

HOUSE NATURAL RESOURCES COMMITTEE MINUTES
February 2, 1983

The House Natural Resources Committee convened at 12:30 p.m., on February 2, 1983, in Room 104, State Capitol, with Chairman Harper presiding and all members present except Rep. Neuman, who was excused. Chairman Harper opened the meeting to a hearing on HB 228.

HOUSE BILL 228

REPRESENTATIVE JOE QUILICI, District 84, chief sponsor, said this bill was at the request of the Joint Subcommittee on Business. He said in various hearings they found one of the problems was the changing of the rules after the application was submitted. He said there is a lot of industries that don't like the statutes but will live with them since they are statutory but they don't want the rules changed in the middle of the ball game. This bill says we won't change the rules unless there is a real need. Rep. Quilici said there is an amendment proposed by the Health Department (Exhibit 1) which he supports and Exhibit 2 tells why this amendment is needed. He read Exhibit 2 to the members.

JANETTE FALLON, Montana Chamber of Commerce, said they support the need for this bill. She said they hear a lot from industry saying "don't move the target."

MIKE FITZGERALD, Montana International Trade Commission, said this is a very reasonable and responsible proposal. He said it will make a difference to industries in Montana.

PAT WILSON, Montco/Thermal Energy, said they support the bill. He said he has a prime example. He said they applied for a mine permit application and applied for an air quality permit. He said after the EIS was written he was told that the Board of Health had changed the air quality standards and they could no longer receive a permit under the new regulations although they could have under the old. So, he said, they had to go back to the Board of Health and they had to rehear the regulations county by county. He felt it was not fair when it takes years to develop a project to be told in the middle of the stream that there are now new rules.

Opponents

CHARLES LANDMAN, Montana Environmental Information Center, spoke in opposition and a copy of his testimony is Exhibit 3 of the minutes.

KARL ENGLUND, Northern Plains Resource Council, said they had a couple of problems with the bill. He said the definition of "overwhelming show of need" is undefined and not defined in any other law he knew of. He said this would require litigation to determine. He said he could also

foresee situations where overwhelming might not meet a particular situation. He said this would change federal regulations under acts such as the Clean Air Act which states that implementing regulations must be updated by the state. He said he felt it creates an administrative problem as decisions may need to be made on speculative information. He said the bill needs substantial amending or else it should be killed.

JOAN MILES, Lewis and Clark Health Department, spoke in opposition, although she said they were in support of the idea of consistency. She questioned what the definition of "financial commitment" and "detriment" would be. She said the air quality rules are basically case by case and not just a set rule. She questioned how the policy would affect that. She asked what happens when federal changes in the law require that they change their rules. She said water quality permits are reviewed every five years on a case by case basis and is basically adjusted every five years, and how will this policy affect that. She said probably the biggest problem is conservation. Ms. Miles asked what happens to ranchers around plants with sulphuric emissions and what about fluoride regulations. She said the idea of a policy for consistency should be across the board for both sides. She expressed concern as to what this amendment to the law would do.

REPRESENTATIVE QUILICI closed. He said if the members would look closely at his suggested amendment, it takes care of a lot of the problems expressed by the opponents. He said the developer applicant and the public should be able to rely on the rules that are set down prior to application. He said this was one of the biggest complaints at their hearings.

There were no questions asked by the committee.

Chairman Harper closed the hearing on this bill and opened the hearing on HB 391.

HOUSE BILL 391

REPRESENTATIVE CHRIS STOBIE, District 23, chief sponsor, said the bill asks the Department of State Lands not to follow through with their rule to put up cabin sites for competitive bids, and sets up a procedure statement to value cabin site leases. He said his proposal is to set up a system to appreciate the properties and put a fair market value on the leases. He said the public should not complain too much with this as they have been getting by fairly reasonably - about \$25 a year. He said the leases were raised a year ago and now are \$75 a year. He said these prices would continue to go up. He said in drafting the bill

they got other leases involved in the bill and the amendments will help the bill. He said the amendments also change the method of evaluation from the consumer price index to the appraised value. He said he would go along with that amendment also. These amendments are from the Department of State Lands and attached with their testimony.

REPRESENTATIVE AUBYN CURTISS, District 20, spoke in support of the bill.

DENNIS HEMMER, Commissioner of State Lands, said he was neither a proponent or an opponent but a supplier of information from the Board. A copy of his testimony is Exhibit 4 and this also includes the suggested amendments.

There were no opponents.

Questions were asked by the committee.

Rep. Stobie responded to a question about the need to change that there seems to be a conflict with the land being used to its highest and best use.

Mr. Hemmer also responded that he is not sure if it is a departure from the highest and best use. He said under the appraisal system they will be getting a good return on the land. Before they might make more on the timber than on cabin leases, but he said most leases are along streams or where logging wouldn't be anyway.

Rep. Fagg mentioned the federal government is doing something similar with their leases. Rep. Mueller said the Forest Service uses the appraised value of the land. He asked if the State Lands proposes to use a formula to plug in to know what rate to charge. Mr. Hemmer said as the bill is written there will not be a formula. He said this is something the committee might want to consider.

Rep. Curtiss said they would need appraisal people. Mr. Hemmer said no new rule making authority is conferred with the bill so any action taken would have to be under rules they now have.

Rep. Bertelsen asked if Mr. Hemmer was happy with the 5-year restriction. Mr. Hemmer said they don't have a particular problem with the 5-year as it leaves them the leeway to spread out the evaluations. He said they can do different ones each year or all at once, whichever is cheaper.

Chairman Harper closed the hearing on this bill and opened the hearing on HB 200.

HOUSE BILL 200

REPRESENTATIVE ROBERT REAM, District 93, chief sponsor, said the bill authorizes the Health Department to cooperate with the federal government in implementation of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to remedy the release of hazardous substances and contaminants into the environment, and provides an immediate effective date. An outline of his chief points is found in Exhibit 5 of the minutes. He said cleanup of these wastes could begin in places like Milltown with the passage of this bill even if the responsible party is not found. He introduced the following proponents.

REPRESENTATIVE DAVE BROWN, District 83, handed copies of suggested amendments to the members (Exhibit 6). He said this provides that the matching funds from the state will come from the Resource Indemnity Trust Account. He said this will bring about a substantial return to the state and unless we provide some future plan like this we won't be able to get the federal match. Also it would involve another discussion two years from now if we don't amend it now. He said what this does is provide an authorization vehicle as it will take an appropriation bill to appropriate the funds needed.

VIC ANDERSON, Department of Health and Environmental Sciences, spoke next. His handout (Exhibit 7) included a discussion on the state superfund and a proposed budget.

ELAINE M. BILD, Director of Environmental Health, Missoula City-County Health Department, spoke next and a copy of her testimony is Exhibit 8. She said the Missoula City-County Health Department fully endorses this bill and a memorandum signed by Phillip C. Tourangeau, Chairman, Missoula City Board of Health, stating their support is Exhibit 9.

