

MINUTES OF THE MEETING OF THE NATURAL RESOURCES COMMITTEE  
MARCH 27, 1981

The House Natural Resources Committee convened in Room 437 of the Capitol Building on Friday, March 27, 1981, at 12:30 p.m. with CHAIRMAN DENNIS IVERSON presiding and seventeen members present (REP. NORDTVEDT was absent).

CHAIRMAN IVERSON opened the hearing on SJR 17.

SENATE JOINT RESOLUTION 17 SENATOR JUDY JACOBSON, chief sponsor, presented the resolution which asks for repeal of the standard adopted by the Board of Health and Environmental Sciences for fluoride on forage and directing the adoption of a new standard. See Exhibit 1.

There were no other proponents.

Speaking as an opponent was HAL ROBBINS, Chief of the Montana Air Quality Bureau. See Exhibit 2. In addition, he stated it is impossible to adopt a rule-making procedure in 30 days because of the M. P. A.

SENATOR JACOBSON closed on the resolution saying she did not feel the 30-day time frame was impossible.

During questions from the committee, REP. HARP asked what the difference is between this resolution and two others presented this session. MR. ROBBINS replied that the others addressed vegetation.

REP. BERTELSEN asked if there are any serious efforts being made toward enforcing the 20 part standards. MR. ROBBINS said no.

REP. BERTELSEN then asked if the 20 part standard presents a problem and why was it adopted. MR. ROBBINS replied that the department had recommended 45 to 50 but the board felt 20 was more appropriate.

REP. QUILICI asked if it is true that there is no technology available now to bring floride standards down to the 20 parts per million level. The answer was yes, that is true.

The hearing on SJR 17 closed and one opened on HJR 50.

HOUSE JOINT RESOLUTION 50 REP. VERNER BERTELSEN, chief sponsor, presented the resolution which requests a study of log scaling procedures and possible means of regulation. Loggers have no recourse as to checking the scale on log scaling. He felt perhaps there is some way the state can help out with this problem. He thought a method could be used to have independent scales. There should be a state department to monitor this procedure.

Speaking as a proponent was RALPH MANNIX. See Exhibit 3.

RALPH SKAW spoke in favor of the bill. See Exhibit 4.

Speaking as an opponent was ROBERT HELDING, Montana Wood Products. He felt this has always been a problem and that loggers must be careful with whom they deal. He opposed the resolution because he felt it would be an unnecessary expenditure of state funds.

AL KINGTON, a professional forester, said the study would be a waste of time and money and that this is a problem to be solved between the loggers and the mills. He further stated that there are options available that are not being used.

REP. BERTELSEN closed on the resolution asking the committee to at least put it on the list to be given to the legislature and let it decide whether or not it is important enough to study.

During questions from the committee, REP. CURTISS asked MR. HELDING if it is true that some loggers are being paid by the cubic foot. He said that is right.

REP. ASAY asked how much this study would cost. REP. BERTELSEN said in the neighborhood of five thousand dollars.

The hearing on HJR 50 closed and one opened on HJR 51.

HOUSE JOINT RESOLUTION 51 REP. VERNER BERTELSEN, sponsor, presented the resolution which requests an interim study of methods that might be used to terminate administrative rules relating to the state's environment and natural resources. This would be similar to a sunseting procedure. REP. BERTELSEN stated that if a rule becomes useless, it should be eliminated.

There were no other PROPONENTS.

There were no OPPONENTS.

REP. BERTELSEN closed on the resolution.

During questions, REP. CURTISS asked how anyone would know where to start with a study of this type. REP. BERTELSEN replied that a procedure would be determined and the study would address that problem.

The hearing on HJR 51 closed.

EXECUTIVE SESSION SENATE BILL 376 REP. ROTH moved BE CONCURRED IN.

REP. BERTELSEN then moved to reinsert the language on page 5, lines 12 through 16 which refers to pipeline. He felt that there is the potential in the state of using a slurry pipeline and that it should be included in this bill.

REP. HARP said pipelines are under all aspects of the siting act. DEBBIE SCHMIDT, staff researcher, said the only pipelines under the act are the ones connected to a facility.

