

March 25, 1977

The Natural Resources Subcommittee on Solid Wastes met at 8:30 a.m., in room 437, on March 25, 1977, to consider SBs 175 and 200. Chairman Bengtson presided and present were Reps. Cooney and Curtiss, Senator Margaret Warden, Terry Carmody, Health Dept., Dean Zinnecker, Assoc. of Counties, Dan Mizner, Assoc. of Towns and Cities.

Chairman Bengtson said SB 175 provides front end money that the counties could apply for and use to implement their planning on solid waste.

Dean Zinnecker said they had an amendment to provide that the planning money would be grant money and would not need to be used for just planning.

Senator Warden said the \$300,000 at a maximum includes 15 proposed areas and three resource recovery facilities--it would not be enough money to do more than make a plan.

Terry Carmody said there are two sources of funding--one (175) for planning and other for loan money which can be used to implement the plans.

Chairman Bengtson questioned if counties weren't planning now.

Dean Zennicker said they had a problem with people protesting. He said it was difficult for an elected official to force something down the throats of their people. Mr. Carmody said they have never had over 50% opposing.

Senator Warden said if this isn't done by the local entities federal government will come in and do it whether we like it or not. She said what we are trying to do with these two bills is to provide some solid waste management in the state.

Chairman Bengtson questioned the source of money. She asked how they justify using Renewable Resource funds for this. Terry Carmody said the resource recovery planned will be used as an energy source. He said it is just down the road--2 to 10 years. He said it will be absolutely necessary to utilize this material more than once. He said it is necessary to get away from the "use it once--throw it away attitude." He mentioned there are these plants in Ames, Iowa, and in New York State and New Orleans. As far as needing a bigger population, he said the one in New York has 650 tons a day and Billings has 350 tons a day, and an engineering study has shown by including outlying towns you get 500 tons a day and it will be more economically handled than they can do it themselves. These plants will cost in the neighborhood to 2 million to 6 or 7 million.

In response to a question Senator Warden said on page 13, line 3, private enterprise is encouraged. She said these smaller towns that are close enough to combine and have just one instead of several disposal areas will then need less equipment and fewer man hours to handle the area. As a result the cost would be lowered. In response to the thought that each area wanted their own, Senator Warden said there is nothing that says any particular area has to go for this--they are perfectly free to have their dump as long as it complies with the proper procedures.

Chairman Bengtson asked if these bills would beef up the requirements for having a dump. Mr. Carmody said no.

Mr. Mizner said they have no complaints about SB 175. He said their problems are with SB 200 from the small town approach. Their problem is being able to afford the land on which to put their solid waste disposal area in order to comply. He objected to changing the penalty from criminal to civil. He said you can get a civil order and the next day you can be fined. He felt the subcommittee should check on the authority that will be granted to the state Health Dept. He said over the years under Terry Carmody the relationship has been good--but he said they may not always have Mr. Carmody. He said what the law says is what I have to look at.

Mrs. Bengtson questioned the new language on page 14. Mr. Carmody said solid waste should pay for itself on a pro rata basis. He said all this language says is if a local government entity finds out that it is not getting enough money it can increase the rate. He said personally he doesn't think this language needs to be in there as municipal codes allows this. As far as costs he said there will always be increased costs but this program and the area wide approach is going to be the most economical way of disposing of wastes. Senator Warden said they didn't want any fees put on unless there was a definite reason. Could be people living out of the area that wanted to bring a load of garbage and they would pay a certain fee for using the dump.

Mr. Zinnecker felt that on page 14, section (7) could be left out. He didn't think the state would have any difficulty collecting loan payments from the local government, and he didn't feel the state should be given this blanket authority to collect from other state taxes apportioned to that county. Mr. Carmody asked if he was sure this was true of all 56 counties. Mr. Zinnecker said he didn't know of one bad debt a county has had.

Rep. Curtiss asked of Senator Warden if the federal government will do this if we don't. Senator Warden said a law was passed in 1976 which demands that the state have a plan; and demands rules and regulations be adopted to carry out the plan; and provides funds for hazardous wastes. She said it provides for all kinds of benefits if the state has a plan. If the state doesn't do it the federal government will do it within 5 years. She said there will not be any federal money available without the plan. She said with 126 cities and 56 counties this plan will take time to prepare. She said the plan is to be made by the State Board of Health, a group of lay people who give direction to the Board of Natural Resources. She said again if a local entity doesn't want anything to do with this as long as they comply with the law they can exempt themselves out. She said her understanding in the Senate was that everybody was happy with the bills--she was surprised to see the two gentlemen from the counties and cities protesting the bills.

