

HOUSE NATURAL RESOURCES COMMITTEE MINUTES  
March 21, 1983

The House Natural Resources Committee convened at 12:30 p.m. on March 21, 1983, in the Governor's Reception Room with Chairman Hal Harper presiding and all members present except Reps. Brown, Fagg, Nordtvedt and Quilici, who were excused. Chairman Harper opened the meeting to a hearing on SB 182.

SENATE BILL 182

SENATOR JOE HAMMOND, District 24, chief sponsor, said the title of the bill would cause you to believe we are going to change everything to do with solid waste. He said put your mind at ease. He said the bill provides for different regulations for Class II sites serving rural, unincorporated areas or towns. The disposal area would remain open seven days a week, without an attendant, and the garbage would be covered once a week. The local board of health would be in control rather than the state. He said they are unable to conform to the state's rules as prescribed at this time as they are more stringent than the federal regulations. He said the bill would comply with federal regulations. He said there have been many complaints sent to the Administrative Code Committee on this. Also affected would be the third-class cities. These are the cities with under 5,000 population.

PETE FRAZIER, Environmental Health Coordinator, City-County Health Department in Great Falls, spoke next in support and a copy of his testimony is Exhibit 1 of the minutes.

GORDON CLAIRE, Silver Star, representing self, spoke in support and a copy of his testimony is Exhibit 2 of the minutes.

WILLIAM R. JONES, County Commissioner of Teton County, spoke in support. He read a letter addressed to the House members and signed by the Teton County Board of Commissioners. A copy of the letter is Exhibit 3 of the minutes.

E. RICHARD ISERN, Lewistown, Central Montana Health District, spoke in support and a copy of his testimony is Exhibit 4 of the minutes. He handed to the members a copy of a letter from J.O. (BOOTS) ASBJORNSEN, who was unable to be present. A copy of this letter is Exhibit 5 of the minutes.

DALE SKAALURE, Chouteau County Commissioner, spoke in support of the bill and a copy of his testimony is Exhibit 6 of the minutes.

DOUGLAS ALLEN, County Commissioner from Madison County, spoke in support and a copy of his testimony is Exhibit 7 of the minutes.

RICHARD G. GASVODA, Cascade County, said he was speaking as a united voice for their three commissioners. He said they support the flexibility allowed by this bill and the local control. He urged a do pass recommendation.

ART LINDSETH, Chairman of the Pondera County Commissioners, spoke in support. He said this law would be livable for small towns and rural communities and it would be enforceable, while still accomplishing the job.

JACK HAYNE, Dupuyer Solid Waste District, spoke for the bill. A copy of his testimony is Exhibit 8 of the minutes.

PAT UNDERWOOD, Montana Farm Bureau, said they agree with the testimony given and wished to go on record as supporting the bill.

WILLIAM PRICE, Black Eagle Disposal, spoke for the bill and a copy of his testimony is Exhibit 9 of the minutes.

#### OPPONENTS

BILL ROMINE, Solid Waste Contractors Association, spoke in opposition to the bill and a copy of his testimony is Exhibit 10 of the minutes.

RICHARD A. BEULKE, Yellowstone Disposal District Board, spoke in opposition. He said there are many open dumps around the state and this is an inappropriate disposal as we should be reclaiming the refuse in some manner.

DUANE L. ROBERTSON, Chief, Solid Waste Management Bureau, Department of Health and Environmental Sciences, spoke in opposition, and a copy of his testimony is Exhibit 11 of the minutes.

TOM LAPPERT, Hardin, Big Horn County Sanitarian, spoke in opposition. He passed pictures showing what can happen when dumps aren't properly regulated. He explained what a cubic yard of refuse would be - a 3 foot square. He said 100 people will produce approximately 2 cubic yards per day, 7 days a week. That would be 14 cubic yards or a row of garbage 3 feet wide and 42 feet long and 3 feet high. A community of 500 people would make five times that pile and that is a lot of garbage to cover only once a week. He said they hope to establish a canister site to eliminate the problem of arriving at the dump and having the gates locked. He said if you adopt the bill people will be back in two years trying to get it put back together and going through the same fights to get the standards back up again.

He said there will also be a group back saying let's lower the standards if it is not passed. He said he preferred the word "landfills" to "dump." He urged a do not pass as he said the bill would back up the state of Montana ten years.

DR. JOHN W. McMAHEN, Montana Medical Association, spoke in opposition. He said the question is strictly public convenience versus public health. He questioned that \$4 a month (a cost that had been mentioned by a supporter) would be too much to pay for garbage disposal when most are already paying \$150 to \$250 for health insurance. He felt it could be considered a good buy. He mentioned on the local control issue that bats, being a carrier of rabies that could be contracted at uncontrolled dumps where infected skunks and other animals could be, do not respect county lines. He pointed out the retired landfill in Helena as an example of what a good landfill can become - a recreational facility for the community. He also pointed out that the Scratch Gravel landfill is an opposite example and would be even worse if the regulations were relaxed and they didn't have to cover daily. He said those who dump before the gate when it is locked do not show respect for their neighbors. He pointed out that the communities having problems complying can get a three year variance and that variance can be renewed if need be. He said they need to go through the state board and fill out some forms.