MELODY FUCHS, Milltown water user, said she represents the Milltown families and other concerned people in Missoula. She said they have to haul water to their home because of the arsenic in it. She said the state's 10 percent match would obtain the federal match of 90 percent and this could help them and other communities in Montana who might in the future have similar problems. She said a nice side benefit is that it would provide needed jobs for Montana companies and workers.

GLORIA NYQUEST, property owner in Milltown, spoke next in support and a copy of her testimony is Exhibit 10.

PETER RICE, representing self, affiliate of the University of Montana, said he had worked on some of the problems

mentioned today. He said the job potential is important and suggested an amendment that would give preference to local companies, workers and college. He said this bill is also relevant to the Butte-Anaconda area to deal with the long-term management of wastes. He said it is not just a problem of western Montana. Of the 94 preliminary sites, 26 counties are involved and some are in eastern Montana. He said the problem in Milltown is not an isolated problem. There is contamination throughout the Clark Fork drainage. He said the federal superfund is one area in the federal budget that has been recommended for an increase in funding. He said he supports the idea that this money should come from the RIT fund. He said it should be clearly defined that the state will be the responsible Board in dealing with the problem. He said if a responsible agency is not designated EPA will pass management and planning to the Corps of Engineers and they are rather inaccessible. He felt a state agency would be more responsible to the concerns of citizens and business groups. Mr. Rice presented written testimony from WILLIAM W. WOESSNER, Associate Professor, U of M (Exhibit 11); and JERRY J. BROMENSHEK, Associate Professor of Zoology, Environmental Studies Lab., U of M. (Exhibit 12).

LUCIANNE BRIEGER, Montana Environmental Information Center, said she supports Rep. Brown's amendments as it would provide longer term funding of the program. A copy of her testimony is Exhibit 13.

ARTHUR M. BUSH, Milltown Water Users, said they want good water. He said it is really a mess. He said he understood from the Montana Power Company that they would like to tear down the dam. If this were to take place the garbage would go down to Thompson Falls. He said they must tear it down or fix it. He said they can't afford to go ahead and get it but they would sure like some water.

KAREN BARCLAY, Multitech, Inc., spoke next in support and a copy of her testimony is Exhibit 14.

TONI KELLY, Northern Plains Resource Council, spoke next in support and a copy of her testimony is Exhibit 15. She said they support the amendment to use the RIT trust fund for this.

JOAN MILES, Lewis and Clark Health Department, said they would like to go on record as wishing to see a more permanent source of funding go through. She said they support the amendment and the bill.

RICK DUNCAN, Powell County Env. Health Department, said he agreed with what has been said. He said they don't have the funds available to answer the problems if there is arsenic in the drinking water. He said they have to undergo a number of different tests to find out what is in their water.

DAWN A. NORTH, League of Women Voters, said they strongly support CERCLA and its application to Montana. She said they believe that passage of HB 200 will accomplish this goal.

BILL BURKE, ? said he supports the bill.

SENATOR MIKE HALLIGAN expressed his strong support of the bill.

REPRESENTATIVE JIM JENSEN asked to be listed as a proponent for this bill.

REPRESENTATIVE DENNIS VELEBER asked to go on record as supporting the bill.

There were no opponents.

REPRESENTATIVE REAM in closing said this will bring some federal money into the state and we do have high unemployment that it will help. But that is not the most important thing. If we don't get involved in this the federal government will take it over and then local and state government will have no say in what is done. He said it is a state-wide bill and that he had a list of potential sites. He said what money is appropriated would be used as a match and any not used would go back to the general fund. He said in the case where a responsible party is found, that money will also be paid back into the state coffers.

Questions were asked by the committee.

Rep. Brown asked Mr. Bush if anything besides arsenic was a problem. Mr. Bush said they have some manganese, lead, copper, zinc - and these come off the surface. He said they haven't drilled down and since those were deposited with absolutely no controls they are probably a lot worse.

In response to a question Mr. Anderson said of using the junk vehicle fund that it would be only a one shot raid on the fund.

Rep. Jensen asked Mr. Rice if some benefit might not be derived from the extracted minerals. Mr. Rice did not know if any would be economically recoverable. He said there are a number of investigations to see if they could be.

Rep. Ream said he did not say anything about cleanup at Milltown. He said they suspect the best course of action will not be cleanup but to leave it in place and alternate sources of water found for the residents of the area. He said there is a danger in trying to clean out that million tons of sediment properly.

Rep. Bertelsen said he would like to suggest amending the bill to put in a reference clause specifying Montana contractors. He asked if this would be legal if we use federal funds. Rep. Brown questioned if we could so specify as they were federal funds, if state funds we could do this.

It was mentioned that there would be competitive bidding procedures that would need to be adhered to by the state.

Chairman Harper closed the hearing on HB 200 and opened the meeting to an executive session on HB 263.

EXECUTIVE SESSION

HOUSE BILL 263 Rep. Ream said he had checked with the Attorney General on the bill. He said the amendment suggested at the hearing would cause the baby to be thrown out with the bathwater. He said they suggested the following amendment. He read the amendment (a copy is Exhibit 16 of the minutes. He said this amendment will give us state's rights to the fullest extent possible.

Rep. McBride said "to the fullest extent allowed by federal law" seems ambiguous.


John Carter responded on request that it has been put this way before and this is the way he would state it.

Rep. Ream moved the amendment and the motion carried unanimously with those present. (Rep. Neuman and Rep. Nordtvedt were absent).

Rep. Brown moved AND AS AMENDED DO PASS. This motion carried unanimously with those present (absent were Reps. Neuman and Nordtvedt).

Meeting adjourned at 2:25 p.m.

Respectfully submitted,



HAL HARPER / CHAIRMAN

Emelia A. Satre, Secretary

TO: HOUSE NATURAL RESOURCES COMMITTEE

FROM: JOHN CARTER

RE: SUMMARIES FOR HBs 228, 391, 200

DATE: February 2, 1983

HB 228
Quilici

This bill seeks to amend the policy statement of the Planning and Economic Development Act (90-1-101 et seq.). The amendment would make it the policy of the state not to change environmental rules when such changes would be to the detriment of persons who have made financial commitments based on existing rules, unless there is an overwhelming showing of need.

HB 391
Stobie

This bill seeks to restrict the Board of Land Commissioners from freely adopting new rules dealing with surface licenses and leases on state lands. Specifically, the Board would be:

- precluded from adopting a method of establishing the market value of grazing or cabin site licenses and leases based on competitive bidding when the present licensee or lessee wishes to retain his interest in the license or lease. In such cases the Board would be required to utilize appraisals to establish the market value.
- required to adopt competitive bidding for valuing each initial license or lease or current license or lease of a person who does not choose to retain his interest.
- required to adopt a method for the disposal or valuation of any fixture or improvement that exists on state properties that have been used for grazing or cabin sites.