The motion of REP. BERTELSEN failed with REPS. IVERSON, BURNETT, CURTISS, SALES, MUELLER, HARP, ROTH, COZZENS, and ABRAMS opposing.

REP. BROWN then moved to pass the amendments proposed by SENATOR BROWN. The first four deal with correction of small problems with the bill. The fifth amendment states that the proposed facility will have a beneficial effect on the economy of the county in which it will be located. The sixth amendment ties to the waiver clause of the bill. He stressed that this does not eliminate environmental impact statements or studies.

REP. ASAY questioned the fact that things other than just the economy should be considered in a county. REP. BROWN stated that if a plant closes down, it is possible that some other type of operation could utilize the facility.

The motion PASSED on the SENATOR BROWN amendments.

REP. MUELLER moved to pass the amendments proposed by the Legislative Council. The motion PASSED. (Amendments are attached as Exhibit 5.)

REP. KEEDY expressed concern over the language on page 21 which refers to the loss of permanent jobs and the ten-year time frame. He questioned whether or not this means that every year for ten years companies could move into the area without having environmental impact studies.

REP. HUENNEKENS moved that the sixth amendment of SENATOR BROWN'S be stricken and one inserted as recommended by the Department of Natural Resources.

MS. SCHMIDT explained that the DNR amendment provides that all environmental studies still be done while the Brown amendment provides for the waiver of the alternative considerations and the facilities but not the associated facilities.

The motion failed with REPS. IVERSON, BURNETT, CURTISS, SALES, MUELLER, ASAY, HARP, ROTH, COZZENS, BROWN, ABRAMS, and NEUMAN opposing.

REP. ROTH then moved the bill BE CONCURRED IN AS AMENDED. The motion PASSED with REPS. BERTELSEN, HUENNEKENS, KEEDY, SHELDEN, ABRAMS, and HART opposing.

The meeting adjourned at 2:20 p.m.

Natural Resources  
March 27, 1981  
Page 4

Respectfully submitted,

  
DENNIS IVERSON, CHAIRMAN

Ellen Engstedt, Secretary

# VISITORS' REGISTER

HOUSE

## NATURAL RESOURCES

COMMITTEE

BILL

SSR 17

Date \_\_\_\_\_

3/22/81

SPONSOR

JACOBSON

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE NATURAL RESOURCES COMMITTEE

BILL HJR 50

Date 3/27/81

SPONSOR BERTENSEN

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

HOUSE

## NATURAL RESOURCES

COMMITTEE

BILL

HJR 51

Date \_\_\_\_\_

3/27/81

SPONSOR

BEERTSEN

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SENATOR JUDY JACOBSEN

Seat 6

This resolution to the Board of Health to repeal the foliate fluoride standard of 20 microgram per gram yearly, adopted and stayed by the Board of Health and raise it to 35 micrograms per gram yearly, any one month not to exceed 50 micrograms per gram.

Stauffer Chemical and Anaconda Aluminum, are the only plants at present affected by the fluoride standard in Montana. Both of these plants have spent several million dollars over the past 4 - 6 years on pollution control programs. Both plants feel they have gone as far as modern technology will allow at this time to reduce fluoride emmissions. The Department of Health is just completing a study of the fluoride levels around these plants and although the data is preliminary and not official, it does appear to support the claim of Stauffer Chemical that given present technology they cannot, at this time, meet the standard of 20 micrograms per gram.

I believe the evidence points to the fact that the original recommendation by the Department of Health was reasonable and substantiated. I believe that the ranchers and residents of Ramsey never meant to close Stauffer Chemical Company, but rather want to protect their cattle and their homes with the best standards possible.

The other important thing to remember is that this is not a Public Health Standard -- it is a Public Welfare standard



and economic impact must be considered. Montana law clearly states in ~~Montana Code~~ the Clean Air Act of Montana.

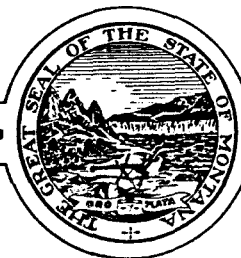
It is hereby declared to be the public policy of this state and the purpose of this chapter to achieve and maintain levels of air quality as will protect human health and safety and, to the greatest degree practicable prevent injury to plant and animal, life and property.