JOY I. NASH, Chairman, Gallatin County Commissioners, read a letter signed by all the Gallatin County Commissioners opposing the bill. A copy of the letter is Exhibit 12 of the minutes.

FRANK DELEO, RV Ranch Company, said he lives near the Elliston dump. He said the dump burns all the time and is covered only about 3 to 4 times a year. He said they oppose the bill as Powell County has started in the right direction and they don't want to lose ground by passage of this bill.

PHILLIP PALLISTER, Jefferson County Health Officer, spoke in opposition, and a copy of his testimony is Exhibit 13 of the minutes.

TERRY SCHULTZ, Health and Planning Officer, Hill County, spoke in opposition. He said there are cost-effective alternatives available to the small communities. He said they are implementing a cooperative one that consists of 12 units of local government from parts of three counties. He said the cost will be \$2 per homeowner or \$24 per household per year. He said he didn't know if this bill would affect their program as it is fairly well along, but it would remove one of the major incentives to resolve problems on an area-wide basis.

House Natural Resources Committee Minutes

March 16, 1983

Page 4

REPRESENTATIVE PAUL PISTORIA, District 39, spoke in opposition. He presented copies of testimony that had been given in the Senate committee hearing on this bill. These are Exhibit 14 of the minutes. He said he hoped the committee would not undo the good that has been done in getting our landfills in the condition they are today. He said the reason it has been done is to protect our health.

MARK YOUNG, veterinarian, spoke in opposition.

MAXWELL K. BOTZ, Clancy, ground water geologist, said this could lead to serious groundwater pollution problems. A copy of this testimony is Exhibit 15 of the minutes.

MIKE W. HUTCHIN, Lake County Commissioner, spoke against the bill and a copy of his testimony is Exhibit 16 of the minutes.

EUGENE REGAN, Beaverhead County Sanitarian, spoke in opposition and a copy of his testimony is Exhibit 17.

LINDA STOLL ANDERSON, Lewis and Clark County Commissioner, spoke in opposition. She said all three Lewis and Clark County Commissioners wish to be recorded as opposing the bill.

KEN HAAG, City of Billings, spoke in opposition. He said the bill represents a big step backwards. He said over 25,000 people in Yellowstone County could use a facility that wouldn't require daily cover under this bill.

EDWARD G. ZULAGER, Missoula City-County Health Department, spoke in opposition and a copy of his testimony is Exhibit 18. A letter received by him from Dennis Johnson, Forest Service, is Exhibit 19.

ROBERT SOLOMON, representing Dr. John McGregor, Chairman of the State Board of Health and Environmental Sciences, read Dr. McGregor's testimony opposing and a copy is Exhibit 20 of the minutes.

JIM SCHILLING, Great Falls, representing self, spoke in opposition. He said he lives near a dump and has had trouble with garbage blowing onto his land so does not want a relaxing of covering rules for landfills. He said he would also oppose a variance ruling where there would be less say by adjacent landowners-operators as to where a landfill is located.

JOHN A. KWIATKOWSKI, Deputy State Director, Division of Lands and Renewable Resources, Bureau of Land Management spoke in

opposition and a copy of his testimony and exhibits is Exhibit 21 of the minutes. This includes a letter from Mr. Duprey, Director, Air and Waste Management Division, United States Environmental Protection Agency.

JOHN ANDERSON, Scratch Gravel, Helena, said those that live near the Scratch Gravel dump are scared to death of this bill. He said if certain things, like daily covering, weren't required under the law, when money is dear (like now) the local officials might decide to spend the money in another place and the landfills just wouldn't be cared for like they should. He said he is very concerned about the groundwater supply. He said this landfill is a busy site and without some supervision anything from pesticides to pets could be deposited. He said seagulls and ravens really make a mess if the refuse is not covered.

DAWN A NORTH, League of Women Voters of Montana, said the League worked hard and long for this legislation and would hate to see it changed. A copy of her witness sheet is Exhibit 22 of the minutes.

ELIZABETH KNIGHT, Montana Environmental Health Association, Jefferson-Broadwater Counties, said they oppose the bill and a copy of her testimony is Exhibit 23.

LUCI BRIEGER, Montana Environmental Information Center, said they are opposed. A copy of her witness sheet is Exhibit 24 and a copy of the fact sheet prepared by the EIC is Exhibit 24.

DAVE PALAGI, Great Falls, City Transfer and Disposal, said he opposed the bill. A copy of a letter he sent to the committee members is Exhibit 26.

SENATOR HAMMOND closed. He said this is an exclusive setting for a garbage bill (Governor's Reception Room). He said in no way shape or form was he there to dilute the control of garbage in our state. He said the way the landfill law is now it is an imposition of regulations on a rural community that the community can't and won't conform to. He said when you impose you get nothing but resistance and much more would be gained by letting the local people have more control. He said they are a proud people and they do have local health authorities. He said the 40 yard containers aren't going to make the fly situation much better. He said there is clutter around them all the time. He added that it is not easy to get a variance -- there is a lot of harassment.

Questions were asked by the committee.

Rep. Curtiss asked just what specifically is in the bill that is in noncompliance with the federal law. Mr. Robertson said the biggest thing is access control. No provision for that in the 3rd class cities.