HB 200
Ream

This bill seeks to authorize the Department of Health and Environmental Sciences to cooperate with the federal government to implement the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) which provides for the disposal and control of hazardous substances and contaminants in a safe and environmentally sound manner. Funds for paying Montana's share of the cost of implementing the Act would be allocated from the collection of monies resulting from the sale of junk vehicles and fees charges for licensing motor vehicle wrecking facilities.

VISITOR'S REGISTER

HOUSE NATURAL RESOURCES COMMITTEE

BILL HB 228

DATE 2/2/83

SPONSOR QUILICI

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Charles Landman	Halano	MEIC		X
Carole Fallan	Helena	Mont Chamber	X	
Pat Wilson	Blqs	Montco / Thermal Energy	X	
KARL EDWARD	Missoula	N.P.R.C.		X
Peter Bice	Missoula	self		✓
Wood Shannah	Stillwater PGM		X	
Jon Miles	Lewis & Clark State Dept	same		✓
Joe Aubri	Butte	Do & Y		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
 WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Therefore, where a person makes financial commitments after completing an application for an environmental permit it is the policy of the state not to change environmental requirements for such person except upon a showing of a compelling or urgent need to protect public health or the environment, or to comply with federal requirements.

Exhibit 2
Quilici Head

TESTIMONY FOR HOUSE BILL 228

The primary reason for amending HB 228 is to clarify in law the point in time in which an applicant demonstrates a "financial commitment." Without a specific defining event, (e.g., application for an environmental permit), it would be left up to the courts to determine what constitutes a "financial commitment." The easiest way to avoid unnecessary and costly law suits that neither benefit private parties nor the state, is to clarify in statute what is meant by "financial commitment."

I don't believe public relations personnel or hiring of a permit coordinator, as an example, is or should be construed as constituting a "financial commitment." It would also be a mistake to attempt to put a dollar figure on the financial commitment definition since this may vary very substantially among applicants. Therefore, the best approach, as set out in this bill, is to assume that the completion and submission of an application for an environmental permit, constitutes a "financial commitment."



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The Montana Environmental Information Center

- P.O. Box 1184, Helena, Montana 59624
- Flathead Office 433 S. Main, Kalispell 59901

- (406) 443-2520
- (406) 755-7763

Testimony in opposition to HB 228.

Mr. Chairman, members of the Committee, my name is Charles Landman. I speak on behalf of the 1300 families who belong to the Montana Environmental Information Center.

We strongly support the idea that there should be consistency and continuity in the adoption and application of all laws, including environmental laws. However, we believe there are serious problems with the approach taken, and the language used by HB 228. This bill raises a number of important questions which we hope you will consider carefully in your deliberations:

o What is a "financial committment" sufficient to trigger the protection of this bill?

o What is an "overwhelming showing of need"? Is the discovery of toxics in drinking water an "overwhelming showing of need" sufficient to justify changing a rule or modifying a permit? Is the discovery that lead is more dangerous to children in smaller amounts an "overwhelming showing of need"?

o How will the state or an agency know when a situation is serious enough to justify changing a rule or modifying a permit? Will the state become entangled in lawsuits when it tries to do



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so?

o Finally, how does this bill affect the public's right to a "clean and healthful environment" guaranteed by the Montana Constitution? (Art.II, sec.3).

This bill raises important questions about the guarantees of consistency and fairness that are at the core of our democratic process. We urge you to consider them carefully.
Thank you.

VISITOR'S REGISTER

HOUSE NATURAL RESOURCES COMMITTEE

BILL HB 391

DATE 2/2/83

SPONSOR STOBIE

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Dave Woodard	Helena	Dept. of State Lands	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dennis Hemmer	Helena	Dept of State Lands	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
George McCallister	Plains	District 12	<input checked="" type="checkbox"/>	
Chris R. Stabie	✓	Dist 23	<input checked="" type="checkbox"/>	
Peter Rasi	Missoula	self	<input checked="" type="checkbox"/>	
Barbara Curtis	Butte	Self	<input checked="" type="checkbox"/>	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

6x. 4

DEPARTMENT OF STATE LANDS' TESTIMONY ON HOUSE BILL 391
BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE

The Department of State Lands proposes that House Bill 391 be amended to clarify its intent and prevent any conflict with existing statutes. I have provided a copy of the proposed amendments for your consideration.

The major portion of the proposed amendments are for the purpose of restricting the application of this bill to currently existing cabin site licenses. As currently written, the bill could be read to also apply to grazing licenses and other surface leases. These have been subject to competitive bidding in the past. Current statutes provide for competitive bids on grazing and other surface leases. Thus, without these amendments a conflict with existing laws could be created.

The proposed amendments also make it clear that a licensee can assign the license without subjecting it to competitive bid and that the method of valuation of improvements on cabin sites shall be the same as provided by statute for the valuation of improvements on state leases. Thus, cabin sites would be consistent with other licenses and leases.

Further, the amendments change the method of increasing the value of licenses which have already been granted. The bill bases the value on the consumer price index. The amendments change the method to being based on appraised value of the land. Changes in the consumer price index may not always reflect changes in land values.

The Department of State Lands urges the committee to amend the bill as proposed.

AMENDMENTS TO HOUSE BILL 391

INTRODUCED BILL

1. Title, line 6
Following: "VALUE OF"
Strike: "SURFACE"
Insert: "CABIN SITE"
Following: "LICENSES"
Strike: "AND LEASES"
2. Title, line 7
Strike: "AND LEASES"
3. Page 1, line 15
Strike: "and leases"
4. Page 1, line 18
Strike: "and leases"
5. Page 1, line 22
Strike: "grazing and"
6. Page 1, line 23
Strike: "and leases"
7. Page 1, line 24
Strike: "and leases"
8. Page 2, line 7
Strike: grazing and"
9. Page 2, line 8
Strike: "and lessees"
10. Page 2, line 9
Strike: "and lessees"
11. Page 2, line 18
Strike: "or"
12. Page 2, line 19
Strike: "leases"

13. Page 2, line 21
Strike: "grazing and"
Strike: "and leases"
14. Page 2, line 23
Following: "licensees"
Strike: "and"
15. Page 2, line 24
Strike: "lessees"
16. Page 3, line 3
Strike: "and leases"
17. Page 3, line 5
Strike: "grazing and"
18. Page 3, lines 6 and 7
Strike: "or leases differing from the method used by the board on that date"
19. Page 3, line 9
Following: "each"
Strike: "surface"
Insert: "cabin site"
Following: "license"
Strike: "or lease"
20. Page 3, line 10
Strike: "or lessee"
21. Page 3, line 11
Following: "continue"
Insert: "or assign"
Following: "license"
Strike: "or lease"
22. Page 3, line 12
Strike: "or lease"

23. Page 3, lines 14 and 15
Following: "by"
Strike: "that percentage of increase in the consumer price index shown for such period of years"
Insert: "a percentage of the increase in the value of the land as shown by an appraisal by a qualified appraiser"

24. Page 3, line 16
Following: "initial"
Strike: "surface"
Insert: "cabin site"

25. Page 3, line 17
Strike: "or lease"
Following: "retain"
Insert: "or assign"

26. Page 3, line 18
Strike: "or lease"

27. Page 3, line 22 through line 5, Page 4
Strike: subsection (2) in its entirety
Insert: "(2) The method of valuation of improvements on cabin sites shall be the same as provided in section 77-6-306."

