

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

February 9, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on February 9, 1977 at 9:37 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Lockrem and Senator Thomas.

The following visitors were present: Owen Thompson; Fred Flowers, Fred's Crane Service; James M. Wylder, Montana Soft Drink Association; Fritz Smith, Pepsi Cola of Helena; R. F. Jorgusen, Sr., Great Falls Coca-Cola Bottling Co.; Elton M. Andrews; Terry Carmody, Department of Health and Environmental Sciences; Kathleen Bauer, Polson; Bill Fauke; Sandi LaSalle; Donna Hartley, Hartley's Garbage Service; Pete Frazier, Great Falls City-County Health Department; Russ Ruben, Flathead County; Jim Murry, Montana State AFL-CIO; Stephan M. Williams, Anaconda Company; Bob Gannon, Montana Power; L. D. Huss; Robert N. Holding, Montana Wood Products Association; Dave Wanzenried, State Commission on Local Government; Glen Drake, League of Cities and Towns; Dean Zinnecker, Montana Association of Counties; Russ Cannon, Montana Food Distribution.

CONSIDERATION OF SENATE BILL 200: Senator Warden, Sponsor of Senate Bill 200 gave a resume of the bill (attached). Senator Warden read a telegram she received from Douglas G. Stewart, President, Montana Recycling Inc., Missoula (attached). Steve Brown, Legal Counsel, State Department of Health and Environmental Sciences, stated approximately half of the land fills are not operating in compliance with the law as there is insufficient money to operate land fills. Hopefully this bill would make the state eligible for federal funds to properly operate land fills. Health Department can only recommend to local government what to do with land fill operations. Steve Brown proposed amendments to Senate Bill 200 (attached). Jim Murry, Executive Secretary, AFL-CIO, testified in support of Senate Bill 200 (attached). Steve Williams, Anaconda Company, supports Senate Bill 200 with the amendments proposed by Mr. Brown and feels the bill is needed at this time. Senator Warden stated the Montana Railroad Association supports Senate Bill 200 with the amendments proposed by Mr. Brown. Pete Frazier, City-County Health Department in Great Falls, read a letter (attached) from

Feb. 9, 1977

Don Pizzini, City-County Health Department, Great Falls, who was unable to attend. Mr. Pizzini proposed the following amendment to Senate Bill 200: Number 2 of Section 5, Section 69-4004, Revised Codes of Montana, 1947, to read as follows: "The Department shall obtain the approval of the appropriate local board of health prior to issuing a license pursuant to this section. Each license issued under this section shall not be valid until countersigned by the local health officer having jurisdiction in the county in which the solid waste management system shall operate. The department shall refer all licenses to the local health officer for his validation signature prior to the issuance of a license by the department. The validation signature may be affixed only after the local health officer is satisfied that the solid waste management system can comply with the requirements of this chapter, and the rules adopted under this chapter. If the appropriate local board of health and local health officer fail to act upon any license application within fifteen (15) days of receipt of said license application, the department may then issue a license without the local validation signature, after having inspected the proposed site to determine compliance with requirements of this chapter, and the rules adopted under this chapter." Bill Funk, Polson, Lake County tax payer, Jim Wylder, President of the Great Falls Coca-Cola Bottling Company and Cathy Bauer, Polson, testified in favor of Senate Bill 200. Elton Andrews, Helena, testified in support of Senate Bill 200 (attached).

Dean Zinnecker, Montana Association of Counties, testified in opposition to Senate Bill 200 stating this problem should be handled at the local level.

Bob Gannon, Montana Power, proposed an amendment to Senate Bill 200 as follows: 1. Amend page 11, section 9. Following: line 12 Insert: "(3) Nothing in this act may be construed to require a license under this act for disposal of solid or hazardous waste or transportation of hazardous waste from a facility for which an applicant has obtained a certificate under the Major Facility Siting Act." (attached)

Robert Holding, Executive Director, Montana Wood Products Association, Missoula, proposed the following amendment to Senate Bill 200: Section 3, page 4, line 13, change the period to a comma and insert "excluding wood chips and wood used for manufacturing or fuel purposes." (attached)

Senator Warden, in her closing statement, stated

federal requirements for land fill operations will be implemented in five years in Montana.

The committee held a brief discussion of Senate Bill 200.

ADJOURN: The meeting adjourned at 10:55 with the next meeting to be held Thursday, February 10, 1977.

