/psychiatric evaluation is a medically accepted approach when the individual complains of multi-system symptoms. Chemical sensitivity has all the appearances and feelings of flu only it continues for an extended period of time while toxic exposure spreads. Reactions can affect any of the body's systems. The symptoms vary; not everyone reacts to the same things with the same intensity in the same way.

Some of you inquired about how we have made our house a safe haven. Our floors are oak and fir. My maternal grandfather's sister and family in International Falls, Mn. provided us with wool fabric. I hired a Wi. Amish family to craft braided wool rugs for the ranch house. We had only one set of drapes and they were quickly removed. Most of our windows have blinds that have out-gassed. Wayne promptly removed all chemical based products from the bathroom, laundry room and kitchen. It included: dish soap, laundry soap, bleach, fabric softener, furniture polish, shoe polish, ink, newspapers, candles, all aerosol cans, vanilla and other food extracts, even the prescribed cough syrup as it was alcohol based, and personal hygiene products (cosmetics, aftershave, perfume, deoderant, bar soap, shampoo and toothpaste). We are managing well with our household chores using the simple inventory.

Thanks to Mom and my sister, they have shopped for 100% cotton, silk or natural fabrics. Mom launders the clothing several times before mailing it to us. I'm particular about wearing a white layer of 100% cotton or silk next to my skin.

Wayne keeps close tabs on me while working outside or doing cattle chores at Ringling. Once he leaves the house, he can't come inside unless he scrubs and showers in the basement; then puts on freshly laundered clothing. He soaks his clothes outside and does his personal laundry. Through trial and error, we've learned some tough lessons.

Everyday, I count my blessings. My faith in Jesus Christ as my Personal Savior has uplifted me through this ordeal. Our wonderful families have given us the love and support that we need. Many of you have touched our lives with your prayers, phone calls and letters. We have the privilege of living in one of the most ideal areas of our country. After 33 years of marriage, Wayne's love and devotion remains strong. This info is intended to serve as an introduction to E. I. It's our goal to create an awareness.



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World's Most Widely Read Magazine

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71st Year • Over 28 million copies in 17 languages bought monthly

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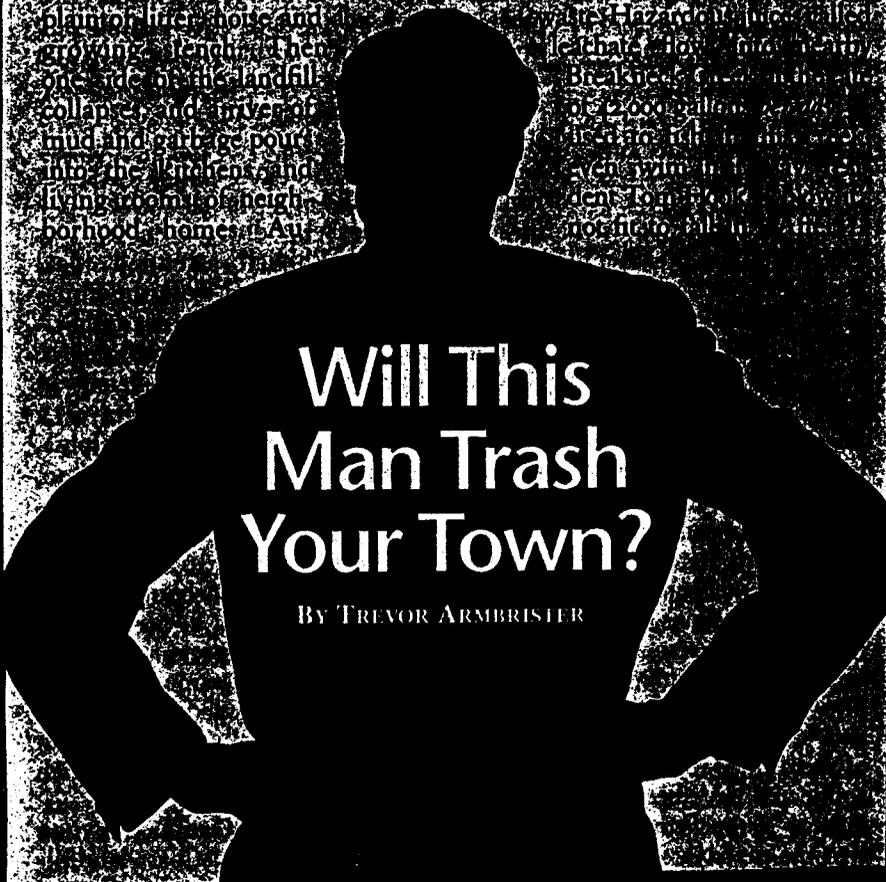
WINDOW OF HOPE

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EXHIBIT # 9
 7/16/92
 Senate Nat'l Resources
 HB 58
 HB 59

In Vincentown, N.J., new owners take control of the Big Hill landfill. Throughout its 12-year history, the dump has accepted only ten truckloads of garbage per day. Much more, engineers warn, could worsen the pollution already appearing in the area's ground water. Ignoring this advice, the new owners dramatically increase the volume of trash over the next five years. Nearby residents complain of liver spots and growing blenches. Then one side of the landfill collapses, and rivers of mud and garbage pour into the landfills, and living rooms of nearby neighborhood homes. Au-

thorities order the dump closed. • Near Ravenna, Ohio, the 127-acre Portage landfill is cited for violating the law. State officials threaten to close it down. Then an East Coast businessman appears with a plan to solve the problem. The landfill begins accepting trash from out of state. Soon it's collecting nine times the amount the law allows, but also receiving vast quantities of hazardous waste. Hazardous waste is called "leachate" by the industry. Breakneck collection of up to 2,000 gallons a day is carried out in the dump, even with holes in the concrete tanks. The waste is too big to fill in the tanks.



Will This Man Trash Your Town?

BY TREVOR ARMBRISTER

months, the state closes the dump; the man with the plan walks away.

• In tiny (pop. 250) Center Point, Ind., a limited partnership buys the town dump. Soon the facility is taking tractor-trailer loads of asbestos, more than all other landfills in Indiana combined.

Then truckloads of garbage pull in from Brooklyn and Queens, N.Y., and elsewhere. Poking through the bales, inspectors find hypodermic needles, blood bags and I.V. tubes—medical waste meant for special disposal at other sites.

THESE NIGHTMARES, and others like them, have a common denominator—an elusive 47-year-old former schoolteacher named David Ehrlich. For nearly two decades, Ehrlich has been involved in almost every phase of the garbage trade. He has been an officer in companies that owned or operated landfills, as he was in New Jersey, and a broker of landfill sales, as he was in Indiana. In recent years, he has been orchestrating the dumping of thousands of tons of urban trash in rural communities in several Midwestern states.

Trash and Run. Operating from different positions in various corporations and partnerships, Ehrlich has found a treasure in trash. But in his wake lies controversy, litigation and environmental anxiety. Three of the dumps to which he has been connected have been designated as federal "SuperFund" sites and will cost the taxpayers at least \$80 million to clean up.

"Ehrlich is a Pied Piper of polluters," says Maurice Hinchey, chairman of the New York State Assembly's Environmental Conservation Committee. "The garbage haulers he services have wreaked havoc." Adds Alan A. Block, a professor at Pennsylvania State University and co-author of *Poisoning for Profit*, a book on the scandal of toxic-waste disposal in America: "Ehrlich is a callous profiteer, adept at moving from state to state with virtually no opposition from law-enforcement and environmental regulators."

BORN IN MERION, PA., in 1945, the only child of a shirt salesman and a mother who died when he was young, Ehrlich attended local schools, graduated from the Philadelphia College of Textiles and Science, then earned a master's degree from Johns Hopkins University in Baltimore. After two years as a substitute teacher in Philadelphia, he teamed up with Richard Winn, a real-estate developer from Pottstown, Pa. Ehrlich would seek out and recommend undervalued properties. If Winn bought them, he'd give Ehrlich a finder's fee.

In 1976, Ehrlich met a sand and gravel contractor named Anthony Amadei, who needed financing to expand his landfill activities. Winn put up some money, and Ehrlich got a piece of the deal.

Playing the Game. Anyone could see that East Coast landfills were rapidly running out of space,

and tighter government regulations would force "Mom and Pop" landfill owners to make costly improvements, sell out or shut down. Enormous profits could be made in collecting urban trash and hauling it to faraway disposal sites.

Ehrlich, Winn and Amadei acquired the rights to operate three landfills in southern New Jersey. When Winn and Amadei dropped out, Ehrlich found new partners and pushed west to Ohio, Indiana and Kentucky.

One common thread in these activities is a greatly increased volume of trash delivered to landfills in rural, sparsely populated communities. Then there are the families whose lives have been disrupted by the dumps:

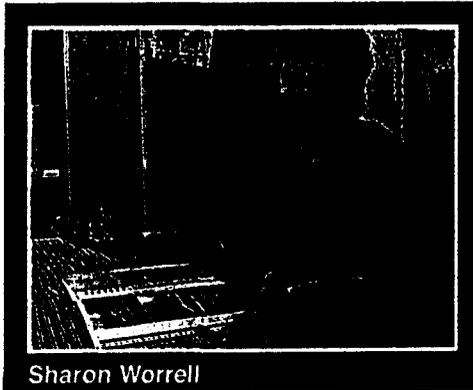
- In 1973, after Bill and Sharon Worrell started building a home in Florence Township, N.J., officials approved the siting of a small landfill across the street. No more than 15 trucks would be going to the dump weekly, the Worrells were told.

Soon that number shot up to between 60 and 75 a day. Then in 1976, a firm called Jersey Environmental Management Services (JEMS) began operating the landfill. Ehrlich was an officer and part-owner of JEMS. One day, Sharon counted 225 trucks. By law, landfill employees were supposed to cover the trash every day, but for weeks they applied no cover. The stench was

putrid, the noise unending; at night the Worrells could see rodents scampering across the road.