VISITOR'S REGISTER

HOUSE NATURAL RESOURCES

COMMITTEE _____

BILL HB 200

DATE 2/2/83

SPONSOR REAM

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Melody Fuchs	Milltown, Mt	Milltown	✓	
Karen Barclay	Butte MT	Milltown	✓	
Joan Kelly	Deer Lodge Mt	NPRC	✓	
Dawn North	LWU 914 Beckenwy	LWU	✓	
Peter Rice	Missoula	self	✓	
Johnnie Skurt	Milltown	Milltown Water Users	✓	
Gloria Nyquist	Milltown	Milltown Water Users	✓	
Red Duncan	Deer Lodge	Powell Co. Env. Health Dept.	✓	
Clair Bald	Missoula	Missoula City City Health	✓	
Arthur Burt	Milltown	Milltown Water Users		
Bernice Burt	Milltown	Milltown Water Users		
Vic Andersen	Helena	DHEC	✓	
Lucy Brieger	Helena	MEIC	✓	
Joan Miles	Helena	Lewis Clark State Dept	✓	
Dave Bunn	Butte	Dist. 183 - Regs	✓	
Louise Bruce	Missoula	Missoula resident	✓	

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HOUSE BILL 200
STATE HAZARDOUS WASTE CLEANUP FUND

"An act to authorize the Department of Health and Environmental Sciences to cooperate with the Federal Government in implementation of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to remedy the release of hazardous substances and contaminants into the environment; and providing an immediate effective date."

This bill enables the state, in cooperation with the Federal Government, to begin remedial cleanup actions of hazardous chemical waste sites listed on the Environmental Protection Agency's (EPA) national priority list.

This bill authorizes use of funds for all Montana priority sites for the next biennium, from the junk vehicle trust fund.

Below you will find an outline of issues surrounding and creating the need for this legislation.

A) EPA Priority List

1) 418 sites nationwide

Four in Montana:

Anaconda

Libby

Milltown

Silver Bow Creek

AMENDMENTS TO HOUSE BILL 291

14. Page 3, line 16.
Following: "current"
Insert: "cabin site"
15. Page 3, line 24.
Strike: "surface"
Insert: "cabin site"

AMDTs/HB 291

State Hazardous Waste Cleanup Fund
Page Two

B) Federal 'Superfund'

- 1) created by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).
- 2) derived from taxes on petroleum and chemical production and from the general revenue fund.
- 3) gives 90% federal funding to cooperating states who assure:
 - a) 10% state or local funding - state must be authorized for 100% of the budget.
 - b) a hazardous waste disposal site meeting requirements of Presidential and Solid Waste Disposal Act.
 - c) future maintenance of removal and remedial actions.
- 4) allows EPA to sue the party responsible for the toxins for up to three times (3x) the clean-up costs.

C) CERCLA

- 1) complements the Resource Conservation and Recovery Act of 1976 (RCRA) which establishes management to prevent health hazards from toxic waste. Both CERCLA and RCRA are Federal statutes.
- 2) authorizes the management of currently hazardous sites.

State Hazardous Waste Cleanup Fund
Page Three

- D) Montana has a hazardous waste act similar to RCRA, but no statute enabling the clean-up of exposed wastes.
- E) Update on Montana sites
 - 1) known responsible parties, clean-up underway - no appropriation or authorization of state funds needed:
 - a) Anaconda smelter - Anaconda Company cooperating;
 - b) Libby - St. Regis Company cooperating.
 - 2) no known responsible parties, therefore, requiring state/federal cooperation to provide remedial action and investigate waste origin. Authorization and appropriation of state funds needed.
 - a) Milltown - Arsenic and heavy metals in ground water;
 - b) Silver Bow Creek - Arsenic, heavy metals and phosphate in tailings and stream water.
- F) Funding
 - 1) For 1984-85, bill authorizes expenditures from Junk Vehicles Trust Fund, 75-10-532, MCA. Solid Waste Bureau budget proposal earmarks \$220,000 for the Milltown and Silver Bow Creek Projects - all unspent monies shall revert to the junk vehicle

ERA at the end of the biennium. The balance of the junk vehicle account stands at about \$1.5 million.

2) after 1985 - Resources Indemnity Trust Fund interest could be used.

a) 15-32-102, MCA

"It is the policy of this state to provide security against loss or damage to our environment from the extraction of non-renewable natural resources."

b) 15-38-203, MCA

"any funds made available under this chapter shall be used and expended to improve the total environment, and rectify damage thereto."

c) of the \$35 million dollar trust account, only interest may be spent. A 1981 amendment authorized 30% of the interest for water development. The remaining 70% reverts to the general fund. Interest grows about \$3 million per year. After the 1984-85 biennium, Superfund monies could be appropriated from the interest.

Duties of the Department of Health and Environmental Sciences during the remedial actions includes:

- 1) data gathering and lab samples;
- 2) identification of responsible parties;
- 3) negotiation/enforcement coordination with responsible parties;
- 4) identification of cleanup options;
- 5) compiling detailed cost analysis;
- 6) conducting cost/benefit analysis;
- 7) coordinating of cooperative agreement with EPA;
- 8) monitoring cleanup contractors or consultants;
- 9) coordinating public participation activities.

BR/mac

PROPOSED AMENDMENTS TO HOUSE BILL 200:

1. Title, line 11.

Following: "ENVIRONMENT;"

Insert: "PROVIDING FOR FUNDING OF HAZARDOUS WASTE PROGRAMS;"

2. Title, line 12.

Following: line 11

Strike: "SECTION"

Insert: "SECTIONS 15-38-202 AND"

3. Page 7, line 12.

Following: "health"

Strike: "and"

Insert: "or"

4. Page 7, line 22.

Following: "will"

Strike: "provide"

Insert: "assure" ...

5. Page 9.

Following: line 12

Insert: "Section 6. Section 15-38-202, MCA, is amended to read:

"15-38-202. Investment of resource indemnity trust account--expenditure--minimum balance. (1) All moneys paid into the resource indemnity trust account shall be invested at the discretion of the board of investments. All the net earnings accruing to the resource indemnity trust account shall annually be added thereto until it has reached the sum of \$10 million. Thereafter, only the net earnings may be appropriated and expended until the account reaches \$100 million. Thereafter, all net earnings and all receipts shall be appropriated by the legislature and expended, provided that the balance in the account may never be less than \$100 million.