  
Senator George McCallum, Chairman

mm



SENATE

## Local Government COMMITTEE

BILL SB 200

VISITORS' REGISTER

DATE 2-9-77

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Quinn Thompson	Thompson Excavating	200	✓	
Fred Flowers	Fred's Crane Service	200	✓	
Marwin E. Mutyala	Winter M. Disposal	200	✓	
James M. Wyder	Montana Soft Drink Assoc	200	✓	
David Smith	Poppi Cola of Helen	200	✓	
R. J. Jorgensen Jr	S. Falls Coca Cola Bottlers	200	✓	
Elton M. Anderson	Private Citizen	200	✓	
Phil Cassel	Montana Soft Drink Assoc	200	✓	
Levy Amundson	SWMB	200	✓	
Karlson L. Bauer	S. Bill Ponderella Sack Amundson	200	✓	
Bill Froke	SELF	200	✓	
Sandi La Salle	SELF			✓
Donna Hartley	Hartleys Haberdashery			✓
PETE FRAZIER	GT. FALLS C. Hy. Co. Health Dept	200	✓	
Quas Riben	Flathead County	200		X
Jim Murray	Mont. State AFL-CIO	200	✓	
Steph M. Williams	ANACONDA Co.	200	✓	
Bob Lannon	Montana Power	200	✓ (amended)	
L. L. Lunn	Montana Contractors Assoc	200	Amend	
Robert N. Holding	Montana Wood Products Assn	200	Amend	
Agnes W. Wainwright	St. Louis on local Markt			
Glen Drake	Leag of Cites & Towns	200	Amend	
Dean Zimmerman	Wt. Assoc of Co	200		✓
Russ Caravan	Mont Feed Dist	200	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

*Senator Wacker*

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

S. B. 200 IS THE BASIC REVISION OF THE REFUSE DISPOSAL AREAS ACT. THIS BRINGS IT IN COMPLIANCE WITH THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT OF 1976.

THE NATIONAL ACT PROVIDES TECHNICAL AND FINANCIAL ASSISTANCE FOR THE DEVELOPMENT OF MANAGEMENT PLANS AND FACILITIES FOR THE RECOVERY OF ENERGY AND OTHER RESOURCES FROM DISCARDED MATERIALS AND FOR THE SAFE DISPOSAL OF DISCARDED MATERIALS, AND TO REGULATE THE MANAGEMENT OF HAZARDOUS WASTE. IT IS KNOWN AS THE "RESOURCE CONSERVATION AND RECOVERY ACT OF 1976".

MY BILL REQUIRES A STATE PLAN AS PROPOSED IN THIS BILL.

SECTION 1: ALLOWS FOR A BROADER AND MORE COMPREHENSIVE STATE POLICY STATEMENT FOR SOLID WASTE MANAGEMENT.

SECTION 2: THIS PROVIDES NEW AND MORE COMPREHENSIVE DEFINITIONS FOR SOLID WASTE, HAZARDOUS WASTES AND SOLID WASTE SYSTEMS. MONTANA SOLID WASTE PROBLEMS HAVE EVOLVED INTO NEW AREAS OF CONCERN, INCLUDING HAZARDOUS WASTE MANAGEMENT, STORAGE, TRANSFER STATIONS AND RESOURCE RECOVERY FACILITIES. WE NEED TO MAKE OUR STATE LAW COMPATIBLE WITH THE FEDERAL PUBLIC LAW 94-580.

SECTION 3: THIS IS NECESSARY SO THAT DETERMINATION OF "UNAPPROVED" DISPOSAL WILL BE MORE PRECISE AND AGAIN COMPLY WITH PUBLIC LAW 94-580. IT EXPANDS THE AUTHORITY OF THE STATE TO MAINTAIN CONTROL OVER THE TRANSPORTATION AND DISPOSAL OF HAZARDOUS WASTES STATEWIDE.

IT MANDATES THAT STATES ELIMINATE ALL OPEN DUMPS, AS PROVIDED IN THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976.

SECTION 4: ONE OF THE MOST IMPORTANT CHANGES IN THE REFUSE DISPOSAL ACT IS NEEDED BECAUSE IT REQUIRES THAT A LICENSE WOULD BE ISSUED

MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
Environmental Sciences Division  
Solid Waste Management Bureau  
Helena, Montana 59601

*Senator Klein*

*Revised*  
January 20, 1977

REFUSE DISPOSAL AREAS ACT

SB 200

Section 1. Legislative Findings and Policy.

Allows for a broader and more comprehensive state policy statement for solid waste management.

Section 2. Definitions.

New and more comprehensive definitions for solid waste, hazardous wastes, and solid waste systems are being requested because solid waste management in Montana has evolved into new areas of concern including hazardous waste management, storage, transfer stations and resource recovery facilities.