Rep. Bergene asked Mr. Fraser if he couldn't accomplish what he was seeking by getting a variance. Mr. Fraser said a variance is not a permanent solution as they are good for only three years. You have to indicate when you get the variance when you will be in compliance and provide a maintenance plan. He said for the small counties a variance won't solve the problem as sometime they will have to be in compliance.

Rep. Hand asked about the reference to ground water - what difference whether open or closed dumps. Mr. Anderson said if somebody was on the site they would segregate the garbage. Dr. McMahan said if something is covered with two feet of dirt and it rains it will not carry anything from the dump in a leaching process. Bacteria will ultimately die but viruses don't. These can be carried into the ground water with the rains and will travel a long way.

Rep. Curtiss asked about generators of hazardous wastes using untended dumps at their convenience. Mr. Robertson said there are 110 generators of hazardous wastes who generate more than 1000 kilos. He said there are lots generating less and they can take their wastes to the disposal sites. He said they need to have a control on this by having people there. This way they would have a handle on it; the gatekeeper could report it and steps be taken to correct it if need be.

Chairman Harper asked if a statement of intent were needed and Senator Hammond said there is the regulatory authority now, and all they are doing is relaxing the two rules with the effect of leaving it up to the local authorities.

Additional testimony handed in included:

ELAINE BILD, Environmental Health, Missoula City-County Health Department, Exhibit 27, opposing.

WILLIAM R. JONES, Teton County, Exhibit 28, supporting.

MRS. R.J. LOUGHNEY, Helena, Exhibit 29, opposing.

House Natural Resources Committee Minutes

March 16, 1983

Page 7

MELINDA A . TUSLER, Rosebud County Sanitarian, Exhibit 30, opposing.

KEN THOMPSON, Glasgow, Exhibit 31, opposing.

YELLOWSTONE COUNTY COMMISSIONERS, Exhibit 32, opposing.

DENNIS JOHNSTON, Big Sky Haul-Away, Exhibit 33, opposing.

Meeting adjourned at 2:15 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
HAL HARPER, CHAIRMAN

Emelia A. Satre, Sec.

## VISITOR'S REGISTER

HOUSE

NATURAL RESOURCES

COMMITTEE

BILL

SB 182

DATE 3/21/83

SPONSOR

SENATOR HAMMOND

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Philip D. Webster	Bozeman	Jefferson Co. Health Off		X
Richard A. Senke	Billings	Yellowstone County		X
John Andersen	Helena	Self		X
Jim Schilling	Great Falls	Self		X
Robert C. Gould	Dutton	Teton Co. CT		X
Ken Vada	Billings	City of Billings		X
Dick Caswood	Great Falls	Cascade Co	X	
Bill Orr	Great Falls	Cascade Co	X	
Pete Trajny	Great Falls	City Co Health Dept	X	
Richard Selin	Lewistown	Cent. Mont. Health Dist	X	
Agnes Clare	Silver Star	Self	X	
GREGG ZINS	Helena	Mont. Medical Assoc		X
John M. Mader	Helena	Mont. Milk Assoc		X
Pat Mader	Bozeman	MT. Farm Bureau	X	
Paul G. Pistone	St. Zell	State Rep		X
Frank S. Hunter	Harbo	City of Harbo		X
Terry S. Schultz	Harbo	Hart County		X
Marvin E. Mader	Lewistown	Mt. M. Disposal		X
Jay Noel	Bozeman	Co. Commissioners	X	
Alan Laffert	Harden	Co. Comm. By Harbo		X

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



## VISITOR'S REGISTER

HOUSE

NATURAL RESOURCES

COMMITTEE

BILL

SB 182

DATE 3/21/83

SPONSOR

SENATOR HAMMOND

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Mr. R. J. Longman	4780 East Shaw Dr Helena	myself		X
MR. J. J. [unclear]	BOX 171 CLARK MT	"		X
Ann Doan	1131 Vallejo Helena	U.S. EPA		
Mike Hutchins	Polson MT	LAKE County		X
Valley [unclear]	Polson, MT	Lake Co.		X
Robert [unclear]	Helena MT	Dr. John M. Gregory		X
Edward [unclear]	Missoula MT	Miss Co Health Dept		X
MAX [unclear]	Missoula MT	B.F.I. Waste Systems		X
Jay Lott	Twin Bridges	community	X	
Ann Allen	Silver Star	County - Madison	✓	
Doug Allen	" "	" "	X	
Dr. R. Jones	Teton County	County Comm	X	
Scott Mangels	" "	" "	X	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE Nat. Res

COMMITTEE

BILL SB 182DATE 3/21

SPONSOR

Hammond

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
John Kucalkowski	Granite tower Bldg	Bureau of Ind Mgmt		X
Jim Leitch	E Helena	Citizen		X
Quaneh Robertson	Coyne Bldg	State Dept of Health		X
Dr John M. George	Great Falls	State Dept of Health		X
Gary Fjelstad	Helena	Treasure County		
Ernie J. Copin	Helena	Treasure Co. Comm.		
Don Hall	Helena	LWU		X
Thas H. Ys.	Helena	S. F.		X
Jane B. A. Clark	Butte	Jep. Co. S. W. W.	X	X
John H. H. H.	Butte	Jep. Co. S. W. W.	X	X
Don D. D.	GREAT FALLS	C. H. TRANS. & D. Post, Inc.		X
John G. PALACI	GREAT FALLS	GREENS Disposal Serv		X
Luci Bringer	Helena	MEIC		X
Jack M. Dwyer	Dwyer	DUP. SOLID WASTE DIST	X	
Frank DeLeo	Helena	BV Ranch Co.		X
Walt Stashure	Big Sandy	Chouteau County	X	
M. L. L.	Helena	Trans. Comm. Self		X