(2) Beginning in fiscal year 1982, provided the amount in the resource trust account is greater than \$10 million, 30% of the interest income of the resource indemnity trust account must be allocated to the water development earmarked account created by 85-1-604.

(3) Beginning in fiscal year 1986, 6% of the interest income of the resource indemnity trust account must be allocated to the department of health and environmental sciences to be used to implement the Montana Hazardous Waste Act and the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with [sections 1 through 4]. Any funds remaining unexpended at the end of each fiscal year will revert to the resource indemnity trust interest account."

Renumber: subsequent section

STATE SUPERFUND

In 1980 the U.S. Congress passed the "Comprehensive Environmental Response, Compensation, and Liability Act" (CERCLA, sometimes called "Superfund") to address the need for clean-up and remedial actions at sites impacted by past actions involving the dumping of hazardous substances. This legislation was introduced and passed to supplement the federal "Resource Conservation and Recovery Act of 1976" (RCRA), which deals with the present tense management (or mismanagement) of hazardous waste materials. RCRA prevents the development of environmental damage from present and future hazardous waste activities, while CERCLA is designed to address the problems resulting from past dumping practices.

Montana has state legislation comparable to RCRA--the Montana Hazardous Waste Act, Title 75, Chapter 10, Part 4, MCA--and has an active hazardous waste regulatory program within the Department of Health and Environmental Sciences (DHES), but has no clean-up fund or statutory authority comparable to CERCLA. The EPA has delegated to DHES the authority to operate the RCRA hazardous waste program in Montana. Unlike RCRA, CERCLA does not provide for delegation of the full program to individual states, but it does provide, in Section 104(c) and (d), that a state must enter into contracts or cooperative agreements with the federal government on a site-by-site basis before CERCLA dollars may be spent on site remedial activities.

CERCLA established a federal "Superfund," provided by a tax on petroleum and chemicals production, which may be used for site clean-up and remediation activities. Use of the fund requires that the state make three assurances: 1) pay 10 percent of planning and clean-up costs; 2) guarantee that an approved hazardous waste disposal site is available for clean-up wastes; and 3) pay for any necessary long-term monitoring and care.

Superfund dollars are spent when a responsible party cannot be found and/or cannot afford to do the necessary clean-up. Before any clean-up is started, a detailed investigation must be performed to determine the exact cause of the problem and the extent, develop options as to how to address the clean-up, and develop projected costs for each of the clean-up options.

Montana presently has four hazardous waste sites on the Superfund National Priority List (Silver Bow Creek, Anaconda smelter, Libby ground water, and Milltown ground water).

The DHES estimates the front-end administration, planning, engineering contracts, and matching requirement to cost \$208,562 for the 84-85 biennium. This amount with the 90 percent matching funds available from EPA will fund \$2,083,280 worth of site investigation and remedial action during the biennium.

The DHES does not presently have funding or personnel available to even investigate each of these sites to determine what the options or costs for clean-up or remedial actions are. One person will have to be hired on an as-needed basis to implement any action on any of the potential sites. That person's duties would include:

- 1) Data gathering including laboratory samples

- 2) Identification of responsible parties
- 3) Negotiations/enforcement coordination with responsible party, if applicable
- 4) Identify clean-up options
- 5) Identify detailed costs for options
- 6) Perform cost/benefit analyses for options
- 7) Coordinate cooperative agreements with EPA
- 8) Monitor contracts with consultant and/or contractors
- 9) Conduct all necessary public participation activities

Superfund provides for lawsuits that enable EPA to sue a responsible party for up to three times the cost of clean-up if the responsible party refuses to accept the liability. In most cases this threat is encouragement enough to get the responsible party to finance any necessary testing, planning and clean-up. But in the cases where no one can be identified, the costs incurred by the state will not be reimbursed.

Funding

The DHES proposes that for the 84-85 biennium the funds be appropriated from the junk vehicle earmarked revenue account established by Section 75-10-532, MCA. Any unspent money will be returned to the junk vehicle earmarked revenue account at the end of the biennium.

The Anaconda smelter and Libby ground water sites have known responsible parties, so DHES does not anticipate incurring any costs for clean-up. There will be some professional and legal staff time required to monitor the clean-up activities. The Milltown and Silver Bow Creek projects are not as straightforward, and no responsible parties have yet been identified. The following budget describes where the requested funds will be spent.

Proposed Budget

	<u>FY1984</u>	<u>FY1985</u>
Personal Services	25,485	26,274
Operating Expense	1,015,496	1,015,496
Equipment	529	--
Total	1,041,510	1,041,770

Source of Funding

Junk Vehicle Account	104,151	104,411
EPA	937,359	937,359
Total	1,041,510	1,041,770

Of the total, approximately \$125,282 is for professional and consultant services that are to be spent according to the following estimate for each site each year:

<u>Project Phase</u>	<u>State</u>	<u>EPA</u>	<u>Total</u> -
Investigation	9,396.15	140,603.85	150,000.00
Remedial Option Development	9,396.15	140,603.85	150,000.00
Implementation/Clean-up	12,528.20	187,471.80	200,000.00
Totals	31,320.50	468,679.50	500,000.00

With the 90 percent EPA/10 percent State cost sharing formula, the DHES needs \$1,041,510 spending authority to handle the expenditure of both the state share (\$104,151) and the EPA share (\$937,359) for FY1984. For FY1985 the DHES requests \$1,041,770 spending authority to cover State (\$104,411) and EPA (\$937,359) shares.

MISSOULA CITY-COUNTY
HEALTH DEPARTMENT

301 West Alder · Missoula, Montana 59802 · Ph. (406) 721-5700

February 2, 1983

SUBJECT: House Bill 200
FROM: Missoula City-County Health Department
TO: State Legislature

The Missoula City-County Health Department fully endorses House Bill 200. Passage of this Bill is critical to Montanans trying to cope with the serious problems associated with abandoned hazardous waste sites. At this time, the Environmental Protection Agency has identified four such sites for priority attention under the Federal "Superfund" law. In addition, EPA is considering over forty other Montana areas as potential Superfund candidates.

House Bill 200 provides the enabling legislation necessary for the State of Montana to obtain ninety percent (90%) financing from EPA to investigate and remedy risks from hazardous waste sites. Without this financial assistance, remedial action might not be feasible in many instances. Through the cooperative agreements made possible by this Bill, Montanans may gain employment as consultants or contractors engaged in the many activities needed to clean-up toxic chemical wastes.

For Missoula's Milltown residents this Bill would provide a way to obtain safe drinking water which has not been available for over a year. It would offer great relief to many individuals who have searched for funding, equipment or services to eliminate the health hazards presented by an arsenic contaminated water supply. Knowing the many difficulties encountered in these endeavors, passage of this legislation gains even greater significance.

Once enacted, continued funding for State matching monies is also essential. At this time HB 200 provides funding only through this biennium from the State's Junk Vehicle program. Legislators should also consider and establish by amendment future revenue sources such as the Resource Indemnity Trust Fund.