Aware of mounting complaints, Ehrlich met with township residents. "He told us he was doing nothing to damage the environment," Sharon says. "He said he was doing what he came here to do, and there was nothing we could do about it."

Then a fierce fire broke out at the dump, terrifying the neighbors. Shortly after, state officials rejected



Sharon Worrell

JEMS's application to expand and cited it for repeated violations. Ehrlich and his partners left town, and eventually the landfill was closed.

"To think this could go on year after year across the country," Sharon Worrell says. "Who can stop this man?"

- Early in 1983, Diane and Walter Zarzycki of Chester County, Pennsylvania, purchased a home atop a steep hill in rural Newlin Township. Soon after moving in, the Zarzyckis discovered that the

Trucks line up
to enter the
Center Point, Ind.,
landfill



22-acre Strasburg landfill was just over the hill behind their property. Through a limited partnership, Ehrlich was part-owner of the land that was leased to the landfill operator. The dump had already been cited for violations, and Ehrlich and his associates were trying to expand it to four times its original size.

In April 1983, after discovering significant levels of toxic chemicals at the site, the Pennsylvania Department of Environmental Resources (DER) fined its operator \$53,025 and directed it to make the necessary repairs. When the operator failed to act, the agency ordered the dump closed.

For their household needs, the Zarzyckis used a deep well. When DER hydrogeologists tested the water, they found 20-odd hazardous chemicals. The Zarzyckis shelled out almost \$6000 to drill a second well, but its water was contaminated too. Today, both wells contain high levels of benzene.

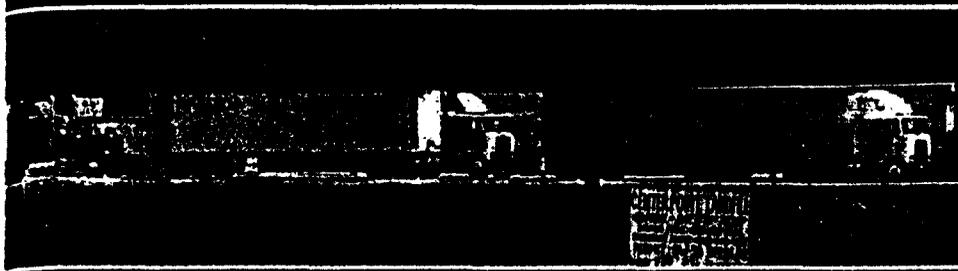
Last December, the Environmental Protection Agency warned the Zarzyckis and 200 other families living in the area about hazard-

ous-waste contamination from the landfill: "Residents could potentially experience increased risks of cancer."

• One evening in September 1988, businessman John Moore of Center Point, Ind., said to his wife, "Terri, I have really bad news." They had known their lakefront home lay just a third of a mile from the local dump, but they had been assured it would never expand. Now, John had spotted drilling pipes on the property across the street from the dump—a clear sign that change was imminent.

The invasion of out-of-state refuse began in July 1989. Prairie Resources, a company listing Ehrlich as an officer, arranged for the dumping of millions of pounds of trash at the site. Terri researched Indiana's environmental laws and convinced her neighbors they could fight back. She and her Dump Patrol then launched their counterattack.

Six mornings a week, they documented with copious notes and photographs every truck entering the dump. Some were far heavier than the 80,000 pounds allowed by law. Terri gave her reports to the



Indiana Department of Environmental Management and the media. Pressure to stop the trash invasion intensified. In July 1990, with just three weeks remaining on its permit, the limited partnership—which included Brazil Holdings, Inc. (president: David Ehrlich)—sold the landfill.

In one year at Center Point, more than 100,000 tons of trash had been dumped. But the operator had never installed a leachate collection system, and Terri Moore is convinced it's only a matter of time before contaminants enter the water supply. "They used us as a garbage can," she says. "I want to find a way to hold Ehrlich and the others responsible for what they've done."

Vanishing Act. Ehrlich, however, is hard to track down. John A. MacDonald, a former deputy attorney general of New Jersey, conceded, "I have never laid eyes on him. It is very hard to find people who have." In Indiana, the senior environmental investigator said, "He's like a piece of smoke."

After months of trying to locate him, I got a tip to check out a New

York City address. Another source gave me the unlisted phone number. For days I called and left messages. Finally, my phone rang.

"I'm not trying to be mysterious," Ehrlich said, "but there are public-relations problems being David Ehrlich. My hands are clean, but I don't want the aggravation. These stories of loot and scoot are just not true."

Did he feel sorry that tens of millions of dollars would be needed to clean up the dumps? Absolutely not, he said, adding that he and partner Winn had spent \$1.7 million implementing a court order to remove leachate from the Strasburg site. That order had been unjust, he continued, because "we never ran the landfill. We were officers of a company that owned an interest in the land." Pennsylvania's Environmental Hearing Board agreed, ruling in 1989 that although the company was liable for cleanup costs, Ehrlich and Winn were not. Concluded Ehrlich: "I think taxpayers owe us money."

Taxpayers Billed. Cleaning up the Strasburg facility, a SuperFund

READER'S DIGEST

site, will cost at least \$10 million. The other SuperFund sites in New Jersey will require a total of at least \$70 million. Big Hill is not on the SuperFund list, so the state's taxpayers are shouldering some \$20 million there. "We're going to have to pay out tens of millions and then sue to get it back," says John MacDonald.

Ehrlich may be spending a lot of time in court. New Jersey's Department of Environmental Protection has filed an action against hundreds, including Ehrlich. The firm that insured one of the three landfills in that state has sued him—as well as former partners Amadei and Winn—in U.S. District Court. The defendants have denied any wrongdoing. For what happened at Ohio's Portage landfill, Ehrlich and others are being sued by the state.

Despite these troubles, Ehrlich is hardly destitute. By his own admission, he receives salaries from four different corporations—two of which broker trash. Those brokers earn a commission of about \$2.50 for every ton of garbage they move. The dollars add up. In 1991, for example, the Ehrlich-brokered Spring Valley landfill in Wabash, Ind., agreed to accept some 1000 tons of trash every day. The broker's cut of that: \$2500 per day—from a single dump.

Ehrlich spends most of his time today in Florida seeking ways to expand to other states. "I would head anywhere to make a living," he said.

That may be difficult for him

now. In 1978 the U.S. Supreme Court ruled that the commerce clause of the Constitution precluded states from barring garbage from other states. But the Court has recently heard two new cases that



Jack Hines at the Strasburg, Pa., landfill, a SuperFund site

could overturn that finding. A decision is expected soon.

Ehrlich is watching the Supreme Court carefully. "A negative decision would mean I would not be able to broker interstate shipments of waste," he told me.

In a weed-strewn lot in Chester County, Pennsylvania, stands a gleaming white sign: "Strasburg Landfill. U.S. EPA SuperFund site. Danger. Hazardous Materials. No Trespassing."

Jack Hines, West Bradford, Pa., town manager, points to the marker and offers advice to people who might be tempted by the Pied Piper's promises: "Stop the trash trucks before they start. If you don't, they're going to ruin your community."

Montana City Elementary School

Penny Koke, Superintendent
Dianne Delaney, Principal
Star Route, Box 127
Clancy, Montana 59634
Telephone: 442-6779

JULY 16, 1992

HOUSE BILL 58 AND 59

Mister Chairman and Committee,

I, Pat Tallent am here today to share testimony on behalf of my husband, who had to be out of town this afternoon. Gordon Tallent is Chairman of the Board of Trustees, at Montana City School District #27 in Jefferson County. The testimony I am sharing is a written statement from the Montana City School District #27.

The Board of Trustees has sent written record to both the Senate Subcommittee on Environmental Protection and the Montana State Department of Health and Environmental Sciences supporting adoption of rules and regulations pertaining to the burning of hazardous waste in boilers and industrial furnaces.

If it is in the best interest of the State of Montana and local communities to take an additional year to draft these rules and regulations we strongly support such legislation. It is important that we proceed, with proper caution and the best rules and regulations, when we are taking action on matters with such far reaching effects.

The Montana City School is located one half-mile from the Ash Grove Cement Plant. The school and playground environment are the recipients of the emissions from the stacks and it is important the the long term health and welfare of the students and community be of first priority.

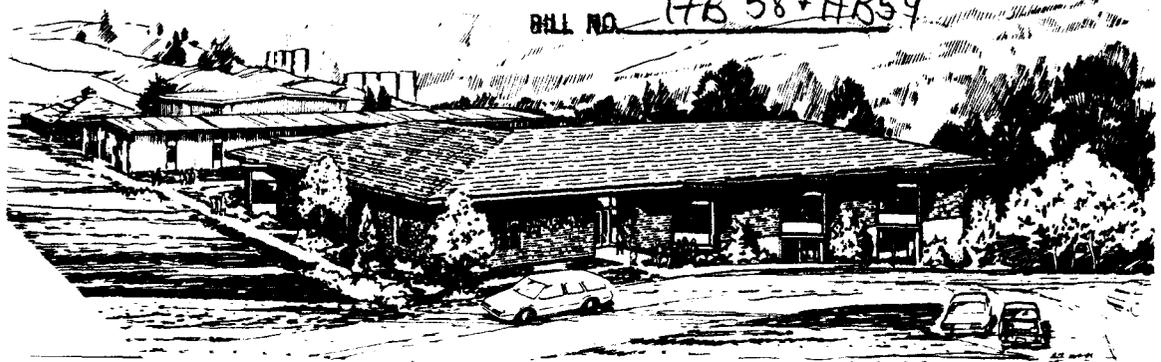
Thank You for this opportunity to speak.