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

TESTIMONY ON SB 182

MR. CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS PETE FRAZIER. I AM CURRENTLY ENVIRONMENTAL HEALTH COORDINATOR WITH THE CITY-COUNTY HEALTH DEPARTMENT IN GREAT FALLS. IN ADDITION, I SERVE AS DIRECTOR OF SOLID WASTE PROGRAMS FOR THIS DEPARTMENT, A POSITION I HAVE HELD FOR THE LAST 11½ YEARS. DURING THIS PERIOD OF TIME I HAVE BEEN DIRECTLY INVOLVED IN THE DEVELOPMENT AND OPERATION OF A SOLID WASTE DISPOSAL DISTRICT THAT INCLUDES ALL OF CASCADE COUNTY EXCLUDING THE INCORPORATED TOWNS WITHIN OUR COUNTY. OUR DISPOSAL PROGRAM CONSISTS OF TWO PUBLIC SANITARY LANDFILLS AND FIVE 40 CUBIC YARD REFUSE CONTAINER SITES. I APPRECIATE THE OPPORTUNITY TO TESTIFY TODAY WITH REGARD TO SENATE BILL 182.

CURRENTLY THE STATE SOLID WASTE REGULATIONS REQUIRE ALL LANDFILLS, REGARDLESS OF SIZE OR POPULATION SERVED, TO BE COVERED AFTER EACH DAYS USE, AND TO BE FENCED AND HAVE A SUPERVISOR OR "GATEMAN" PRESENT WHENEVER OPEN. WE AGREE THAT THESE RULES ARE THE IDEAL METHOD FOR LANDFILLING AND ARE PROBABLY NECESSARY FOR VERY LARGE LANDFILLS SERVING SEVERAL THOUSAND PEOPLE, WHERE LARGE VOLUMNS OF REFUSE ARE RECEIVED EACH DAY AND WHERE TRAFFIC FLOW IS HEAVY. HOWEVER, THESE SAME REQUIREMENTS FOR THE SMALL RURAL LANDFILL SITE ARE NOT ECONOMICALLY FEASIBLE OR PRACTICAL. CURRENTLY WE CHARGE RESIDENTS IN RURAL CASCADE COUNTY \$36.00 PER YEAR FOR THE OPERATION AND MAINTENANCE OF OUR TWO LANDFILLS AND FIVE CONTAINER SITES. WE USE TO COVER THE LANDFILL SITES NORMALLY FIVE DAYS EACH WEEK AND HAD A LANDFILL SUPERVISOR AT EACH LANDFILL SEVEN DAYS EACH WEEK, YET THIS WAS NOT ADEQUATE TO BE LICENSED AND BE IN TOTAL COMPLIANCE WITH EXISTING REGULATIONS.

ONE ALTERNATIVE FOR COMPLIANCE WITH THE EXISTING SOLID WASTE RULES FOR DAILY COVER AND SUPERVISION IS TO HAVE THE SMALL RURAL LANDFILL SITES OPEN ONLY ONE OR TWO DAYS PER WEEK AND CLOSED AND LOCKED THE REMAINDER OF THE TIME. FROM OUR OWN PAST EXPERIENCE WE CAN TELL YOU THIS POLICY DOES NOT WORK. EVEN AFTER HOLDING SEVERAL PUBLIC MEETINGS IN A COMMUNITY WITH A MAJORITY OF THE RESIDENTS PRESENT AND WITH THEM CHOOSING THE DAYS THEY WANTED THE SITE OPEN, WE HAD MORE GARBAGE DUMPED OUTSIDE THE LANDFILL GATE AND ALONG THE ROAD THAN IN THE LANDFILL. THE GATE, BUILT OUT OF PIPE AND CEMENTED INTO THE GROUND WAS, ON SEVERAL OCCASIONS PULLED OUT AND DEMOLISHED. WHEN SMALL RURAL LANDFILL SITES ARE CLOSED FOR ALL BUT ONE OR TWO DAYS EACH WEEK, A MORE SERIOUS PUBLIC HEALTH AND ESTHETICAL PROBLEM IS CREATED DUE TO INDISCRIMINANT DUMPING IN FRONT OF THE GATE AND ALONG COUNTY ROADS, THAN IF THE LANDFILL WAS OPEN ALL THE TIME AND COVERED ONCE OR TWICE A WEEK. IT IS ONLY HUMAN NATURE THAT ONCE AN INDIVIDUAL LOADS HIS GARBAGE IN HIS TRUCK AND TAKES IT TO THE LANDFILL, ONLY TO FIND THE GATE LOCKED, TO DUMP THE GARBAGE IN FRONT OF THE GATE OR IN SOME HANDY COULEE, RATHER THAN TAKE IT BACK HOME WITH HIM AND WAIT SEVERAL DAYS FOR THE LANDFILL TO OPEN. IF THE SMALL LANDFILL TRENCH IS OPEN AND AVAILABLE AT ANY TIME TO MEET THE PUBLIC'S NEEDS, THE REFUSE WILL BE DUMPED IN THE TRENCH, WHERE IT BELONGS. THE RISK OF FIRE IS REDUCED IF THE SITE REMAINS OPEN, SINCE THE CHANCE OF A FIRE SPREADING FROM A LANDFILL TRENCH IS MUCH LESS THAN IF REFUSE DUMPED IN A COULEE, DITCH OR IN FRONT OF THE GATE IS SET ON FIRE. CURRENTLY THE STATE SOLID WASTE RULES ALLOW LARGE 40 CUBIC YARD REFUSE CONTAINERS, WHICH, IN ESSENCE, ARE NOTHING MORE THAN PORTABLE LANDFILL TRENCHES, TO BE LEFT UNCOVERED AND EMPTIED AT LEAST ONCE EACH WEEK. SINCE THESE CONTAINERS CAN BE LEFT UNCOVERED AND UNSUPERVISED FOR A WEEK IT WOULD APPEAR THAT SMALL LANDFILL TRENCHES SHOULD BE ALLOWED TO BE UNSUPERVISED AND