Mr. Zinnecker said the Senator was correct about the federal part but incorrect about his being happy with the bills--he said he was still concerned because no money has been funded yet to aid the small towns to comply.

Senator Warden said when back in Washington recently she had talked to the congressional delegation and found this project is in the proposed budget. She said it will take the better part of a year or two to get the state plan together. She said after the rules and regulations are formed there is a place that the local community can opt to get out.

Rep. Cooney said he believed in what they were trying to do. He asked what would encourage the manufacturers to improve if we pass this bill. Senator Warden said she didn't believe there is any way. She said it will be a long, long time before the manufacturers will do very much to change their materials so there won't be these throw away cartons. She said she thought the American public has been so used to throw away that until we are faced with an emergency we are going to have those things. She said as far as resource recovery is concerned people who opposed the bottle bill support this. She mentioned the Great Falls shredder--she said that shredder pays for itself this year.

Mr. Carmody said Mr. Cooney is talking of source separation in the home. He said if we could convince the American public to do this it would be an important economical savings. He said millions have been spent in demonstration programs and the best they could come up with was 70% participation and even then problems with markets. He said what it comes down to is the majority of homeowners are not willing to take the time to strip the paper off the metal cans, to separate the colored glass from the other glass, save the newspapers. He said it will need to come from the federal government with a change in packaging. He mentioned used oil which is just as useable as virgin.

Senator Warden said the local communities have to comply with the ruling that they can't have a burning dump--which ruling isn't being complied with in all instances now. She said there are 15 disposal sites which are top quality out of a total of 227. She said again that if Mr. Zinnecker and his people don't want this front end money they don't need to take it.

Mr. Carmody said if the committee chooses to scuttle both of these bills there is a law on the books that mandates local governments will dispose of garbage properly. He said complaints he has received is that they do not have the money to do the planning to improve their disposal systems. He said all 175 does is give them the money to do it. SB 200 talks of how we will best and most economically handle this problem--and supplies the loans to implement. He said the civil penalty would still require the going to court to prove a complaint. He said if its not in fear of a penalty why should we obey any law.

Senator Warden mentioned Polson refuse dump and the potato disease that spread from there; also Dutton which she said she has never seen but it is burning. She said the cities and counties want the money but with no strings attached.

Mr. Mizner said the League of Cities supports 175 but feels that 200 is a political maneuver to keep things pretty much what they are. He said some of these small communities have very little income to comply with the laws. He felt the legislature does not look to the problems of these communities--what they need is money help to solve their problems.

Mr. Carmody said much of what Mr. Mizner had said is in support of the bills. It would set up solid waste disposal on a tax base, on a fee for services. He said that is what they have been pushing all along to get away from trying to run a disposal site of their own by hauling to their neighbor--and this can be done for a reasonable fee. He said there isn't a court in the land who would come down on a community for not doing something that they just economically can't do.

Senator Warden said solid waste has to go someplace and people pay a fee for disposing of it. In some places it is cheaper to do it yourself others it would be cheaper to haul it to a neighbor.

In response to a question by Rep. Curtiss on how many counties have a system, Mr. Carmody said 100 of the operations are pretty good but 127 are just open burning dumps.

Chairman Bengtson requested the subcommittee to take a look at the amendments presented by the Assoc. of Counties and the League of Cities and Towns.

Senator Warden said she would oppose changing to criminal penalties from civil--too much influence on the county attorney by local officials and this section also contains the reference to hazardous wastes which should be left in the bill. She felt the bill should be left as it is.

Mr. Carmody questioned removing the section on page 11, lines 11 to 14. This has to do with authority to report about hazardous wastes. He felt they needed this. Mrs. Curtiss asked if this would make it necessary to have extra clerical help to make the reports.

Mr. Mizner objected to additional reports. He said again they support 175 but object to 200. He said they would rather see a criminal penalty than a civil.

Senator Warden said of the amendments that on page 14, subsection (6) is needed as it insures the local entity will have adequate money to take care of its solid waste--otherwise it would not be clear they can charge an extra small fee to get waste to the dump. Concerning subsection (7) she said you have heard local governments don't default so this is no problem.

Mr. Zinnecker questioned the constitutionality of section 9. Mrs. Warden said she had checked it out and no problem.

Chairman Bengtson said the subcommittee would meet again at 11 on Monday.

Meeting adjourned at 10 a.m.

Respectfully submitted,

Esther Bengtson
ESTHER BENGTSON, Chairman