Again, we offer full support for passage of House Bill 200. We feel confident that this legislation provides a means to eliminate both current and potential serious health and safety problems resulting from releases of hazardous wastes.

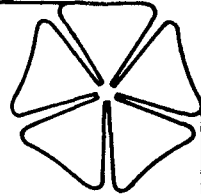
Elaine M. Bild

Elaine M. Bild
Director of Environmental Health

Ex. 9

MISSOULA CITY-COUNTY HEALTH DEPARTMENT

301 West Alder · Missoula, Montana 59802 · Ph. (406) 721-5700



M E M O R A N D U M

February 1, 1983

The Missoula City County Board of Health would like to go on record in favor of H.B. 200.

Dealing effectively with hazardous waste in the State of Montana is an important and essential public health concern.

This bill provides a positive step in that direction.

Phillip C. Tourangeau
Phillip C. Tourangeau, Chairman
Missoula City County Board of Health

February 2, 1983

Mr. Chairman and members of The Committee :
~~Ladies and Gentlemen of the Committee.~~

Thank you for the opportunity to speak on behalf of the Milltown Water Users Association in support of House Bill 200.

My name is Gloria Nyquest. I am a property owner in Milltown.

When it was discovered over a year ago that the water serving some 33 houses in Milltown was contaminated with arsenic and heavy metals, we were told by Officials of the Health Department that our water was not safe to drink.

Professor Woesner from the University of Montana, through a small grant, was able to run tests on the silt behind the Milltown Dam, adjacent to our houses. He discovered even higher concentrations of these very same contaminants. It appeared the contaminants were coming from the reservoir and filtering into our wells.

We Milltown residents are here to ask for justice along with drinkable water.

In the court of law, in the course of doing business, if you do harm to an innocent bystander, you will be held liable for damages.

We all know where the tons upon tons of arsenic and heavy metals laying in the silt behind the Milltown Dam came from.

We residents of Milltown do not have the money to establish an evidential link to the offending party or parties, but the EPA can do this, only with the help of House Bill 200; because as you know, EPA will provide 90% of the monies needed to get the whole job done, however, our State must supply the other 10% matching funds.

The Milltown site is not the only site in Montana with water contaminated by industry, nor dare I venture, will be the last community faced with the loss of their drinking water.

We do not expect a hand out from the taxpayers of this State. However, policing our water rights cannot be left to a handful of citizens caught with a problem not of their own making.

I feel as if I was standing on the street corner as a Lincoln-Continental speeds by on his way to the bank and splashes mud all over the front of my clothes.

We did not get into this mess alone and we sure can't get out of it alone.



University of Montana

Geology Department • Missoula, Montana 59812 • (406) 243-2341

6x.11
February 1, 1983

HOUSE COMMITTEE ON NATURAL RESOURCES HB200

The University of Montana has been involved in the study of the occurrence of arsenic in four community wells in Milltown, Montana, since November, 1981. Dr. William W. Woessner and graduate student Marin Popoff initially evaluated the existing geologic and hydrologic data in an attempt to define the source of arsenic. Their study determined that groundwater moves in the region parallel to the reservoir, from the Champion complex towards the wells, from an old dump site, probably from the reservoir itself and possibly from a deeper groundwater system underlying the area. The arsenic wells parallel the reservoir and their water levels are about fifteen feet lower than the reservoir stage. Dr. Johnnie Moore took four samples of the reservoir sediments in February, 1982, and analyzed them for arsenic, lead, phosphorus, iron, copper, zinc, mercury and manganese. He found concentrations of arsenic, copper, zinc and lead which equalled or exceeded concentrations recorded in other contaminated sediments (see attached table). As a result of the University, county and state work, the extent of the problem has been identified. The reservoir sediment data certainly show arsenic in the reservoir and thus the reservoir becomes a focus point for further research to connect without a doubt movement of groundwater from the reservoir to the Milltown wells. However, currently no funds for continuation of source identification are available. The absence of a definite source also clouds the issue of obtaining a clean water supply for the water users in Milltown.

It is clear to the researchers who have been involved with the Milltown arsenic problem that additional funds are needed to better characterize the movement of groundwater in the area and the extent and distribution of metals in the reservoir sediment. Estimates of arsenic in the reservoir sediment were originally based on four chemical values and a conservative estimated sediment thickness of four feet. Based on the original analysis results the reservoir could contain 330 tons of arsenic. If the concentrations are higher than shown by the four samples and/or the sediment thickness is closer to 20 feet as suspected the quantity of arsenic and all of the other metals could be five to ten times higher than original calculations. At this time we have identified a problem which requires a substantial commitment of dollars to further delineate the source of arsenic and evaluate management possibilities. We feel that the required money will only be made available if HB200 is adopted so state match to significant federal dollars can be utilized to support further research, remedial water supply development and waste management planning. We support HB200.

Sincerely

William W. Woessner, Associate Professor

Equal Opportunity in Education and Employment

TABLE 1
(concentrations in mg/l)

Metal	Milltown	Lake Washington	Wisconsin Lakes	Lake Mich.
Arsenic	155	200	51	22
Copper	993	50	268	75
Zinc	4,844*	230	92	317
Lead	151	400	124	145

*Zinc is extremely high, analytical error might be expected. However, data is inline with the 1976 work of Bailey on the reservoir sediment and the high zinc values are believed to be valid.

Ex. 12

Environmental Studies Lab.
University of Montana
Missoula, Montana 59812

February 2, 1983

Mr. Hal Harper
House Natural Resources Committee
Montana State Capitol
Helena, Montana

Dear Mr. Harper and Committee Members:

Re: House Bill 200, State Hazardous Waste Cleanup Fund

House Bill 200 deserves to be passed. Montana needs an enabling statute for the clean-up of toxic wastes. The 10% cost share is a small price compared to the health and welfare costs of uncontrolled hazardous wastes. If it has not already been changed, I ask that you examine the wording of the bill pertaining to the dates. I assume that the intent is to provide authorization and appropriation of state funds for the 1983-1985 period beginning on July 1, 1983, not one year later as indicated in the original draft. The people in Milltown should not have to wait another year and a half before any remedial action can be taken.

Furthermore, although I understand that the bill is aimed at providing funds for the EPA priority sites in Montana, I would like to point out that there are now four on the list, but that there are more than 80 other sites which may be added in the future. These sites occur in all parts of the State, whereas the first four tend to be in the western region. My point is that these sites are not just a problem in western Montana. Also, these may not be the worst sites. It is my understanding that East Helena, Montana will be included on the list to be released this summer. I recently carried out a heavy metal study in that area. Excessive levels of arsenic, lead, and cadmium occur in the water, soils, garden vegetables, crops and pastures, honey bees, and air. Cattle and horses cannot be kept at some locations unless they are fed food brought in from other areas, and losses have been sustained within the last five years. Honey bees may suffer losses of over 80% of their brood. Pollen collected from beehives is not fit for human or bee consumption. Levels of lead in the air exceed safety standards (data from the Lead State Implementation Plan conducted by the Montana Department of Health). Conditions at this location, based on my data, are worse now than they were in the late 1960's when EPA conducted a major study of the valley. I have recently prepared several reports concerning these findings and am in the process of submitting them to scientific journals. They can be made available to the committee if they would be of interest.