AND UNCOVERED FOR AT LEAST ONE WEEK AS WELL. AS LONG AS THE LANDFILL MEETS EXISTING SITING REQUIREMENTS, WITH REGARD TO SOIL CONSISTENCY AND PERMIABILITY AND DISTANCE TO GROUNDWATER, NOT HAVING DAILY COVER SHOULD NOT CAUSE ANY POLLUTION TO GROUNDWATER.

HAVING BEEN IN THE FIELD OF PUBLIC HEALTH FOR OVER TEN YEARS, I AM VITALLY CONCERNED ABOUT PROTECTING THE PUBLIC'S HEALTH. IT IS TRUE THAT SUCH DISEASES AS POLIO, T.B., HEPATITIS, ETC. MAY SURVIVE IN THE WASTE STREAM IF THE REFUSE IS LEFT UNCOVERED FOR EXTENDED PERIODS OF TIME. HOWEVER, ONE OF THE MAIN SOURCES OF DISEASE SPREAD IS THROUGH FLIES. THE CYCLE FOR FLY PRODUCTION IS USUALLY AT LEAST TEN DAYS. THUS, IF THE REFUSE IS PROPERLY COVERED AT LEAST ON A WEEKLY BASIS, THE FLY AND VECTOR CYCLE CAN BE ADEQUATELY CONTROLLED.

IT APPEARS THAT CURRENTLY THE STATE SOLID WASTE RULES ARE MORE STRINGENT THAN FEDERAL RULES. SECTION 4004 (A) OF THE RESOURCE CONSERVATION AND RECOVERY ACT REQUIRES THAT CRITERIA BE ESTABLISHED TO PROVIDE THAT "NO REASONABLE PROBABILITY OF ADVERSE EFFECTS ON HEALTH OR THE ENVIRONMENT WILL RESULT FROM THE OPERATION OF THE FACILITY." SECTION 257.3-6(A) OF THE FEDERAL RULES STATES THAT "THE FACILITY OR PRACTICE SHALL NOT EXIST OR OCCUR UNLESS THE ONSITE POPULATION OF DISEASE VECTORS IS MINIMIZED THROUGH THE PERIODIC APPLICATION OF COVER MATERIAL OR OTHER TECHNIQUES AS APPROPRIATE SO AS TO PROTECT PUBLIC HEALTH." SECTION 257.3-6(C)(4) DEFINES "PERIODIC APPLICATION OF COVER" AS "THE APPLICATION AND COMPACTION OF SOIL OR OTHER SUITABLE MATERIAL OVER DISPOSED SOLID WASTE AT THE END OF EACH OPERATING DAY OR AT SUCH FREQUENCIES AND IN SUCH A MANNER AS TO REDUCE THE RISK OF FIRE AND TO IMPEDE VECTORS ACCESS TO THE WASTE." IT APPEARS THAT COVERING A SMALL RURAL SITE ONCE OR TWICE PER WEEK WOULD MEET THESE FEDERAL CRITERIA.

SECTION 257.3-8(2)(D) OF THE FEDERAL RULES REQUIRES THAT "A FACILITY OR PRACTICE SHALL NOT ALLOW UNCONTROLLED PUBLIC ACCESS SO AS TO EXPOSE THE PUBLIC TO POTENTIAL HEALTH AND SAFETY HAZARDS AT THE DISPOSAL SITE." HOWEVER, THE FEDERAL RULES DO NOT SPECIFY THE NEED FOR FENCES OR DIRECT SUPERVISION AS DO THE STATE RULES. AGAIN, AS WITH THE DAILY COVER REQUIREMENT, WE AGREE THAT THIS IS THE IDEAL METHOD TO HANDLE THE SITUATION. HOWEVER, IT IS AGAIN, AN UNNECESSARY REQUIREMENT THAT IS NOT ECONOMICALLY FEASIBLE FOR SMALL RURAL LANDFILLS WITH EXTREMELY LOW TRAFFIC FLOW AND REFUSE VOLUME. THE INTENT OF THE FEDERAL REQUIREMENTS IS TO PROTECT THE PUBLIC FROM HAZARDS AT LARGE LANDFILLS WITH HEAVY TRAFFIC FLOW AND SEVERAL PIECES OF HEAVY EQUIPMENT OPERATING THROUGHOUT THE SITE. IT IS FELT THAT THE FEDERAL RULES ON ACCESS WERE WRITTEN IN A GENERAL MANNER TO ALLOW FOR FLEXIBILITY. ACCESS CONTROL AT SMALL FACILITIES CAN BE ADEQUATELY HANDLED WITH PROPER DIRECTIONAL SIGNS AND PERIODIC SUPERVISION DURING THE TIME THE OPERATOR IS ON SITE.