SENATE NATURAL RESOURCES

EXHIBIT NO. 10

DATE 7/16/92

BILL NO. HB 58 + HB 59



WITNESS STATEMENT

NAME: RACHAEL SIRS DATE: 7-16-92

ADDRESS: Box 928 MCR Clancy, MT 59631

PHONE: 449-3124

REPRESENTING WHOM? FAMILY

APPEARING ON WHICH PROPOSAL: 58-59

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: see attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES
EXHIBIT NO. 11
DATE 7/16/92
BILL NO. HB 58 + HB 59

TESTIMONY BEFORE SENATE COMMITTEE
ON HB 58 & 59

July 16, 1992

Rachael Raue Sirs
Box 928 MCR
Clancy, MT 59634

Good Afternoon. My name is Rachael Raue Sirs. My husband, I, and our four children live in the Montana City area. I was born and raised in Helena. Our children attend or will attend the Montana City School, which is 1/2 mile from the Ash Grove Cement plant, 7-1/2 hours a day, 180 days a year, for 9 years. By current profession, I am a full time mom. By degree and prior profession I am a petroleum engineer that had to deal with disposing hazardous waste on a daily basis. So when plans were announced to burn hazardous waste in Montana, I was optimistic. Then I started reading and researching. I found out why no one - not the cement companies, not the Department of Health and Environmental Sciences, or the EPA, or any expert can tell us what exactly is emitted when a cement kiln burns hazardous waste. Hazardous waste fuels are made up of a variety of chemicals. When all these different chemicals are burned, they are combining and recombining, and we can't keep track of all the combinations. We do know that when blended waste chemicals are burned, portions are emitted in their original forms and some recombine to form new toxic compounds, some even more toxic than the parent compounds, called particles of incomplete combustion, or PIC's. Dioxins and furans are some of the most dangerous PIC's. Studies have identified few of all the PIC's known to be present in stack gases. Also, heavy metals, such as lead, arsenic, and mercury can not be destroyed

SENATE NATURAL RESOURCES

EXHIBIT NO. 11

DATE 7/16/92

BILL NO. HB 58 + HB 59

or detoxified by fire. As a result, waste burning kilns only redistribute any metals through air emissions, fly ash, dust, and concrete products. So we have cement kilns dealing with mixtures of hundreds of chemicals, many of which are not well known, and the combinations of which are not well understood. That's why we don't know exactly what is coming out of the stack, or going into the cement product, or going into the cement kiln dust which is disposed of in the old quarry when hazardous waste is burned in cement kilns. Because of all the unknowns, more studies and siting criteria need to be addressed. Last week the Department of Health and Environmental Science told me that their rules, which do not address siting, will be done at the end of August. The companies will then be able to apply for permits to burn hazardous waste. We need to let the 1993 Legislature address this and prevent any "grandfathering in".

I would also like to address economics. I attended the Baucus subcommittee hearings in March on the burning of hazardous waste in cement kilns. Both cement kilns stated there that they would not "go under" if they were not permitted to burn hazardous waste. In a study which compared cement sales to geography, it was found that on the average 60% of cement is used within 100 miles, 23% is used within 199 miles, only 0.5% is used more than 1500 miles, and 74% goes to ready mix. Since the closet cement plants having the so called "economic advantage" of burning hazardous waste are in southern California and eastern Kansas, we are not competing against them.

I urge you to let the 1993 Legislature deal with all these issues. Support HB 58 and 59. Vote for the people, not special interest groups.

SUPPORT THE MORATORIUM ON HAZARDOUS WASTE BURNING

WE, THE UNDERSIGNED, SUPPORT THE BILL CALLING FOR A MORATORIUM UNTIL OCTOBER 1, 1993 ON HAZARDOUS WASTE INCINERATION IN THE STATE OF MONTANA.

SIGNATURE	PRINTED NAME	ADDRESS	CITY/ZIP	PHONE
<i>Jim Weeks</i>	WEEKS	Box 166 MCR	09637 Clancy	2-5426 *
<i>Charles Atkins</i>	Atkins	Box 166 MCR	59634 Clancy	3-1081
<i>Mary Jo Atkins</i>	Atkins	Box 166 MCR	Clancy 59634	3-1081 *
<i>Wanda Schaff</i>	SCHAFF	BOX 113 STAR RT	CLANCY 59634	3-3526 *
<i>Steve Schaff</i>	Schaff	Star Route Box 113	Clancy	3-3526
<i>Margaret Hill</i>	HILL	Box 636	PH 59635	442-7352
<i>David Hill</i>	Hill	Box 118 Star Rt	Clancy	443-6433
<i>David Hill</i>	Hill	Box 113 Star Rt	Clancy	443-6433
<i>Michael Korn</i>	KORN	Box 870 Sawmill Rd	Clancy 59634	449-6397
<i>Tom Fritch</i>	FRITCH	Fritch	Clancy 59634	443-0285
<i>Rede Meierhenry</i>		Box 885	Clancy	442-9809
<i>Clyde Hall</i>	HALL	S.R. Box 131	Clancy	443-0665 *
<i>William W. Hall</i>	HALL	S.R. Box 131	Clancy	443-0665 *
<i>Joan Hall</i>	Hall	SR Box 165	"	2-0354 *
<i>Kevin L. Hall</i>	HALL	SR Box 165	Clancy	442-0354 *
<i>Steve Wood</i>	WOOD	Box 881 MCR	Clancy	449-5513
<i>Nabea Wood</i>	WOOD	Box 881 MCR	Clancy	449-5513
<i>Lori Carlson</i>	Carlson	874 Mt View Rd	Clancy	443-6234
<i>Paul Carlson</i>	Carlson	874 Mt View Rd	Clancy	443-6234
<i>Paula Carpenter</i>	Carpenter	Box 882 MCR	Clancy	443-1972

RETURN EVEN PARTIALLY COMPLETED FORMS TO BOX 928 MCR, CLANCY, MT 59634 OR CALL 449-3424. THANKS!

Please See Back Side of Page

SENATE NATURAL RESOURCES
 EXHIBIT NO. 12
 DATE 7/16/92
 1258+4B59

SUPPORT THE MORATORIUM ON HAZARDOUS WASTE BURNING

WE, THE UNDERSIGNED, SUPPORT THE BILL CALLING FOR A MORATORIUM UNTIL OCTOBER 1, 1993 ON HAZARDOUS WASTE INCINERATION IN THE STATE OF MONTANA.

SIGNATURE	PRINTED NAME	ADDRESS	CITY/ZIP	PHONE
<i>Rachael Sirs</i>	RACHAEL SIRS	BOX 928 MCR	CLANCY 59634	449-3424
<i>Erik Sirs</i>	ERIK SIRS	BOX 928 MCR	CLANCY 59634	449-3424
<i>Terri Donaldson</i>	Terri Donaldson	BOX 865 MCR	Clancy 59634	449-4960
<i>Tiffany Donaldson</i>	Tiffany Donaldson	BOX 865 MCR	Clancy 59634	449-4960
<i>Jim Donaldson</i>	Jim Donaldson	BOX 865 MCR	Clancy 59634	449-4966
<i>Marion A. Pittman</i>	Marion A. Pittman	913 MCR	Clancy 59634	443-2010
<i>Rita Kerovick</i>	RITA KEROVICK	779 MCR	Clancy 59634	443-4000
<i>Ronald P. Baldwin</i>	RONALD P. BALDWIN	125 MCR -	Clancy 59634	443-2126
<i>Jeanne M. Baldwin</i>	JEANNE M. BALDWIN	125 MCR -	Clancy 59634	443-2126
<i>Maggie Stuart</i>	Maggie Stuart	Box 941 MCR	Clancy 59634	449-6911
<i>Gavie Graber</i>	GAVIE GRABER	904 MCR	CLANCY 59634	443-6484
<i>Betty Myles</i>	Betty Myles	4080 Hart Dr	Helena 59601	227-6685

RETURN EVEN PARTIALLY COMPLETED FORMS TO BOX 928 MCR, CLANCY, MT 59634 OR CALL 449-3424. THANKS!

SUPPORT THE MORATORIUM ON HAZARDOUS WASTE BURNING

**WE, THE UNDERSIGNED, SUPPORT THE BILL CALLING FOR
A MORATORIUM UNTIL OCTOBER 1, 1993 ON HAZARDOUS
WASTE INCINERATION IN THE STATE OF MONTANA.**

SIGNATURE	PRINTED NAME	ADDRESS	CITY/ZIP	PHONE
<i>Ann Bauckman</i>	Ann Bauckman	702 Buffalo ^{Road}	E. Helena	227-5095
<i>Ben Kamerzel</i>	Ben Kamerzel	Box 921 MCR	Clancy	449-3071
<i>Barbara Kamerzel</i>	Barbara Kamerzel	Box 921, mcr	Clancy	449-3071
<i>Danny L. Pittman</i>	DANNY L. PITTMAN	913 SADDLE MTN	Clancy	443-0610
<i>Ray Beck</i>	Ray Beck	Box 153 MCR	Clancy	449-6142
<i>Judy Beck</i>	JUDY BECK	Box 153 MCR	Clancy	"
<i>DeAnn Block</i>	DeAnn Block	Box 977 MCR	Clancy	449-3945
<i>Jeff Block</i>	Jeff Block	Box 977 MCR	Clancy	"
<i>Lucille Matthe</i>	LUCILLE MATTHEWS	811 N PARK	HELENA	442-5277
<i>Nancy M. Collier</i>	NANCY M. COLLIER	Box 1254	Forsyth	242-5427
<i>Gary Wade</i>	Gary Wade	Box 975	Clancy	442-0909
<i>Linda Wade</i>	Linda Wade	Box 975	Clancy	442-0909
<i>Kim McEwen</i>	KIM MCEWEN	515 E. Helena	HELENA	442-5277

RETURN EVEN PARTIALLY COMPLETED FORMS TO BOX 928 MCR, CLANCY, MT 59634 OR CALL 449-3424. THANKS!