Also, I am engaged in an ongoing study at the Grant-Kohrs Ranch Historic Site in the Deer Lodge valley. Park service personnel are concerned about denuded areas which occur along the Clark Fork river. Mr. Peter Rice and I obtained soil and vegetation samples from these spots in October, 1982. Arsenic in soils from the ranch exceeded natural levels by as much as 1,000 fold, and the concentrations of this metal in grass were similar to those normally found in severely impacted smelter areas like East Helena. This information together with our knowledge of heavy metal discharges into the river by mining and smelting activities and of the levels of these metals in sediments of the reservoir at Milltown indicate that the entire Clark Fork drainage may be impacted. We have

TABLE 1
(concentrations in mg/l)

Metal	Milltown	Lake Washington	Wisconsin Lakes	Lake Mich.
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*Zinc is extremely high, analytical error might be expected. However, data is inline with the 1976 work of Bailey on the reservoir sediment and the high zinc values are believed to be valid.

Lucianne Bieger

The Montana Environmental Information Center supports HB 200 to allow the state Solid Waste Management Bureau's hazardous waste program to cooperate with the federal Environmental Protection Agency in implementing the "Superfund" program. Our reasons follow:

1. In view of EPA and state evaluations of hazardous waste sites in Montana, there is no question as to the compelling need to expedite implementation, in Montana, of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

2. That implementation cannot begin without this bill, nor can the state help in implementing the law without this enabling legislation. The state must have this cooperative agreement to participate.

3. The state must put up a 10% match for federal money to be spent here. The state must put money up front on cases where a responsible party has not been identified. This is the case for at least 2 sites in Montana, and more such sites may be discovered. If a responsible party were identified later, the state could be reimbursed for its expenses.

4. An appropriation to this fund is essential, and must be guaranteed for years after the next biennium. Therefore, we support Rep. ^{D. Brown} ~~Ream~~'s amendment to earmark a designated percentage of the RIT fund for the Superfund program.

5. With this bill, the state would have the lead role in cases where a responsible party has not been identified. The state should have as much authority as possible to guarantee citizen involvement, and to guarantee that the best clean-up methods are used to assure longer-term, rather than short term solutions.

6. Work at the Milltown site can begin immediately upon passage of this bill, and work at other sites will be expedited. The sooner the state has its program and appropriation in order, the sooner work will begin with EPA. (EPA's list is not a prioritized list)

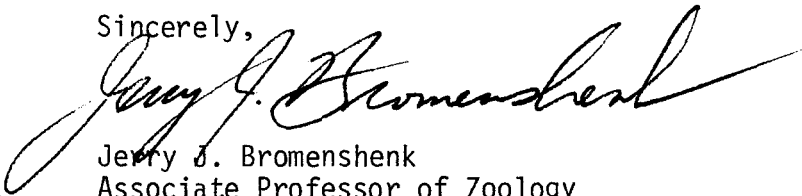
We urge your immediate adoption of HB 200.

Comments on House Bill 200 - Bromenshenk

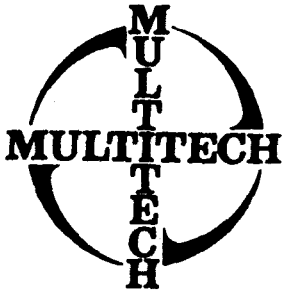
submitted a proposal to the National Science Foundation for funds to investigate the distribution of metals in the Clark Fork River drainage and to assess movement of these materials out of the river and into terrestrial food chains. Hopefully, we will receive federal funds for this study. I am convinced that Silver Bow Creek and Milltown represent just two points along the river where metals have concentrated. It is likely that there are others.

I am a member of a scientific advisory panel to the U.S. EPA and the U.S. Army regarding evaluation and cleanup of military arsenals in Colorado. Last spring I gave several talks at the University on this topic. It soon became clear that many residents of Montana consider the state to be clean and to not have any hazardous wastes sites of consequence. This is a false premise based on ignorance of the true state of affairs. Love Canal and a few other locations have received much public attention, but these are not the only ones of concern. Unfortunately, we have our share and Montana needs its rightful share of the Federal 'Superfund' assistance. Please support House Bill 200 which is our investment in a safer future.

Sincerely,



Jerry J. Bromenshenk
Associate Professor of Zoology
Environmental Studies Laboratory
University of Montana
Missoula, Montana



MULTITECH, INC.

TECHNOLOGY SERVICES

TO: Chairman and Members of the Natural Resources Committee

FROM: Karen Barclay

RE: Testimony in Support of House Bill 200, 48th Legislative Session - 1983

The State of Montana has been a national leader in ensuring adequate environmental protection and in mandating measures to protect the health and safety of its citizens.

Following in that tradition, H.B. 200 is a timely and important piece of legislation which will allow the people of Montana to receive the benefits of federal legislation designed to provide for the disposal and control of hazardous substances at specific sites where they pose significant health hazards.

Existing federal "superfund" legislation provides for cleanup of hazardous waste sites based on 10% state matching funds with 90% provided by the existing superfund. Initially about 400 potential superfund sites nationwide were designated by EPA; four of the sites are in Montana. Late in 1982 EPA ranked these sites and published a list of the top 100 hazardous waste sites in the country; two of these were in Montana including the top ranked site in the western states - Silver Bow Creek.

Recent events in such places as Times Beach, Missouri have shown what can happen when potentially hazardous conditions are left unmitigated. There, flooding coupled with dioxin contamination have turned the potential problem sites into imminent health and safety hazards. An example here in Montana is the recent findings of arsenic and heavy metals contamination in the drinking water of Milltown residents. As in these examples, hazardous waste problems do not take care of themselves but in many cases the conditions deteriorate with time. Often the problem is not recognized until it threatens public health and safety or poses irreversible damage to the natural environment.

In summary, we strongly support this bill to allow the State of Montana to take an active role in directing the necessary investigations and implementing remedial measures for cleanup of hazardous waste sites in Montana. The legislature will be meeting it's responsibility in protecting the health and welfare of present and future generations. Passage of this bill is a necessary first step in allowing the State of Montana to receive federal matching funds to ensure the protection of public health and safety from hazardous wastes.