I AM AWARE THAT THE 1981 LEGISLATURE PASSED A LAW ALLOWING FOR VARIANCES FROM THE SOLID WASTE RULES. HOWEVER, SECTION 16.14.602 THROUGH 16.14.608 REQUIRES AN EXTENSIVE AMOUNT OF TIME AND COST TO APPLY FOR SUCH A VARIANCE, WITH NO GUARANTEE THAT THE VARIANCE WILL BE ISSUED. IN ADDITION, THE VARIANCE IS ONLY ALLOWED FOR A PERIOD NOT TO EXCEED THREE YEARS. IF THE INDIVIDUAL DESIRES TO RENEW THE VARIANCE IT IS NECESSARY TO COMPLETE THE ENTIRE INITIAL VARIANCE PROCEDURE. THE VARIANCE IS ISSUED ONLY WITH THE INTENT THAT TOTAL COMPLIANCE WILL BE ACHIEVED AT A LATER DATE. A VARIANCE IS NOT CONSIDERED TO BE PERMANENT.

IN CLOSING, I WANT TO EMPHASIZE THAT WE AGREE THAT THE CURRENT STATE SOLID WASTE RULES AND REGULATIONS ARE THE IDEAL METHOD TO HANDLE SOLID WASTE DISPOSAL. HOWEVER, FOR THE SMALL RURAL COUNTY LANDFILLS, THE

CURRENT STATE REGULATIONS WITH REGARD TO DAILY COVER AND SUPERVISION ARE NOT ECONOMICALLY FEASIBLE OR REALISTIC. WE ALREADY KNOW THE PROBLEMS WITH CLOSING THE LANDFILLS FOR A PORTION OF EACH WEEK. MOST, IF NOT ALL, RURAL COUNTIES IN MONTANA, WITH LOW RESOURCES, CAN NOT PROVIDE A CATERPILLAR, OPERATOR, AND SUPERVISOR ON A DAILY BASIS. HOWEVER, IF SENATE BILL 182 IS NOT PASSED, THAT IS EXACTLY WHAT YOU WILL BE REQUIRING EACH COUNTY TO DO. ONE ALTERNATIVE WOULD BE FOR ALL RURAL COUNTIES TO CLOSE THEIR SMALL LANDFILL SITES AND DEVELOP 40 CUBIC YARD CONTAINER SITES AND TRANSPORT THEIR WASTES TO LARGER, REGIONAL LANDFILL SITES THAT ARE BIG ENOUGH TO JUSTIFY THE EQUIPMENT AND MANPOWER TO PROVIDE DAILY COVER AND SUPERVISION. THIS PROGRAM IS, IN FACT, AN EXCELLENT METHOD WHICH CASCADE COUNTY PIONEERED IN MONTANA. HOWEVER, SUCH CONTAINER PROGRAMS ARE NOT THE ANSWER FOR ALL COUNTIES DUE TO THE COST. THUS, IT WOULD APPEAR THAT A MORE REASONABLE AND COST EFFECTIVE APPROACH WOULD BE AS IS PROPOSED IN SENATE BILL 182.

IT WOULD APPEAR THAT SENATE BILL 182 WOULD NOT VIOLATE FEDERAL CRITERIA, NOR WOULD IT INCREASE POTENTIAL PUBLIC HEALTH HAZARDS, AND WOULD PROVIDE FOR ADEQUATE AND MORE COST EFFECTIVE SERVICE TO THE TAXPAYERS OF MONTANA. HOWEVER, IF THE COMMITTEE FEELS THE PRESENT REGULATIONS SHOULD REMAIN AS WRITTEN, THEN WE URGE THAT CONSIDERATION BE GIVEN TO PROVIDING STATE FINANCIAL ASSISTANCE TO COUNTIES, THROUGH A STATE REVENUE SHARING PROGRAM FROM COAL TAX MONIES OR EXCESS STATE JUNK VEHICLE MONIES TO SUPPLEMENT EXISTING COUNTY SOLID WASTE BUDGETS IN ORDER TO PROVIDE THE NECESSARY FUNDING TO MEET THE STATE SOLID WASTE RULES AND REGULATIONS THAT EXCEED THOSE REQUIREMENTS OF THE FEDERAL GOVERNMENT.