SUPPORT THE MORATORIUM ON HAZARDOUS WASTE BURNING

**WE, THE UNDERSIGNED, SUPPORT THE BILL CALLING FOR
A MORATORIUM UNTIL OCTOBER 1, 1993 ON HAZARDOUS
WASTE INCINERATION IN THE STATE OF MONTANA.**

SIGNATURE	PRINTED NAME	ADDRESS	CITY/ZIP	PHONE
<i>Jackie Greis Forba</i>	JACKIE GREIS FORBA	SR Box 150	CLANCY 59634	443-0792
<i>Richard Abraham</i>	Richard Abraham	Box 908 MCR	Clancy	449-2657
<i>Theresa Abraham</i>	Theresa Abraham	Box 908 MCR	Clancy	449-2637
<i>Cheryl Cornish</i>	CHERYL CORNISH	BOX 192 MCR	CLANCY 59634	443-6015
<i>William Cornish</i>	William Cornish	Box 192 mcr	Clancy mt.	443-6015
<i>Alanilee Blair Jenkins</i>	Alanilee Blair Jenkins	Box 186 MCR	Clancy	443-2505
<i>Jacquelyn Bauer</i>	Jacquelyn Bauer	Box 932 Jad de men ci	Clancy	442-6303
<i>Deborah Murray</i>	Deborah Murray	Box 969 MCR	Clancy	442-9760
<i>John Murray</i>	JOHN MURRAY	Box 969 MCR	CLANCY	442-9760
<i>Jamie VanHoesen</i>	JAMIE VANHOESEN	Box 920 MCR	CLANCY	443-4995
<i>Gregory A. VanHoesen</i>	Gregory A. VanHoesen	Box 920 MCR	Clancy	443-4995
<i>Patricia Ferrer-Thompson</i>	Patricia Ferrer-Thompson	BOX 179 MCR	Clancy	449-2515

RETURN EVEN PARTIALLY COMPLETED FORMS TO BOX 928 MCR, CLANCY, MT 59634 OR CALL 449-3424. THANKS!

SUPPORT THE MORATORIUM ON HAZARDOUS WASTE BURNING

**WE, THE UNDERSIGNED, SUPPORT THE BILL CALLING FOR
A MORATORIUM UNTIL OCTOBER 1, 1993 ON HAZARDOUS
WASTE INCINERATION IN THE STATE OF MONTANA.**

SIGNATURE	PRINTED NAME	ADDRESS	CITY/ZIP	PHONE
<i>Alyson Brantham</i>	Alyson Brantham	#7 FPE	Clancy	8594
<i>Katie Zugazzy</i>	KATIE ZUGAZZY		" "	9336
<i>Pat Gogins</i>	PAT GOGINS		" "	" "
<i>Mary Zugazzy</i>	MARY ZUGAZZY		" "	" "
<i>Sandra L. Goodwin</i>	SANDRA L. GOODWIN	MCR Box 133	CLANCY 59634	443-5455
<i>Stephanie P. Kelly</i>	STEPHANIE P. KELLY	35 FPE	" "	933-8676
<i>Jay Diamond</i>	Jay Diamond	Box 62	Clancy	933-5784
<i>Michelle Wilcox</i>	Michelle Wilcox	Box 955	Clancy	443-4529
Margaret Petrick				
<i>Margaret Petrick</i>	Margaret Petrick	Jefferson Tracts Lot #5	Montana City	442-3861 (Helena)
<i>Bob Kar</i>	KAR, ROBERT J.	Box KAR	Clancy	933-5344 442-3930
<i>Tobie Laskowski</i>	Tobie Laskowski	#36 FPE	Clancy	933-5661
<i>Pete F. Sesselman</i>	PETE F. SESSELMAN	Box 2006	" "	447-3191
<i>Susan Schmitt</i>	Susan Schmitt	27 S.T	Clancy	443-1119
<i>Ben L. Schmitt</i>	Ben L. Schmitt	" "	" "	" "

OFF

RETURN EVEN PARTIALLY COMPLETED FORMS TO BOX 928 MCR, CLANCY, MT 59634 OR CALL 449-3424. THANKS!

SUPPORT THE MORATORIUM ON HAZARDOUS WASTE BURNING

**WE, THE UNDERSIGNED, SUPPORT THE BILL CALLING FOR
A MORATORIUM UNTIL OCTOBER 1, 1993 ON HAZARDOUS
WASTE INCINERATION IN THE STATE OF MONTANA.**

SIGNATURE	PRINTED NAME	ADDRESS	CITY/ZIP	PHONE
<i>Lynne Egan</i>	Lynne Egan	54 Jefferson Hills	Clancy ⁵⁹⁶³⁴	443-5103
<i>Wayne Klinkel</i>	Wayne Klinkel	54 Jefferson Hills	Clancy	443-5103
<i>Kearg. Johnson</i>	KEARG. JOHNSON	416 JEFFERSON HILLS	Clancy	443-0404
<i>[Signature]</i>	[Name]			
<i>Jim Juncoffe</i>	Jim Juncoffe	45 Jefferson	Clancy	442-0113
<i>Julie Waples</i>	JULIE WAPLES	42 JEFFERSON	Clancy	2-1901
<i>Shaun O'Connor</i>	SHAUN O'CONNOR	Box 294	E. HECLA, MT	3-2902
<i>Keith Vetsch</i>	Keith Vetsch	63 - 2nd St	Clancy	3-0239
<i>Denise Nottingham</i>	Denise Nottingham	24 Jefferson	Clancy	3-4917
<i>Leslie Egan</i>	Leslie Egan	10929 th Ave NW	Gt Falls	452-8161
<i>L. Jay Egan</i>	L. Jay Egan	10929 th Ave NW	Gt Falls	452-8161
<i>Tracy Scow</i>	Tracy Scow	822 N Davis	Helena	442-1088
<i>Tracy Scow</i>	Tracy Scow	"	"	"
<i>[Signature]</i>	[Name]			442-9272
<i>[Signature]</i>	[Name]			"
<i>Bill Horner</i>	BILL HORNER	25 Jefferson	Clancy	442-4882

RETURN EVEN PARTIALLY COMPLETED FORMS TO BOX 928 MCR, CLANCY, MT 59634 OR CALL 449-3424. THANKS!

SUPPORT THE MORATORIUM ON HAZARDOUS WASTE BURNING

**WE, THE UNDERSIGNED, SUPPORT THE BILL CALLING FOR
A MORATORIUM UNTIL OCTOBER 1, 1993 ON HAZARDOUS
WASTE INCINERATION IN THE STATE OF MONTANA.**

SIGNATURE	PRINTED NAME	ADDRESS	CITY/ZIP	PHONE
Linda L. Hutchison	Linda L. Hutchison	Star Route Box Z-28	Clancy 59634	442-8040
Tom R. Hutchison	Tom R. Hutchison	Box Z-28	Clancy 59634	442-8040
Barbara LaRue	Barbara LaRue	1509 Cannon	Helena, MT 59601	442-5782
Delma Lebien	Delma Lebien	415 Priddy Rd	E. Helena	227-6468
Emerson F. Lebien	EMERSON F. LEBIEN	415 Priddy Pr.	E. HELENA	227-6462
Elizabeth M. Ferriter	Elizabeth M Ferriter	745 McR.	Clancy, MT	449-6662
Kathleen Williams	Kathleen Williams	310 E. Gulch	Clancy, MT	933-5752
Gerry Slingsby	Gerry Slingsby	19338 Kima Rd	Florence	273-2812
Mike Ferriter	Mike Ferriter	Box 745 McR.	Clancy	449-6662
Catherine A. Slingsby	Catherine A. Slingsby	19338 Kima Rd Florence	Florence	273-2812
Marjorie E. Smith	Marjorie Smith	188 Laddie Mt. E.	Clancy	443-1698
Richard A. Smith	RICHARD G. SMITH	"	"	"
Clark Sprang	Clark Sprang	1026 Grand St	Helena	442-4508
Karyl Georgan	KAROL GEORGAIN	754 Nickerson Ave.	Clancy 59634	442-1864
John Georgan	John Georgan	754 Nickerson Ave.	Clancy	442-1864
Herbert W. Bauer	HERRBERT W. BAUER	Box 101 STAR ROUTE -	CLANCY, MT 59634	442-6936
Lorraine Bauer	LORRAINE BAUER	Star Rt Box 101	Clancy, MT 59634	442-6936
Eddie Jackson	Eddie Jackson	Star Rt #93	Clancy, MT 59634	442-8942
Sherril Senn	Sherril Senn	P.O. Box 2067	Clancy, MT 59634	442-0762
David L. Senn	David L. Senn	P.O. Box 2067	Clancy, MT	442-0762

RETURN EVEN PARTIALLY COMPLETED FORMS TO BOX 928 MCR, CLANCY, MT 59634 OR CALL 449-3424. THANKS!