These new definitions are also required so that state law will be compatible with the federal Resource Conservation and Recovery Act of 1976 (Public Law 94-580).

Section 3. Unapproved Disposal.

Required in order that the determination of "unapproved disposal" will be more precise and made compatible with the remainder of the Refuse Disposal Areas Act.

Would expand the authority of the state to maintain a measure of control over the transportation and disposal of hazardous wastes statewide.

Will assure that the state act is compatible with Public Law 94-580, which requires states to eliminate all open dumps.

Section 4. License Required. *important action*

Repeals that portion of the original Refuse Disposal Areas Act which required that a license be issued by local boards of health. Since the inception of the original act, only 15 licenses have been issued by local boards of health and this requirement has proven to be unworkable.

Under the proposed revision, the Department of Health and Environmental Sciences, with the recommendations of local boards of health or health departments, would issue the licenses and provide for the proper disposal of solid wastes.

Required to insure that state law is in compliance with Public Law 94-580. The federal law requires states to provide an inventory of all open dumps and develop compliance schedules for closing all open dumps. This licensing program will assist the state in meeting this federal requirement.

TELEGRAM  
M

WU TXA PTL•

MSHR HEL

430P PST FEB 8

PRA675(1916)(2-241797E039)PD 02/08/77 1915

ICS IPMMTZZ CSP

4067211120 TDMT MISSOULA MT 74 02-08 0715P EST

PMS SENATOR MARGARET WARDEN

STATE CAPITAL BLDG

HELENA MT

WE BELIEVE SENATE BILL 200 IS NECESSARY IN THE STATE OF MONTANA

BECAUSE OF OUR RECYCLING OPERATIONS LOCATED THROUGHOUT EASTERN AND WESTERN MONTANNA WE MAKE IT OUR POLICY TO KNOW ABOUT SOLID WASTE. THROUGH OUR TRAVELS ACROSS THE STATE WE HAVE OBSERVED LANDFILLS AND DUMPS NOT COMPLYING WITH STATE LAWS. AT THE PRESENT TIME THERE IS VERY LITTLE AUTHORITY TO IMPOSE SOLID WASTE LAWS. THEREFORE SENATE BILL 200 IS GREATLY NEEDED IN MONTANA .

MONTANNA RECYCLING INC DOUGLAS G STEWART PRESIDENT MISSOULA

MT

NNN  
GRAM



PROPOSED AMENDMENTS TO SENATE BILL 200

Department of Health and Environmental Sciences

Senate Bill 200 is hereby amended to read as follows:

1. On page 2, lines 18 and 19, after "facilities;" delete "septic tank and cesspool pumpings";
2. On page 2, line 21, following "and" delete "wood wastes" and insert "wood products or wood by-products";
3. On page 2, line 22, after "effluents," delete "or";
4. On page 2, line 24, after "state lands" insert ", or slash and forest debris regulated under laws administered by the department of natural resources and conservation" ;
5. On page 3, line 22, delete "substance" and insert "solid waste or hazardous waste";
6. On page 3, line 22, after "so that the" delete "substance" and insert "solid waste or hazardous waste";
7. On page 6, line 17, after "solid waste" insert "or hazardous waste, transport hazardous waste,";
8. On page 10, line 25, after "waste" insert ", except hazardous wastes."
9. On page 10, line 25, after "upon" delete "his own land" and insert "land owned, leased, or covered by easement or permit";
10. On page 11, after line 5, insert the following new subsections to read as follows:

"(2) A person may dispose of his own hazardous wastes upon land owned, leased, covered by easement or permit, after complying with the licensing requirements of this chapter and the rules that shall be adopted to regulate the disposal of hazard wastes.

(3) The licensing requirements of this chapter do not apply to the transportation of marketable hazardous wastes to a manufacturing or processing center."
11. On page 11, line 6, delete "(2)" and insert "(4)";
12. On page 11, line 6, after "contained in" insert "subsection (1) of";
13. On page 11, line 7, after "apply to" delete ":" and insert ",";
14. On page 11, lines 8 and 9, delete line 8 in its entirety through "(h)" on line 9.