SENATE BILL 182 PROVIDES FOR SOME FLEXIBILITY WITHIN THE REGULATIONS, RATHER THAN REQUIRING ALL COMMUNITIES, REGARDLESS OF SIZE AND WASTE VOLUME, TO MEET THE MAXIMUM REQUIREMENTS. IN ADDITION, THIS BILL ALLOWS NOT ONLY STATE, BUT LOCAL AUTHORITIES, DIRECTLY INVOLVED WITH AND COGNIZANT OF THEIR OWN PROBLEMS, THE OPPORTUNITY TO HAVE INPUT IN DETERMINING WHAT STANDARDS ARE NEEDED TO SOLVE THEIR OWN PROBLEMS.

YOU MUST KEEP IN MIND THAT SENATE BILL 182 DOES NOT AFFECT THE CURRENT OPERATIONAL STANDARDS FOR LANDFILLS SERVING FIRST AND SECOND CLASS CITIES. CURRENT STATE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES ADMINISTRATIVE RULES ADEQUATELY PROVIDE FOR THE NECESSARY RESTRICTIONS WHERE HIGH REFUSE VOLUMES AND HEAVY TRAFFIC FLOW EXIST, THUS JUSTIFYING THE NEED FOR DAILY COVER AND ON-SITE SUPERVISION.

UNDOUBTEDLY, YOU WILL HEAR OPPONENT TESTIMONY TODAY WITH REGARD TO CONCERNS OF FIRES, BLOWING PAPER, POSSIBLE RAT OR OTHER VECTOR INFESTATIONS, ETC. YOU MUST BEAR IN MIND THAT SENATE BILL 182, WHILE ALLOWING FOR FLEXIBILITY, STILL PROVIDES THE LOCAL AND/OR STATE HEALTH AUTHORITIES THE RIGHT TO REQUIRE MORE FREQUENT COVERING, SHOULD COMPLAINTS OR PROBLEMS EXIST. IN THIS WAY, WHERE SUCH PROBLEMS DO NOT OCCUR, LOCAL GOVERNMENTS WOULD NOT BE FORCED TO DO MORE THAN IS NECESSARY TO CONTROL A PROBLEM.

AS A LOCAL PUBLIC HEALTH OFFICIAL IT IS NOT MY INTENT TO DO LESS THAN IS NECESSARY TO CONTROL A POTENTIAL PUBLIC HEALTH PROBLEM, BUT WE ARE OPPOSED TO BEING REQUIRED TO DO MORE THAN IS NECESSARY TO RESOLVE A PROBLEM. WE FEEL SENATE BILL 182 IS A VERY REASONABLE SOLUTION TO CONTROLLING POTENTIAL PUBLIC HEALTH PROBLEMS WITHOUT REQUIRING LOCAL GOVERNMENTS TO GO BEYOND WHAT IS NECESSARY TO CONTROL ANY SUCH PROBLEM.

I THEREFORE URGE THIS COMMITTEE TO PROVIDE A DO PASS RECOMMENDATION ON SENATE BILL 182.

THANK YOU.



Exhibit -  
Ex. 2

Legislative hearing on SB 182  
before the Natural Resources Committee

March 21, 1983 Room 104

My name is Gordon Clare. I live in Silver Star, Madison county and am here to speak in favor of SB 182.

We who live in the Silver Star- Twin Bridge area, a rural ranching community of about 400 persons, are faced with a financially burdensome dilemma in the near future due to the strict interpretation and enforcement of the solid waste disposal laws on Class 11 disposal sites. If the local sites are closed down a solid waste disposal program for the County will be instituted at great expense to the individual county tax payer. A one time start-up fee of \$67.00 per household plus a monthly fee of about \$4.00 per household has been mentioned. I have specifically used the words per household since this is what the assessment or fee will be based on, without regard to how many persons are in the household, or how many days a year the house might be occupied. An empty house would pay the same as an occupied house. A rancher who may dispose of his own waste on his land would be assessed the same as a city dweller who depends on a waste disposal site.

How will the changes proposed in SB 182 correct this inequity? By relaxing some of the strict requirements of the solid waste disposal act so that small communities will not have the costly expense of a full time gate keeper and the need for covering on a daily basis. These being the areas of greatest expense.

The ability of the rural family or household to use a near-by waste disposal site certainly will help to keep our roadsides free of litter and trash. Toxic waste is not a problem of the rural community as any manufacture of or commercial user of toxic material would still be subject to State and Federal laws regarding disposal of toxic or hazardous waste.

As for the nuisance or odor problem of an open disposal site, I doubt they are any worse than the alternative, the uncovered, forty yard, dumpster which is emptied only once each week.

The low population rural areas need these changes. Sites will still be licensed and regulated by the State. These changes do not mean a dump site at every turn in the road. If these rural areas could provide an income and profit for a commercial waste disposal operation you can be assured you would have the commercial operators knocking on your door for a license to open one.

I request you give the rural communities of this State a financial break by giving SB 182 a 'Do Pass'.

# TETON COUNTY

STATE OF MONTANA

CHOTEAU

59422

March 17, 1983

Montana State Legislature  
House of Representatives  
Committee on Natural Resources

Honorable Ladies & Gentlemen:

Commissioners of Teton County have had problems over the past years in operating Solid Waste Landfills. Under the present law we have seldom been in compliance for one or more reasons. At the best, coping with the solid waste problem is difficult and is a drain on local resources and manpower.