SUPPORT THE MORATORIUM ON HAZARDOUS WASTE BURNING

**WE, THE UNDERSIGNED, SUPPORT THE BILL CALLING FOR
A MORATORIUM UNTIL OCTOBER 1, 1993 ON HAZARDOUS
WASTE INCINERATION IN THE STATE OF MONTANA.**

SIGNATURE	PRINTED NAME	ADDRESS	CITY/ZIP	PHONE
<i>Janice E. Miller</i>	Janice E. Miller	815 11 th Ave	Helena 59601	443-1343
<i>Martin P. Miller</i>	Martin P. Miller	815 11 th Ave	Helena 59601	443-1343
<i>Lois M. Neal</i>	Lois M. Neal	1811 Golden	" "	443-1303
<i>Barbara Peterson</i>	Barbara Peterson	716 Harrison	Helena 59601	442-8572
<i>David K. Orndoff</i>	David K. Orndoff	715 Highland	Helena 59601	449-3216
<i>Jean R. Bird</i>	JEAN R. BIRD	400 Forestvale	Helena	458-5974
<i>Vicki C. Weida</i>	Vicki C. Weida	730 8 th Ave	Helena	442-6366
<i>Ann Wilsnack</i>	Ann Wilsnack	715 Highland	Helena	449-3216
<i>Gayle Sandholm</i>	GAYLE SANDHOLM	801 12 th Ave	HELENA 59601	449-3914
<i>Carol Churchill</i>	Carol Churchill	220 Miller	Helena 59601	442-4135
<i>John Paulson</i>	JOHN PAULSON	470 5 th Ave.	HELENA 59601	443-5306
<i>Andrew Bird</i>	Andrew Bird	P. Box 1224	HELENA 59601	475-3115
<i>Claudia Crase</i>	Claudia Crase	422 8 th Ave.	Helena 59601	449-6733
<i>Pauline L. Holmes</i>	Pauline L. Holmes	5059 York Rd	Helena, MT. 59601	475-3115
<i>Robert M. Holmes</i>	ROBERT M. HOLMES	5059 YORK RD	" "	" "
<i>David Gentry</i>	DAVID GENTRY	4800 FOREST VAL	Helena	458-5974
<i>Pamela Carlson</i>	PAMELA CARLSON	Box 930 MCR	Clancy 59634	449-5551
<i>Nancy Harper</i>	NANCY HARPER	30 N. Howie	Helena 59601	443-0151
<i>Mike McMillan</i>	Mike McMillan	30 N. Howie	Helena 59601	" "
<i>Pam Campbell</i>	Pam Campbell	14 Harrison	Helena 59601	443-4210

RETURN EVEN PARTIALLY COMPLETED FORMS TO BOX 928 MCR, CLANCY, MT 59634 OR CALL 449-3424. THANKS!

Steve Harper Steve Harper 14 Harrison Helena 443-4210

I support the one year moratorium on burning of Hazardous Waste in Montana

Name	address	date
Michelle Meraldo Kasper	103 Muskrat Trail E Helena	7/12/92
Jeffrey J. Kato	103 Muskrat Trail E Helena	7-12-92
Heather J. Marshall	104 Broadway Helena	7-12-92
DOUG PATZER	107 MUSKRAT TRAIL E. HELENA	7-12-92
Daphne Patzer	107 Muskrat Trail E. Helena	7-12-92
Dan Patzer	108 MUSKRAT Tr.	7-12-92
Cheryl Hill	108 Muskrat Trail	7-12-92
Patricia J. Johnson	303 Beaverslide Dr.	7-12-92
Marlene deMato	303 Beaverslide Dr	7-12-92
Gandra Williams	204 Buffalo Run	7-12-92
Rusty Huston	206 Buffalo Run	12 Jul 92
Jessie Swaine	206 Buffalo Run	12 Jul 92
Michelle	302 Beaverslide Dr	7/12/92
Debbie Lewis	302 Beaver Slide Dr.	7/12/92
Don Walter	301 Beaver Slide Dr.	7/12/92
Scott A. Walter	301 BEAVER SLIDE DR.	7/12/92
Miss Nancy	304 Beaverslide Dr	7/12/92
Daniel Menting	205 Buffalo Run	7-12-92
Nancy Menting	205 Buffalo Run	7-12-92
Cathy Beck	208 Buffalo Run	7-12-92
Van Anders	208 Buffalo Run	7-12-92
Gregory A. Burkhart	101 Muskrat Tr.	7-12-92
George Kline	208 Buffalo Run	7-12-92

I support the one year moratorium on burning of Hazardous Waste in Montana

Name	address	date
Robert L. Turgeon	Po Box 1095 HELENA, MT.	7-10-92
MICHAEL GATHMAN	PO BOX 138 FORT HARRISON, MT	7-10-92
NES ARMITAGE	1313 HILMEN RD HELENA, MT 59601	
Jo Ann Rider	P.O. Box 21 Ft. Harrison	7/10/92
Michael Dale Harris	Box 67 Grober Estates	Clancy, MT. 59634

WITNESS STATEMENT

NAME: Mark Albee DATE: 7/16/92

ADDRESS: 11 John G. Mine Rd.

PHONE: 458-9602

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB58/59

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES
EXHIBIT NO. 13
DATE 7/16/92
BILL NO. HB58+HB59

July 16, 1992

Senate Natural Resources Committee
Special Session, July 1992
Capitol Station
Helena, MT 59620

**RE: Public Comments on the Burning and Importation of Hazardous
Waste in Montana.**

Dear Sirs:

The people of this state applaud your diligence in seeking to ferret out the current dangers in our hazardous waste management industry. Montana has stated its #1 priority in this arena- "public health is mission #1." (Dennis Iverson, Director, Montana Department of Health and Environmental Sciences). The possibility that current law may allow out-of-state corporate giants to begin hazardous waste transportation and disposal in this state before the needed rigorous siting criteria are in place makes the moratoria necessary.

Non-partisan scientific evidence shows that serious damage has already been done in communities where cement kilns are burning hazardous waste. The current proposal at Montana City would go down in flames if proper siting criteria were in place as it is located near a school, in a floodplain, and has questionable transportation facilities. To willingly expose our citizens to another legacy like Asarco's smelters, Butte's mines, Champion's forests- that is, water pollution, cancer, and environmental liability- undermines any attempt at sustainability for our health and economy. The very reasons for the current buoyancy in Montana's economy in the teeth of a national recession are threatened for the sake of a short-term "quick fix."

To wit, the economic impact of current cement kiln hazardous waste burning proposals will eventually be seen by all to be negative- of course, by then it will be too late to defray the long-term health and environmental costs. The smokescreen of job creation (industry itself admits only minor hiring increases per plant) masks the long-term negative impacts on health, the environment, and a productive work force. As you know, an increasing share of the state and federal budgets is being diverted to the unproductive task of environmental damage control and away from such productive tasks as infrastructural investment, education, and health care. Even the ranching community should beware the experience of the Netherlands where burning hazardous waste has made farmers' cattle itself a hazard requiring incineration. This state and the nation have been too

quick to accept environmental risks in exchange for short-term job creation in the past; let us not continue this legacy.

Transportation spills, kiln explosions ("upsets" in industry parlance), toxic emissions- these are the progeny born of cement kiln incineration of hazardous waste. We must require full-blown EIS/siting processes for each and every applicant for a permit. We must make cement kilns in Montana subject to the same rigorous burden of proof as other hazardous waste incinerators. These are not recyclers under the intent of the law; they produce hazardous waste from their fuel as end and by-products.

I strongly encourage all attempts at promoting recycling and source reduction in Montana. It is clear that increasing the capacity for hazardous substance disposal, however, flies directly in the face of more promising strategies such as source reduction, on-site treatment of process waste, and recycling itself. We need to encourage these strategies and eliminate loop-holes such as the those embodied in the "BIF" rules. Where incineration can be shown to be the best and safest alternative, stringent siting regulations for floodplains, schools, wetlands, etc. must be applied. Ad hocery will not work in the management of such dangerous substances.

The arguments of the applicants for cement kiln hazardous waste permits ring hollow: their waste will be imported, their profits will be exported, and their pollution will be left for Montana to deal with forever. Please heed the call of your state's children, physicians, educators, and other citizens. Help close the BIF loopholes, pass the moratoria on hazardous waste import and incineration, and work towards requiring a full EIS for each siting decision so that your citizenry is protected.

Sincerely,



Mark Albee
Montana DNRC Economist
11 John G. Mine Rd.
Helena, MT 59601

July 16, 1992

Larry Stimatz, Chair
House Natural Resources Committee

Dear Senator Stimatz and members of the Committee:

I write to you in support of HB58 and HB59 and urge your approval of these bills.

I am a resident of the Montana City area, but I write to you as a citizen who loves our state and is greatly concerned about the importing and burning of hazardous waste. In fact I'm scared. Too many times we've rushed ahead and paid the price later. Past environmental "mistakes" and disasters, even where we were reassured "everything will be safe", have taught me to distrust and in the very least, to question. I believe this moratorium will eliminate the possibility of companies (such as Ashgrove) applying to burn being "Grandfathered" in. I feel it is extremely important to take the time now to gather information so that rules and regulations can be written appropriately.

I am not so naive, I know there is power and money behind the push to oppose this moratorium. The opposition will argue about the economy and jobs, but that may not be worth poisoning our children, let alone our beloved land and water. There is big money to be made - please, let's not sell off our state so quickly. Some say this moratorium is a waste of time and needless, but if we err, let it be on the side of caution. Let's not turn "The Last Best Place" into the "Last Best Dump" in such a hurry.

Sincerely,

Marlyn G. Atkins
Marlyn G. Atkins

SENATE NATURAL RESOURCES
EXHIBIT NO. 14
DATE 7/16/92
BILL NO. HB58 + HB59

Because I cannot attend this hearing, I ^{will} have my wife read this short statement.

My name is Charles Hall Atkins. I am a fifth-generation Montanan and currently I am completing thesis research for a Master's of Science degree in Environmental Engineering at the Montana School of Mineral Science & Technology.

I have considered Ashgrove's proposal to burn hazardous waste in their cement kiln and have concluded that it does not bode well for the Jefferson Co. site nor for Montana.

First of all, a kiln is not an incinerator. They are maintenance intensive and subject to more mechanical breakdowns and human error.

Secondly, Ashgrove's plan to dump flue dust into a quarry could eventually permit extremely hazardous contaminants to migrate in to groundwater.

Thirdly, Ashgrove's numerous air and water violations demonstrate that they are not responsible stewards and should not be allowed to conduct environmentally sensitive operations.

Fourthly, opening the floodgates to other states' waste is inviting a deluge of long-term problems.

Inviting hazardous waste into Montana is not good business; it is short-sighted folly. Please support representative Madison's moratorium on burning hazardous waste.