# CITY-COUNTY HEALTH DEPARTMENT

1130 - 17TH AVE. SOUTH  
GREAT FALLS, MONTANA 59405

761-6312  
PHONE ~~██████████~~

BOARD OF HEALTH  
COUNTY COMMISSIONER  
MAYOR  
SUPERINTENDENT CITY SCHOOLS  
REPRESENTATIVE MEDICAL SOCIETY  
REPRESENTATIVE DENTAL SOCIETY

February 9, 1977

Senator George McCallum, Chairman  
Senate Local Government Committee  
Montana State Senate  
Capitol Building  
Helena, Montana 59601

Dear Senator McCallum and Committee Members:

Due to other commitments, I am unable to appear before your committee today. Therefore, I have asked Mr. Pete Frazier, Director of Solid Waste Programs with the Great Falls City-County Health Department, to present, for the record, our comments on Senate Bill 200 for your consideration.

In general, we support most of Senate Bill 200 as it is proposed. We concur with the proposal that the Department of Health and Environmental Sciences should be the agency responsible for issuing licenses to Solid Waste Management Systems operating throughout Montana. We are aware of the current problems associated with local health departments licensing solid waste disposal sites within their own counties, and agree that a change is necessary. However, we do feel that it is extremely important that local boards of health and local health officers be given the opportunity to be directly involved in the final approval of licenses issued to solid waste management systems within their jurisdictions. Local health officers are totally familiar with all aspects of potential solid waste management sites within their jurisdiction, as they pertain to the public health and safety of the area, and are capable of making professional judgements as to the suitability of these potential sites. Therefore, we would like to respectfully submit a proposed amendment to Number 2 of Section 5. Section 69-4004, Revised Codes of Montana, 1947, to read as follows:

The Department shall obtain the approval of the appropriate local board of health prior to issuing a license pursuant to this section. Each license issued under this section shall not be valid until countersigned by the local health officer having jurisdiction in the county in which the solid waste management system shall operate. The department shall refer all licenses to the local health officer for his validation signature prior to the issuance of a license by the department. The validation signature may be affixed only after the local health officer is satisfied that the solid waste management system can comply with the requirements of this chapter, and the rules adopted under this chapter. If the appropriate local board of health and local health officer fail to act upon any license application within fifteen (15) days of receipt of said license application, the department may then issue a license without the local validation signature, after having inspected the proposed site to determine compliance with requirements of this chapter, and the rules adopted under this chapter.

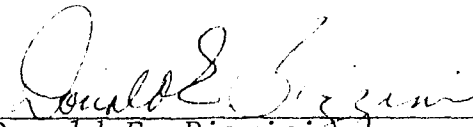
Senator George McCallum  
Page 2

This proposed amendment is very similar, in principal, to existing subdivision regulations which requires the local health officer's validation signature for final approval of any subdivision, along with state approval. In addition, this proposed amendment is consistent with other proposed legislation found in HB 122 and HB 294, which proposes local health officer validation for public establishments licensed by the Department of Health and Environmental Sciences. This proposed amendment takes into account the fact that there are certain areas of the state that do not now have full time local health officers or active boards of health, by authorizing the state to proceed with the licensing procedure if local authorities do not act upon a license application within a short, specified time period.

Thank you for the opportunity to express these views to you. Your time, attention, and consideration of this amendment is truly appreciated.

Sincerely,

CITY-COUNTY BOARD OF HEALTH

By   
Donald E. Pizzini  
Health Officer

DEP/taf

I am Elton M. Andrew of Helena, Montana. I am a private citizen interested in the problems of Waste Disposal. I have been asked by Senator Warden to appear on behalf of the legislation introduced by her.

I do not necessarily say that I am an expert in the matter at hand, but I have had considerable experience in this area. For fifteen years I was Director of the Food and Drug Division of the Montana State Board of Health. This is now known as the General Sanitation Division. For some sixteen years I worked in the schools, civic organizations and other areas in the field of Litter prevention. I have been retired since 1974 and have been working as a consultant on Litter Control. In the carrying out of this endeavor, I have worked in the following cities: Reno-Sparks, St. Paul, Tampa, Miami-Dade County, Macon-Bibb County, Sioux Falls, Aberdeen, Chicago, Washington, D.C., Honolulu and the Island of Oahu, and many others. My job included the surveying of Disposal facilities and methods of collection of solid waste.

Solid Waste--- This year it has been called "the Third Pollution", although it had had less dainty names: solid waste was once refuse, before that trash, sometimes garbage and at one time swill. Once it came from the kitchen and consisted of potato peelings, fish heads and chicken feathers. It was not frozen food containers and cans and bottles and plastic wrapping. Only about ten percent of it is now composed of what most people think of as "real garbage".

Solid waste there undeniably is, and while we have always had garbage, it was never in today's awesome quantities. Some ground has been gained in the battle against litter, but our urban and rural waste growth outpaces out population growth. People are increasing at an annual rate of 1%, solid waste at 4 to 6 percent.