Post Office Box 4078, Butte, Montana 59702

(406) 494-6319/FTS 587-6319

NORTHERN PLAINS RESOURCE COUNCIL

Ex. 15

Field Office
Box 858
Helena, MT 59624
(406) 443-4965

Main Office
419 Stapleton Building
Billings, MT 59101
(406) 248-1154

Field Office
Box 886
Glendive, MT 59330
(406) 365-2525

TESTIMONY OF TONI KELLEY, CHAIRMAN OF THE NORTHERN PLAINS RESOURCE COUNCIL, ON HB 200, FEBRUARY 2, 1983

Mr. Chairman and members of the committee, my name is Toni Kelley, and I'm chairman of the Northern Plains Resource Council. I'm testifying in support of HB 200.

My husband Jack and I ranch in the Deer Lodge Valley between Deer Lodge and Anaconda. Living so close to the largest hazardous waste site in Montana makes me especially interested in this bill. My family's health and the agricultural economy of this area depend upon the clean-up of an enormous mess created by the Anaconda smelter.

Somewhere around 4000 acres of the Deer Lodge Valley are covered with tailings from the smelter. These tailings are laden with heavy metals that, if not properly cleaned up, could contaminate vast areas of groundwater and surface water making them unsuitable for domestic or agricultural use.

HB 200 is exactly what is needed to address this problem. Thousands of people in the Deer Lodge Valley and in many other areas in Montana will benefit greatly from its passage.

OVER

A hundred thousand dollars a year is a prudent and inexpensive investment. It's an investment that can limit and prevent serious damage to life and property. I urge your support of this bill.

As Amended EX. 10
Do Pass

H.B. 263

Proposed Amendment

NEW SECTION:

Section 2 - Section 75-20-201, MCA, is amended to read:
"(5) This chapter applies, to the fullest extent allowed by federal law, to all federal facilities and to all facilities over which an agency of the federal government has jurisdiction."

*Ted +
Nordrecht gone*

STANDING COMMITTEE REPORT

Page 1 of 2

February 7, 1983

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 200

First reading white

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO COOPERATE WITH THE FEDERAL GOVERNMENT IN IMPLEMENTATION OF THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 TO REMEDY THE RELEASE OF HAZARDOUS SUBSTANCES AND CONTAMINANTS INTO THE ENVIRONMENT; AMENDING SECTION 75-10-532, MCA; AND PROVIDING FOR IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 200

be amended as follows:

1. Title, line 11.
Following: "ENVIRONMENT;"
Insert: "PROVIDING FOR FUNDING OF HAZARDOUS WASTE PROGRAMS;"
2. Title, line 12.
Strike: "SECTION"
Insert: "SECTIONS 15-18-202 AND"
3. Page 7, line 12.
Strike: "and"
Insert: "or"
4. Page 7, line 22.
Strike: "provide"
Insert: "assure"

XXXXX
DO PASS

February 7, 1983

5. Page 9.

Following: line 12

Insert: "Section 6. Section 15-38-202, MCA, is amended to read:

"15-38-202. Investment of resource indemnity trust account-- expenditure--minimum balance. (1) All moneys paid into the resource indemnity trust account shall be invested at the discretion of the board of investments. All the net earnings accruing to the resource indemnity trust account shall annually be added thereto until it has reached the sum of \$10 million. Thereafter, only the net earnings may be appropriated and expended until the account reaches \$100 million. Thereafter, all net earnings and all receipts shall be appropriated by the legislature and expended, provided that the balance in the account may never be less than \$100 million.

(2) Beginning in fiscal year 1982, provided the amount in the resource trust account is greater than \$10 million, 30% of the interest income of the resource indemnity trust account must be allocated to the water development earmarked account created by 85-1-604.

~~(3) Beginning in fiscal year 1986, 5% of the interest income of the resource indemnity trust account must be allocated to the department of health and environmental sciences to be used to implement the Montana Hazardous Waste Act and the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with [sections 1 through 4]. Any funds remaining unexpended at the end of each fiscal year will revert to the resource indemnity trust interest account."~~

Renumber: subsequent section

AND AS AMENDED
DO PASS

.....HAL HARPER.....

Chairman.

STANDING COMMITTEE REPORT

February 19, 19 83

MR. **SPEAKER:**.....

We, your committee on **NATURAL RESOURCES**.....

having had under consideration **HOUSE** Bill No. **228**

First reading copy (**white**)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT PROMOTING CONSISTENCY AND CONTINUITY IN THE ADOPTION AND APPLICATION OF ENVIRONMENTAL RULES; AMENDING SECTION 90-1-101, MCA."

Respectfully report as follows: That..... **HOUSE** Bill No. **228**
be amended as follows:

1. Page 2, line 9.
Strike: "and other government regulations"
2. Page 2, lines 13 and 14.
Strike: "and other government regulations"
3. Page 2, line 16 through line 20.
Following: "detriment."
Strike: the remainder of line 16 through line 20
4. Page 2, line 23.
Strike: "this part"
Insert: "90-1-102 through 90-1-109"

AND AS AMENDED
DO PASS

~~DO PASS~~

STANDING COMMITTEE REPORT

Page 1 of 2

February 9, 19 83

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **391**

First reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT IF THE BOARD OF LAND COMMISSIONERS ADOPTS RULES TO ESTABLISH THE MARKET VALUE OF SURFACE LICENSES AND LEASES, IT ADOPT A METHOD OF VALUATION OF CURRENT LICENSES AND LEASES BASED UPON AN APPRAISED LICENSE OR LEASE VALUE AND A METHOD OF VALUATION OF INITIAL LICENSES OR LEASES BASED UPON A SYSTEM OF COMPETITIVE BIDDING; AND PROVIDING FOR THE VALUATION, DISPOSAL, OR PURCHASE OF FIXTURES AND IMPROVEMENTS."

Respectfully report as follows: That **HOUSE** Bill No. **391**

be amended as follows:

1. Title, line 6.
Strike: "SURFACE"
Insert: "CABIN SITE"
2. Title, line 7.
Following: "CURRENT"
Insert: "CABIN SITE"
3. Title, line 9.
Following: "INITIAL"
Insert: "CABIN SITE"
4. Page 1, line 16.
Strike: "grazing and"
5. Page 1, line 18.
Strike: "grazing and"
XXXXXX Following: "recreational"
DO PASS Insert: "cabin site"

February 9, 1983

6. Page 1, line 22.
Strike: "grazing and"
7. Page 2, line 7.
Strike: "grazing and"
8. Page 2, line 18.
Strike: "surface"
Insert: "cabin site"
9. Page 2, line 21.
Strike: "grazing and"
10. Page 3, line 5.
Strike: "grazing and"
11. Page 3, line 9.
Strike: "surface"
Insert: "cabin site"
12. Page 3, line 11.
Following: "continue"
Insert: "or assign"
13. Page 3, line 16.
Strike: "surface"
Insert: "cabin site"
Following: "leaf"
Insert: ", "
Following: "current"
Insert: "cabin site"
14. Page 3, line 24.
Strike: "surface"
Insert: "cabin site"

AND AS AMENDED
DO PASS

HAL HARPER

Chairman.