SENATE-NATURAL RESOURCES

EXHIBIT NO. 15

DATE 7/16/92

FILE NO. #B 58 & #B 59

Charles H. Atkins

Box 166 MCR

Clancy, MT 59634

WITNESS STATEMENT

NAME: Anita Ayerimden DATE: 7/16/92

ADDRESS: Box 84 Blue Sky Heights dancy mt 5963

PHONE: 933 5936

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HB 58 & 59

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: We need restrictions on the siting of hazardous waste incineration near such sites as schools & daycare centers. This should be considered in the regular session of the legislature. No importation or permitting should occur until these restrictions are considered. I support the moratorium.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES
EXHIBIT NO. 16
DATE 7/16/92
BILL NO. HB 58+59

Mr. Chairman & Members of the Committee-

My name is Dawn Field. My husband and I ranch near Townsend.

I come with no charts, graphs, facts, or statistics. What I do bring is a ~~few~~ simple request for time. Time that will give the citizens of Montana the opportunity to educate and inform the issues involved with the disposal of toxic and hazardous materials. We our great state and her citizens that much.

I heard it stated by the opposition of HB's 58 and 59 House hearing that those of us supporting these bills are a "vocal minority!" We may be vocal, but I assure you we are no minority. As Montanans become more and more informed, you will hear our voices ^{growing louder and more vocal} opposing the dumping and disposal of toxic and hazardous waste in our state. I don't believe our citizens want this type of business in our state. Please vote to put in place the moratorium.

Thank You,

Dawn Field

2927 Hwy. 284

Townsend, MT 59644

~~2166~~ - 4464

SENATE NATURAL RESOURCES

EXHIBIT NO. 17

DATE 7/16/92

BILL NO. HB 58 + HB 59

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 16 day of July, 1992.

Name: Dawn Field

Address: 2927 Hwy. 284

Townsend, MT

Telephone Number: 266-4464

Representing whom?

Self

Appearing on which proposal?

HB's 58 & 59

Do you: Support? Amend? Oppose?

Comments:

I feel the citizens of Montana need to have an opportunity to educate themselves on the issues of toxic and hazardous waste disposal. The "experts" feel confident that their data is sufficient to allow the permitting of such disposal facilities now - I feel the citizens must be allowed to study this data and make up their minds - for or against. This will take time - please vote for the marathon -

Thank You!
Dawn Field

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY
SENATE NATURAL RESOURCES

EXHIBIT NO. 17

DATE 7/16/92

HR 58 + HR 59

DOWN THE HOROWA VALLEY TOWARDS CANTON FOREY
AND NEARBY FARMS AND RANCH LANDS.

WITNESS STATEMENT

NAME: DANNY PITMAN DATE: 7/16/92

ADDRESS: 913 SADDLE MTN. DRIVE CLANCY, MT 59639

PHONE: 443-0616

REPRESENTING WHOM? SELF

SENATE NATURAL RESOURCES
EXHIBIT NO 18
DATE 7/16/92
BILL NO. HB 58 + HB 59

APPEARING ON WHICH PROPOSAL: 58 + 59

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: THE MOST REASONABLE ALTERNATIVES FOR HAZARDOUS WASTE MGT. IS MANDATORY, DRAMATIC REDUCTION OF TOXIC AND HAZARDOUS MATERIAL USE AND WASTE GENERATION, AND HAZARDOUS WASTE INCINERATION SHOULD NOT BE ALLOWED UNTIL SUCH MEASURES ARE FULLY INSTITUTED.

PLEASE DEVELOPE AND ADOPT A HAZARDOUS WASTE FACILITY SITING ACT. DO NOT ALLOW HAZARDOUS WASTE TO BE STORED OR TREATED NEAR SCHOOLS, RESIDENCES, PARKS, WATER BODIES OR IN PROXIMITY TO 500-YEAR FLOOD PLAINS AND GEOLOGIC FAULTS. IF MT. WERE TO ALLOW HAZARDOUS WASTE BURNING, SITES MUST BE LOCATED THROUGH A RIGOROUS SITING PROCESS. HAZARDOUS WASTE BURNING SHOULD BE ALLOWED ONLY UNDER LIMITED AND BY OPTIONAL CIRCUMSTANCES, AND ONLY IF ALL RESIDUAL PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

~~HAZARDOUS WASTE BURNING AT SITES LOCATED~~
MATERIALS HAVE BEEN PROVEN TO BE SAFE FOR HUMAN HEALTH AND THE ENVIRONMENT.

I LIVE WITHIN 1 1/2 MILES OF THE ASH TRAILS CONCRETE PLANT AND HAVE WITNESSED ASH BLOWING FROM QUARRY ~~WHERE~~ WHERE INCINERATION ASH IS DUMPED. ASH TRAVELS OVER

JULY 12, 1992

DANNY L. PITTMAN & MARGARET A. PITTMAN
913 SADDLE MOUNTAIN DRIVE
CLANCY, MONTANA 59634

TO WHOM IT MAY CONCERN:

WE OPPOSE THE BURNING AND STORAGE OF ANY TOXIC WASTE
MATERIALS AT FACILITIES IN MONTANA.

WE SUPPORT THE PROPOSED MORATORIUM OF ANY BURNING AND STORAGE
OF TOXIC WASTE MATERIALS IN MONTANA.

SINCERELY,


DANNY L. PITTMAN


MARGARET A. PITTMAN

SENATE NATURAL RESOURCES

EXHIBIT NO. 18

DATE 7/16/92

BILL NO. HB 58 + HB 59

WITNESS STATEMENT

NAME: Pamela Carlson DATE: 7-16-92

ADDRESS: Box 930 MCR, Clancy, MT 59634

PHONE: 449-5551

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: #58 & #59

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Please vote to support the moratorium to study this issue for 1 year. I live in Montana City and my 2 children attend the school located approx 1 block from this cement plant.

I don't want my sons to become a test case as to whether or not it's safe to burn hazardous waste in a cement kiln.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES
EXHIBIT NO. 19a
DATE: 7/16/92
BILL NO. HB58 + HB59

WITNESS STATEMENT

NAME: R.L. DeVelice DATE: 7-16-92

ADDRESS: 571 SOUTH Rodney - HELENIA

PHONE: 444 2817

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: FIFTY EIGHT - FIFTY NINE

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: No Toxic waste Burning

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

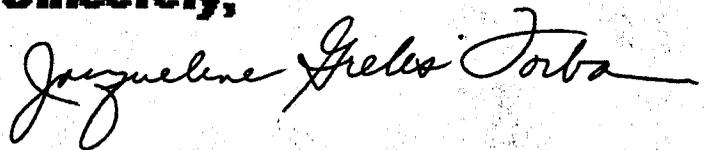
SENATE NATURAL RESOURCES
EXHIBIT NO. 19 b
DATE 7/16/92
BILL NO. HB 58 + HB 59

July 15, 1992

I am a resident of the Montana City community and I am writing to you to urge your strong support of Senator Jim Madison's House Bills 58 and 59. The Montana legislature must allow itself the time to fully consider the issue of hazardous and medical waste disposal. A comprehensive plan to deal with this issue which addresses the potential health, environmental and economic effects is essential.

The Department of Health and Environmental Sciences is in the process of formulating rules for the permitting of companies which propose to burn hazardous and medical waste. These rules must address the siting of these facilities. Siting is one of the most critical aspects of this issue and one which the companies would like to downplay. The legislature must not allow that to happen! Support House Bills 58 and 59 and give this issue your full consideration when you reconvene in January 1993.

Sincerely,



**Jacqueline Grellis Forba
Star Route Box 180
Clancy, Montana 59634**

SENATE NATURAL RESOURCES
EXHIBIT NO. 19c
D. 7/16/92
BILL NO. HB 58 + HB 59

July 15, 1992

Senator Larry Stimatz, Chair
Senate Natural Resources

Dear Senator and members of the Committee:

I write to you in support of HB 58 and urge your approval of the bill. As a citizen living in the shadow of the cement plant at Montana City I ask you to not let Montana become the handmaiden of hazardous waste, the consort to the nation's garbage.

The Constitution of the State of Montana in Article II, Section 3 grants to us all "...the right to a clean and healthful environment...". We need not play the role of prostitute as our state has too often in the past. Be assured no one would have testified before this Committee in the late 1890's that the smelter at Anaconda would pollute the ground water in Milltown with heavy metals or make the Clark Fork a major clean up project. No one would admit that lead, arsenic and other dangerous materials would make the yards of homes in East Helena unsafe to our children. Until there is firm, clear and convincing evidence to the contrary, I urge you to protect us and not to sell us to special interest.

I do not say that never can waste be burnt, but I am saying we do not yet know enough to make a well informed decision. Rest assured the captains of industry will not agree. What fox would say the chicken coop is not strong enough? In Montana's past when the captains of industry left the citizens inherited health hazards and monstrous superfund projects. While soil, water and trees can not vote, you can. Recalling the guidance of our Constitution, please support this bill.

Sincerely,



Edwin L. Hall
Montana City

Exhibit #19d
7/16/92
Senate Nat'l Resources
HB 58 + HB 59

WITNESS STATEMENT

NAME: Phyllis Wierzbensky DATE: 7-15-92

ADDRESS: Box 885 Sawmill Rd Clancy MT 59634

PHONE: 442-9805

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: 58-59

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

I appeal hb 58-59 to stop
the continuing process of issuing
a permit to Ashgrove Cement.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES
EXHIBIT NO. 19e
DATE 7/16/92
BILL NO. HB 58 + 59

Gentlemen,

We are writing this letter to ask all of our Reps. to vote for the moratorium against the burning of hazardous wastes in Montana. We feel that burning of this waste so close to populated areas could pose a threat to our's and our children's health and needs more study.

Sincerely

Dan & Ann

Flattigle

#24 Jefferson Hills

SENATE NATURAL RESOURCES

EXHIBIT NO. 19f

DATE 7/16/92

BILL NO. HB58+HB59

are much more stringent than ours.

A moratorium will give us time to investigate and improve the permitting process. It will give us time to investigate emissions standards, to receive testimony from expert witnesses in this area so Montana may enact valid + stringent regulations of hazardous + medical waste incineration. Lets protect one of Montana's greatest resources and greatest tourist attraction - our pristine environment. Let's take time to adequately protect the health of our citizens for generations to come.