Feb 5 1981, Montana Power

SENATE BILL 200

1. Amend page 11, Section 9.

Following: line 12

Insert: "(3) Nothing in this act may be construed to require a license under this act for disposal of solid or hazardous waste or transportation of hazardous waste from a facility for which an applicant has obtained a certificate under the Major Facility Siting Act."

ROBERT N. HELDING  
EXECUTIVE DIRECTOR



Sec. 3, p. 4, line 13

~~after the~~  
Change the period to  
a comma and insert  
— including wood chips  
and wood used for  
manufacturing or fuel  
purposes.

MONTANA WOOD PRODUCTS ASSN.  
316 SAVINGS CENTER BLDG.  
MISSOULA, MONTANA 59801  
(406) 728-3650

NAME:

Russ. W. H. H. H.

DATE:

2/1/77

ADDRESS:

1000 N. 1st St. #2, Kalamazoo, Mich.

PHONE:

735-3300 Ext. 228

REPRESENTING WHOM?

Felland County

APPEARING ON WHICH PROPOSAL:

Senate Bill #200

DO YOU:

SUPPORT?

AMEND?

X

OPPOSE?

COMMENTS:

We feel that the original C9-1000  
gives the state adequate authority to oversee  
the state's roads but retains the solid waste  
management alternatives of the local level

NAME: STEPHEN WILLIAMS DATE: 2-9-77

ADDRESS: 1625 11th Ave.

PHONE: 443-5810

REPRESENTING WHOM? AWACON DA Co.

APPEARING ON WHICH PROPOSAL: SB-200

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: Support bill as amended by  
Dept of Health.



NAME: James M. Wyllie

DATE: Feb 9, 1977

ADDRESS: 305 Division Rd, Great Falls, Mont

PHONE: 761-3794

REPRESENTING WHOM? Montana Soft Drink Association

APPEARING ON WHICH PROPOSAL: SB200

DO YOU: SUPPORT? ☒

AMEND? ☐

OPPOSE? ☐

COMMENTS: SB 200 & SB175 together are a comprehensive

approach to solid waste management. They are not  
any easy solution, but do address total problem.

Greatly preferable to piecemeal legislation

NAME:

Marvin E. Montz

DATE:

Feb 9 77

ADDRESS:

Litt Edge Rd.

PHONE:

538-8393

REPRESENTING WHOM?

Master "M" Personal

APPEARING ON WHICH PROPOSAL:

SB 200

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

owner of one landfall + lease of one landfall

that will fall under act.

both with in by county

NAME: R. F. JORGENSEN SR. DATE: FEB 9<sup>TH</sup> 1977

ADDRESS: 1708 MEADOWLARK DR. G.T. FALLS. MONT

PHONE: 453-0640

REPRESENTING WHOM? MONTANA SOFT DRINK ASSOCIATION

APPEARING ON WHICH PROPOSAL: S.B. 200

DO YOU: SUPPORT? Yes AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: To Conform to National Program on Solid Waste  
Management in Montana; a State wide management  
of Garbage & Waste is needed and the Program  
be policed to enforce proper handling of  
Solid Waste.

**FLATHEAD COUNTY  
BOARD OF COMMISSIONERS**

P. O. Box 1000  
KALISPELL, MONTANA 59901

February 2, 1977

JOE A. DE LONG  
FRANK GUAY  
MELFORD R. WOLLAN

Hon. Pete Story  
Local Government Senate Committee  
Helena, Montana

Dear Senator Story:

We are firmly opposed to the State Department of Health and Environmental Sciences taking over the complete management of our solid waste disposal operations as proposed in Senate Bill #200, Section 7, 69-4007. We feel that the original 69-4007 gives the state adequate authority to oversee disposal areas, but retains the solid waste disposal alternatives at the local level.

Please have the deleted Section 7, 69-4007 of Senate Bill #200 remain in place of the proposed amended form as introduced.

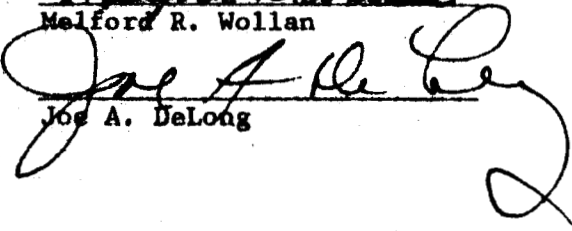
Sincerely yours,

BOARD OF COUNTY COMMISSIONERS

By

  
Frank Guay, Chairman

  
Melford R. Wollan

  
Joe A. DeLong

RR:lf