I believe the Board of Health's original recommendation provides the greatest degree practicable to prevent injury to plant and animals.

The Board of Health met again on February 20 with the new members that were just appointed. At that time they continued the stay on the 20 micrograms per gram standard and voted to proceed with the state's rule-making process to adopt the 35-50 standard that is in this resolution. Under that process, notice must be given and hearings must be held. The process must be completed in six months. During that six months the 20 micrograms per gram standard remains on the books and nothing can be done to enforce any standards. By passing this resolution we can get an enforceable standard on the books in 30 days. Both Stauffer Chemical and several ranchers and residents of Ramsey testified as proponents of this resolution. They want an enforceable standard and they all feel they've waited long enough. The 35-50 standard in this resolution is not written in stone. If the hearings and testing shows another number to be more appropriate in six months, a new number can be adopted at that time.

I feel it's time we have a reasonable and enforceable fluoride standard and I urge a DO PASS on this resolution.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
AIR QUALITY BUREAU



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

(406) 449-3454

TESTIMONY ON  
SENATE JOINT RESOLUTION 17

HELENA, MONTANA 59620

March 27, 1981

Members of the Committee. My name is Hal Robbins; I am Chief of the Montana Air Quality Bureau and am here to speak on behalf of the Department of Health and Environmental Sciences.

The Department reluctantly opposes SJR 17. However, we do not dispute the basic intent of the resolution, which is to ensure that a fluoride standard is set as soon as possible to protect various agricultural and industrial interests. Before I list our objections to the resolution, allow me to inform you of recent developments relating to SJR 17.

1. Shortly after the Board of Health's adoption of a 20 ppm standard in August 1980, several Board members felt that the rule, as published, did not accurately reflect their intentions regarding a growing season average.
  2. The Board directed the Department to study this issue with regards to the involved industries' ability to comply with the 20 ppm values.
  3. The Department responded to the Board's request this past February.
  4. The Board then directed the Department to present a proposed rule by the March meeting which would include a sampling protocol
  5. The Department complied with this request. The Board directed the Department to begin the rule-making procedures for a 35/50 fluoride standard which is now tentatively scheduled for May 22, 1981.
- Adoption of a fluoride standard will occur within six months.

As you can see, the Board of Health has already begun action to resolve the fluoride issue.

The Department's only concern, therefore, lies in the resolution's specific language referring to the values of 35 and 50 and to the language relating to an annual standard. Based on information presented to the Board in February, the Department chose to request a seasonal average of 35 ppm rather than an annual average of 35. The Department remains fearful that the language is necessarily too strict.

Specifically, what should the Department do if it were determined that Stauffer cannot meet one of the standards imposed. The Department could not ignore obvious violations of the standard. It would be possible, quite naturally, for the Legislature to sponsor another resolution with a new set of numbers. And if these numbers were not appropriate, another set of numbers could be reviewed, and so forth. Two general problems arise from this method of review.

1. What should the Department do about any violations between legislative sessions?
2. What purpose is served by the Legislature's assigning values to the standard? Is it not more appropriate to handle necessary changes through an existing mechanism as opposed to a duplicative effort by the Legislature? Requesting both the manufacturing and the agricultural industries to wait for both the Legislature and the Board to decide on this matter is not fair to either group.

Again, the Department does not dispute the Legislature's authority to establish policy. The Department, however, respectfully recommends that the specific values in the resolution be stricken. This would resolve our concerns and still allow SJR 17 to meet its objectives.

Thank you for your time.

Mr Chairman & Committee members

I am Ralph Mammis from a wood rancher & a timber producer I have authority to also represent the Montana State Grange

a state standard log scale measure is long overdue. I personally have been ripped off by two sawmills, with very few loads legal weight loads scaling 4000 board feet

The present scale rules being used gives an automatic overrun when used honestly

Please don't misunderstand me all sawmills are not dishonest.