The short term economic benefits of a few should not take precedence over the long term consequences for many. I want to see Montana at the forefront of states defending and protecting the health of their environment and citizens.

Thank you,

Kathy Sherwood

WITNESS STATEMENT

NAME: Katharine A. Sherwood DATE: 7/16/92

ADDRESS: P.O. Box 9086, Helena, MT. 59604

PHONE: 449-3917

REPRESENTING WHOM? Myself and all other owners of the Climbing Arrow Ranch near Ringling + Maudlow,

APPEARING ON WHICH PROPOSAL: HB 58 + 59

SENATE NATURAL RESOURCES
EXHIBIT NO. 19g
DATE 7/16/92
BILL NO. HB 58 + HB 59

DO YOU: SUPPORT? AMEND?

OPPOSE?

COMMENTS: _____

① The permit for medical waste incineration was granted by the Solid Wastes Bureau without consulting the Water Quality Bureau which had documented information of continued water quality violations by Alcotech, Inc. (Please see attached article from Helena Independent Record, 7/9/92, & quotes from Kevin Keenan, program manager of enforcement + legal support for the WQB.) Also, I have learned that while Alcotech, Inc. was given the air quality permit for the medical waste incinerator, Western Recovery, Inc. was given the solid wastes permit. On 6/13/92, the attorney for the Solid Wastes Bureau stated he believed Alcotech, Inc. had transferred the air quality permit to Western Recovery. This permit granting process does not seem thorough (Bureaus within the DHES did not share information with each other). Also what laws or regulations govern the transfer of permits?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Legally, can a permit be granted to a company which has had its corporate powers, rights, + privileges suspended by the Secretary of State (see attached document).

Let's clean up and improve this permitting process.

② Experts in the area of air + water emissions feel EPA regulations and recommendations are too lax. European

Waste plans lashed

Moratorium sought on incinerator permits

Stories by GRANT SASEK
IR Staff Writer

Efforts to expand the special session to consider a moratorium on hazardous or medical waste incineration were only one legislator's signature away from succeeding Wednesday evening.

And Rep. James Madison, D-Jefferson City, said that one needed signature has been promised.

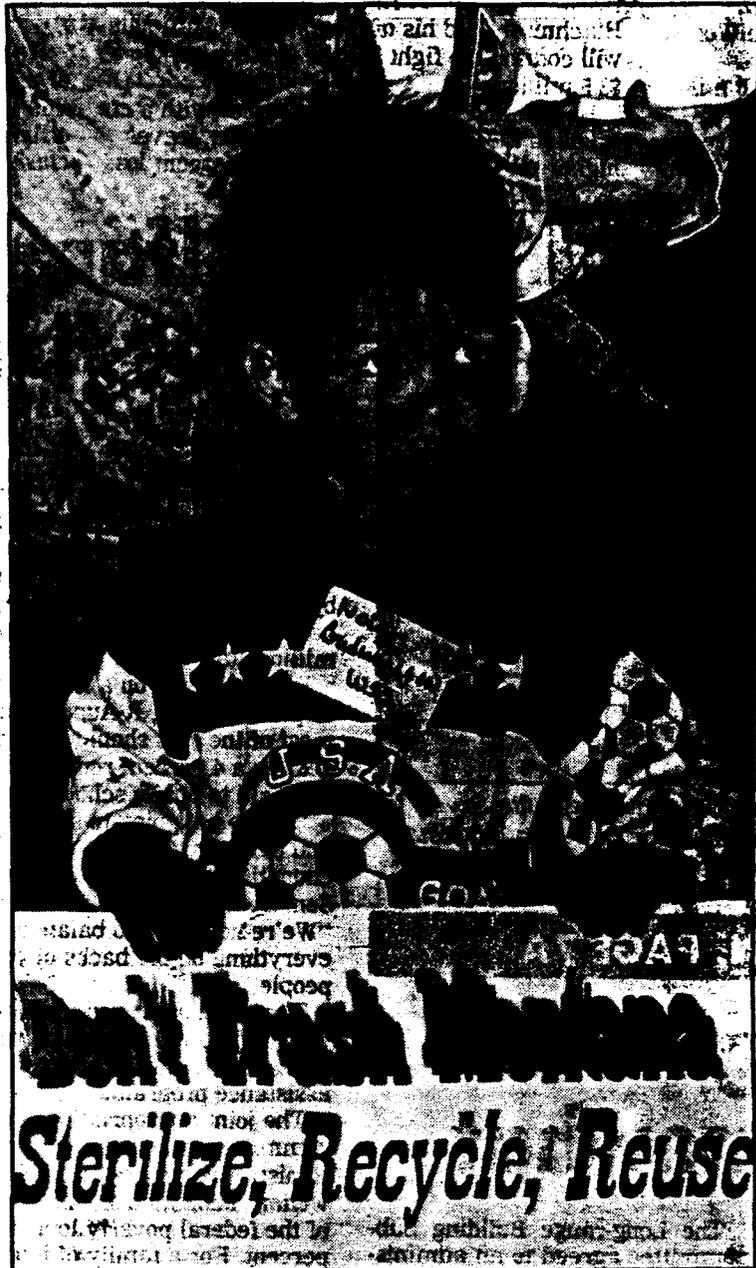
"I expect to get the signature in the morning," Madison said late Wednesday.

The year-long moratorium, if passed, would impact a proposal to burn medical waste at Ringling and two proposals to burn hazardous waste near Montana City, southeast of Helena, and at Three Forks.

Madison told the *Independent Record* Wednesday night that 75 legislators had signed a petition to expand the session.

For legislators to be able to consider the moratorium, 76 of them — a majority of Montana's senators and representatives — must sign the petition.

While the petition was making its rounds, about 60 people — including members of the Ringling-based Last of the Best Coalition — participated in a rally in the Capitol rotunda to protest plans to burn medical or hazardous



About 75 people carrying signs and singing songs, including young Nolan Gudmondson of White Sulphur Springs, were on hand for a hazardous waste rally in the Capitol rotunda Wednesday. (Staff photo by Gene Fischer)

Violations at related plant worry Ringling residents

Water quality violations by those proposing to burn medical waste at Ringling have some people worried.

Western Recovery Systems, Inc., the company proposing to incinerate medical waste at Ringling, is associated with Alcotech Partnerships, the company operating an ethanol plant in Ringling.

Alcotech was sued by the state Department of Health and

waste near the three Montana cities.

Most of the attention was focused on the medical waste incineration proposal for Ringling.

Speakers at the rally joined a call by the state Department of Fish, Wildlife and Parks last week that Western Recovery Systems, of Ringling, be required to complete an extensive environmental impact statement before being licensed to burn medical waste.

Western Recovery proposes to incinerate medical waste seven days a week to supply heat to a nearby ethanol plant during its processing.

The company already has received its needed air quality permit and is in the permitting process with the Solid and Hazardous Waste Bureau.

One of the company's partners, Jay Doig, said he doesn't think an EIS is needed.

"The state led us to believe it shouldn't be necessary," Doig said.

Some of those at the rally said that along with a lot of unanswered questions about the process that an EIS might answer, they are concerned with the past history of a company associated with Western Recovery (see accompanying story).

Phil Whitehawk, president of the Ringling coalition, said that for now, state officials should just say "whoa" and take more time studying the process before issuing the permits.

Representative Mike Foster, R-Townsend, who signed the petition, agreed with Whitehawk.

"If its a good idea now, it will still be a good idea a year from now," Foster said during the rally.

The petition is asking legislators to consider prohibiting the permitting of hazardous or medical waste incineration or importation until October, 1993.

The petition was carried by Madison in the House of Representatives and in the Senate by Sen. Jack "Doc" Rea, D-Three Forks.

Madison said 53 representatives and 22 senators signed the petition.

Another representative has

Violations

Continued from Page 1A

Environmental Sciences in 1982 because of alleged violations of the state Water Quality Act.

Kevin Keenan, program manager of enforcement and legal support for the Water Quality Bureau, said the company still isn't living up to the 10-year-old court settlement resolving the issue.

Jay Doig, president of Alcotech Partnership and a partner in Western Recovery, said the violation in 1982 was the company's only one and that it is meeting the requirements of the settlement.

Keenan said that in 1982, the department determined that a fish kill in 16 Mile Creek was caused by waste water discharged from the ethanol plant.

To resolve the problem, the department issued an administrative order compelling Alcotech to clean up the damage and to develop a plan so it would not happen a second time, Keenan said.

When Alcotech failed to comply with the order, the department sued the company for the violation, he said.

The case was dismissed when Alcotech and department officials reached a settlement.

"Alcotech clearly has not met the conditions of that settlement," Keenan said.

Alcotech continued to discharge waste water where it should not have been and, for years, an area Alcotech was ordered to clean up, was not, Keenan said.

"For whatever reason, the Doigs have never seemed interested in complying with the Water Quality Act," Keenan said of the company's owners.

Although Keenan has photographs of tainted water allegedly being released where it should not have been, Doig insists there have been no discharges violating the agreement.

"That is an absolute lie," Doig said.

Doig did say that not all of the area ordered to be cleaned up has been, but added that the company still is working on the project.

"They are alleging things they have never been able to prove," Doig said.

Keenan said although the department hasn't filed any new charges against Alcotech, "We should have."

Keenan said he is beginning the paperwork to start another action against Alcotech.

told Madison he also will sign, Madison said.

Don Sterhan, another of Western Recovery's partners, doesn't think the moratorium is a good idea.

He said the proposal is consistent with recently-passed state law and the best alternative to a tough problem.

"If not this, then what are we going to do?" Sterhan asked the crowd.

Tom Daubert, a public relations consultant for Ash Grove Cement Company — one of the

companies proposing to burn hazardous waste in its cement kiln — described the move as "disheartening" and a waste of taxpayer money.