When a mill cheats on the scale they are not only stealing from the producer. They are also ripping off the sawyers, skidders & the truckers. If the mill is scaling by weight the longer the timber can lay before it is hauled the lighter the log the better the scale

If the lumber industry has to steal our timber to survive let them steal it honestly. by the price of stumpage per 1000 board feet, not with a long thumb on the scale rules

I know I know the lumber industry is going to oppose this bill. I am sure there is nothing here to be painful to them. This is not the intent. The lumber industry must have something to hide, if they fear honesty

I am not just a dumb rancher that doesn't know anything about logging or sawmilling I spent 5 years in logging & one year in the sawmill. My job was scaling and setting ratchet. I always marked the scale on the end of the log and would keep track of the lumber footage. There was always more board feet than log scale

I would like to thank this committee for this opportunity to speak

Ralph Mammis  
Phone No. 482-1711

Frederic Mont.

March 27, 1981

Department of Natural Resources  
State Capital Building  
Helena Montana

H.J.R. # 50

Dear Sirs,

Scaling of logs has always been a problem in the sawmill and logging industry for many years. I personally feel that it is a more difficult situation now than ever before. The pressures that have been put on the lumber industry to save has had two effects. It has caused a lot more job of logging in that the top logs are being utilized and the small damaged trees are being

used, but in order to do this  
the sawmills have been forced  
into putting in efficient equipment  
to handle these small logs, which  
has been very expensive.

Now that the equipment has  
been installed there has become  
a scramble for small timber to  
keep the machinery operating  
which in my opinion is a very  
serious situation for the people  
in future generations.

This brings me to believe the  
decimal C scale rule is no  
longer a fair way of scaling logs.  
The overrun on these small logs  
is fantastic if you sit down and  
figure it out, which is log scale  
compared to lumber scale.

Height measure is probably a

little better but in the long run amounts to the same thing as a weight factor is established by weighing and scaling the same logs and arriving at a pound per board ft. figure for the logs. This reduces the cost of scaling as only one out of several loads are scaled.

I could go on to some lengths about my feelings on this problem but am sure this is neither the time nor place for a lengthy discussion. So I am favoring house bill no. 50 by Burtleson & Smeller, and hope the committee will sit down on a stump with these people and try to come up with a much better means of log measure to insure



the timber grower and the  
timber harvester of getting  
their fair share of the  
profits.

I thank Mr. Bertelsen  
and Mr. Mueller for taking  
the time and effort to work  
on this bill and hope they  
get your support.

Yours truly,  
Ralph Skaw

PROPOSED AMENDMENTS TO SB 376

1. Page 21, line 5.  
Following: "of"  
Strike: "75-20-214,"

2. Page 21, line 6.  
Following: "75-20-501"  
Insert: "(5)"

3. Page 21, line 18.  
Following: " ; "  
Strike: "and"

4. Page 21, line 21.  
Following: "curtailed"  
Strike: "."  
Insert: ";and"

5. Page 21.  
Following: line 21  
Insert: "(d) the proposed facility will have a beneficial effect on the economy of the county in which the facility is proposed to be located."

6. Page 22.  
Following: line 1  
Insert: "(5) The waiver provided for in subsection (3) does not apply to consideration of alternatives or minimum adverse environmental impact for a facility defined in (b), (c), (d), or (e) of 75-20-104(10) or for an associated facility defined in 75-20-104(3)."

"(6) The applicant shall pay all expenses required to process and conduct a hearing on a waiver request under subsection (3). However, any payments made under this subsection shall be credited toward the fee paid under 75-20-215 to the extent the data or evidence presented at the hearing or the decision of the board under subsection (3) can be used in making a certification decision under this chapter."

Amendments to SB 376

1. Title, line 7.

Following: "FACILITY"

Strike: "INCLUDING"

2. Page 4, line 8.

Following: "gas,"

Insert: "and those facilities subject to the Montana Strip- and Underground-Mine Reclamation Act,"

3. Page 5, line 1.

Following: "thereto"

Strike: "EXCEPT THOSE FACILITIES SUBJECT TO THE MONTANA STRIP- AND UNDERGROUND-MINE RECLAMATION ACT,"

4. Pages 17 through 20.

Following: line 16 on page 17

Strike: the entire section 7

Renumber: subsequent sections.

AMENDMENT TO SB376

1. Page 22

Following: line 1

Insert: "(5) The waiver of subsection (2)(c) of  
75-20-301 shall apply only to consideration  
of alternative sites for a facility defined  
in 75-20-104(10)(a)."