According to Daubert and Jerome Anderson, a lobbyist for Trident Cement in Three Forks, the earliest either of the cement plants could gain approval of the needed permits is three years away.

The moratorium, Daubert said would just delay the process by another year.

WHO IS ALCOTECH?

According to information filed with the Secretary of State's office, both Alcotech Partnership, which operates the ethanol plant at Ringling, and Western Recovery Systems, Inc., which is proposing the nearby medical waste incinerator, are directed by the same people.

In September, 1989, Alcotech, Inc. and Brimmco,

Inc. filed to form Alcotech Partnership.

Alcotech, Inc.'s president is Jay Doig and its secretary is Gordon Doig.

When Western Recovery Systems filed to incorporate in March of this year, two of its three directors listed included Jay and Gordon Doig. The third director is Donald Sterhan.

SECRETARY OF STATE

STATE OF MONTANA

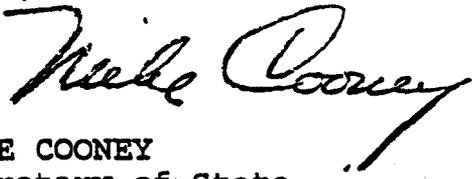
CORPORATION: ALCOTECH, INC.

FOLDER: D052792

NOTICE OF SUSPENSION

The Department of Revenue has filed notice with the Office of the Secretary of State that the above mentioned corporation has had its corporate powers, rights and privileges suspended for failure to file an annual corporation license tax return and/or pay the annual corporation license tax. This suspension is according to Section 15-31-523, Montana Code Annotated.

By order of the Secretary of
State of the State of Montana,
this 13th day of October,
A.D., 1989.



MIKE COONEY
Secretary of State

(GREAT SEAL)

To Whom This May Concern,

My name is Karen Semple and I live in Montana City. I support the moratorium on toxic waste burning in the State of Montana. A great need exists for the true facts of the matter to be examined thoroughly before ~~it~~ ^(toxic waste burning) is permitted - even on an interim basis.

Thank you,

Sincerely,

Karen Semple

Karen L Semple

Star Rt 175

Clancy, MT

59634

SENATE NATURAL RESOURCES

EXHIBIT NO. 196

DATE 7/16/92

BILL NO. HB 58 + HB 59

July 14, 1992

To whom it may concern:

I am in favor of the moratorium on the burning of hazardous waste at the Ash Grove Cement Plant in Jefferson County. Any hasty decision in this matter would be extremely foolish.

Mrs. Margaret Stuart
Box 941 MCR
Clancy, MT 59634

449-6911

SENATE NATURAL RESOURCES

EXHIBIT NO. 191

DATE 7/16/92

BILL NO. HB 58 & HB 59

WITNESS STATEMENT

NAME: Jean K Ward DATE: July 16-92

ADDRESS: 571 S. Rodney, Helena, Mt.

PHONE: 449-7819

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: 58-59

DO YOU: SUPPORT? X! AMEND? _____ OPPOSE? _____

COMMENTS: I do not want to see any toxic or medical waste burning or storage importation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES

EXHIBIT NO. 19j

DATE 7/16/92

BILL NO. HB 58 + HB 59

TESTIMONY

ALLEN S. LEFOHN
CLANCY, MONTANA

1. WE NEED TIME TO CONCERN OURSELVES WITH HAZARDOUS WASTE, MEDICAL WASTE, AND ANY OTHER WASTES THAT EITHER MONTANA COMPANIES OR COMPANIES OUTSIDE OF MONTANA WANT TO SEND TO MONTANA.
2. DOES MONTANA WANT TO ACCEPT LARGE AMOUNTS OF HAZARDOUS WASTE AND MEDICAL WASTE MATERIALS FROM OUTSIDE ITS BORDERS? IF SO, WHAT PROTECTION TO HUMAN HEALTH AND ENVIRONMENTAL CONCERNS SHOULD WE HAVE?
3. JUST TO SAY MONTANA IS MEETING EPA GUIDELINES IS NO LONGER ADEQUATE.
4. THE PRESIDENT'S COMPETITIVE COUNCIL IS ATTEMPTING TO NEUTRALIZE MANY OF EPA'S RULES AND GUIDELINES.
5. STATE GOVERNMENT MUST OBTAIN ITS OWN DATA AND DRAW ITS OWN CONCLUSIONS.
6. SITING IS AN IMPORTANT CRITERION THAT WILL HAVE TO BE ADDRESSED IN THIS ISSUE.
7. AS AN ENVIRONMENTAL SCIENTIST, MUCH OF MY WORK IS ASSOCIATED WITH ASSESSING THE POTENTIAL IMPACT OF HUMAN ACTIVITIES ON THE ENVIRONMENT. MANY TIMES WE HAVE TO ASSUME THE WORST CASE AND PREDICT WHAT THE CONSEQUENCES OF SUCH A CASE WOULD BE.
8. FOR THIS SPECIFIC ISSUE, BESIDES ENGINEERING REQUIREMENTS, IT IS IMPORTANT TO PREDICT WORSE-CASE SCENARIOS. EVEN THE BEST-DESIGNED ENGINEERING FACILITIES CEASE TO WORK AS PREDICTED.
9. THOSE OF US WHO HAVE RAISED OUR CHILDREN IN MONTANA HAVE A DUTY TO FUTURE GENERATIONS OF MONTANANS. WE NEED TO GUARANTEE THAT MONTANA REMAINS THE MONTANA AS WE KNOW IT TODAY.
10. WE NEED TO CONSIDER THE COSTS AND BENEFITS TO MONTANANS ASSOCIATED WITH IMPORTING AND BURNING HAZARDOUS, TOXIC, AND MEDICAL WASTES. THIS IS NOT A SIMPLE PROBLEM THAT IS EASILY SOLVED WITH INSTANT REGULATIONS. MONTANANS MUST CLEARLY SET ITS PRIORITIES ON THIS ISSUE.
11. THE LEGISLATURE, THE EXECUTIVE BRANCH AND MONTANA'S CITIZENS MUST CAREFULLY EVALUATE THIS VERY IMPORTANT ISSUE. WE NEED THE TIME TO DO THE RESEARCH AND DEVELOP AN INTELLIGENT STRATEGY FOR HANDLING A MOST DIFFICULT AND POTENTIALLY DANGEROUS ISSUE.

SENATE NATURAL RESOURCES

EXHIBIT NO. 20

DATE 7/16/92

BILL NO. HB 58 + HB 59

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 16 day of July, 1992

Name: Allen S. Lefohn

Address: PO BOX 196
CLANCY MT 59634

Telephone Number: 933-5390

Representing whom?
self

Appearing on which proposal?
HR/S SB/59

Do you: Support? Amend? Oppose?

Comments:
We need the time to assess what
impacts these activities will have on
Montana. A siting criterion is needed
in addition to the other criteria.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY, NATURAL RESOURCES

EXHIBIT NO. 20
DATE 7/16/92

DATE 7/16/92

COMMITTEE ON Nat'l Resources

HJR 1 - HB 58 - HB 59

pg 1 of 3

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Elizabeth Brewer	Self	58	X	
Rebecca Johnston	self	58	X	
Wayne Long	self	58	X	
Nancy Mackay	self	58	X	
Mama Kuak	self	58	X	
Katherine McVeigh	self	58	X	
Edith Brekke	self	58	X	
Nancy Boone	self	58	X	
CANDICE BELLET	HAST OF THE BEST CAUTION	58	X	
John Hanewald	" " " " " self	58	X	
Marilyn Grossberg Atkins	self	58-59	X	
John Beaver	self + Last of Best	58	X	
John Beaver	self	58	X	
Charles Logan	self	58	X	
Linda Jeffrey	self	58	X	
Allen S. Belfor	self	58	X	
Mark Albee	Self	58/59	X	
Mark Bruner	SELF	58/	X	
Leta L. Jones	self	58	X	
Clayton Field	self	58	X	
Pat Tallent	MT City School District 27	38-	X	
BACHAR SIRS	SELF	58-59	X	
Phyllis Meierhenry	self	58-59	X	
DANNY FITZMAN	SELF	58-59	X	
Anne Johnson	Maintenance Against Toxic Burning, Gall Co. Physicians	58	X	
Mike Hip	self	58	X	

(Please leave prepared statement with Secretary)

DATE

7/16/92

COMMITTEE ON

Nat'l Resources

HJR 1

HB 58 59
VISITORS' REGISTER

Pg 2 of 3

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Tom Daubert	Ash Grove Cement	58-59	NEUTRAL	
Pamela Carlson	self	58-59	X	
Dawn Field	self	58-59	X	
Kathy Sherwood	Climbing Arrow Ranch	58-59	X	
Nancy Mc Caffee	Self	"	X	
Stan Bradshaw	MTU.	HJR 1	✓	
Stan Bradshaw	MTU.	58-59	✓	
PAUL SMIETANKA	SELF	HB 58-59	✓	
MARY ANN WELLBANK	SELF	HB 58 59	✓	
Dave Anderson	Jeff. Co. Commissioner	HB 58-59	✓	
Bob Roney	5th Rep	58-59	✓	
Khris Chennell	Self	58	X	
Graham Chennell	Self	58	X	
Loren Chennell	Self	58	X	
Rick Meis	Roxeman Community Recycling Center	58/59	X	
Jean K. Ward	My self	58-59	X	
Linnaea DeVelice	Myself	58-59	X	
MARY ANN WELLBANK	Self & family	58-59	X	
STROM ANDERSON	HOLNAM INC		NEUTRAL	
Jim Jensen	MEIC	HB 59	✓	
Judy Albright	self	58	✓	
ERIK SIRS	self	58-59	✓	
GEORGE OCHESKI	SELF	HJR 1	✓	
Janet Ellis	MT Audubon Council	HJR 1	✓	
Janet Ellis	MT Audubon Council	HB 58 59	✓	

(Please leave prepared statement with Secretary)