Senate Bill 182 is a more realistic approach to solid waste disposal in that availability of a dumping site is much improved; that indiscriminate dumping in front of a locked gate will be eliminated; that the cost of hiring a continuous attendant will be alleviated; that for small towns the honor system of waste disposal will probably be at least as effective as scheduled but inadequate supervised dumping.

The cost of daily covering in a landfill is almost prohibitive for small cities and towns and consequently this requirement under the present law is seldom fulfilled. With proper fencing litter would not be an undue problem and periodic covering will undoubtedly be adequate.

Teton County supports the concept as outlined in Senate Bill 182 and urge your favorable consideration.

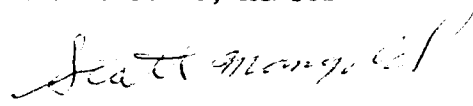
Yours very truly,

TETON COUNTY BOARD OF COMMISSIONERS

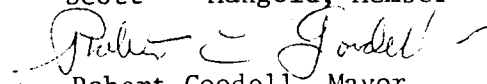


Wm. R. Jones, Member

WRJ/s



Scott Mangold, Member



Robert Goodell, Mayor  
Town of Dutton

REGARD SENATE BILL 182

MR. CHAIRMAN AND MEMBERS OF THE NATURAL RESOURCES COMMITTEE.

I AM RICHARD ISERN, DIRECTOR OF THE SIX COUNTY CENTRAL MONTANA HEALTH DISTRICT. OUR OFFICES ARE IN LEWISTOWN.

I STRONGLY SUPPORT THE PASSAGE OF SB182 PERTAINING TO SOLID WASTE DISPOSAL FOR SMALL TOWNS AND RURAL COMMUNITIES.

THE MAYORS AND COUNCIL MEMBERS OF THE TOWNS IN THIS DISTRICT ARE VERY CONCERNED FOR THEIR ENVIRONMENT AND CERTAINLY WOULD NOT WANT A HEALTH PROBLEM TO BE CREATED. THEY DO HAVE AN ECONOMIC PROBLEM AND ASK THAT THEY NOT BE REQUIRED TO PERFORM TASKS WHICH ARE UNNECESSARY FOR PROPER OPERATION. THEY ARE WILLING TO BE COOPERATIVE UNDER THE PROVISIONS OF THIS BILL AND THEY WANT TO BE ALLOWED FLEXIBILITY IN DISPOSING OF THEIR SOLID WASTE.

THIS LEGISLATION WILL PROVIDE THIS FLEXIBILITY AND ENABLE THE LOCAL GOVERNING BODY TO PARTICIPATE IN THE CONTROL OF SOLID WASTE.

A handwritten signature in cursive script, appearing to read "E. Richard Isern".

E. RICHARD ISERN  
DIRECTOR, CENTRAL MONTANA HEALTH DISTRICT

MARCH 21, 1983

## RE SENATE BILL # 182

Dear Legislators:

I am J.O. (Boots) Asbjornson, former Legislator and also Mayor of the small Town of Winifred, population last census, 188, I mill brought in less than \$ 100.00 when Milwaukee Railroad was in and now that is gone.

I strongly support and urge passage of Senate Bill #182. The present statute is impossible for the smaller, financially strapped governmental entities to comply with.

Several years ago I discussed with quite a number of the people of Winifred the probability of a monthly charge <sup>of</sup> \$10.00 for a solid waste program whereby the solid wastes would be collected once each week by a Lewistown garbage collecting firm and hauled to his disposal site 42 miles away. (84 miles round trip)

It was quickly apparent that that they owned or had friends or relatives that owned farm land and that they would make arrangements to have their solid waste taken out in the country and disposed of in that manner.

The Town of Winifred has some acreage which was purchased for a garbage disposal site in 1918 and the Town has had a garbage burial program for quite a number of years but were not able to comply with the frequency of covering regulations. The town has encouraged the rural people to bring their wastes to this area for burial rather than disposing of it in some coulee and they have complied pretty well.

I have no doubt that the local health authorities, who make frequent inspections of sanitary conditions at schools, restaurants and food handling facilities can with a bit more effort make inspections and work with the local municipal officials so as to have an acceptable solid waste program which would be adequate and satisfactory.

I had hoped to get over to Helena for the hearing on this bill but I do have a date conflict. As I know many of you I would liked to have had a short visit with you. Mr, Richard Isern of the local Health Department has advised me that he will be in Helena for this hearing and will present this information for me. P.S. A year and a half ago I sold my home in Winifred and now live in Lewistown, my solid waste is picked up regularly so I am not involved in any way, but I do feel that some of my former problems at Winifred might be of interest and information to you.

Sincerely

J.O. (Boots) Asbjornson  
*J.O. Asbjornson*

## BOARD OF COUNTY COMMISSIONERS

CHOUTEAU COUNTY, MONTANA

FORT BENTON

31 March 83

CLERK

Joanne M. Peters

REGULAR MEETINGS

Every Monday

5:00 &amp; 7:00 P.m.

Mr. Chairman &amp; Members of the Committee

My name is Dale Skaalure, a Chouteau County Commissioner, and appear before you in support of SENATE BILL #182...Regarding operational requirements for land fills.

The controversy regarding the need for covering Class II solid waste sites has affected many small communities for some time. Local Govts are elected to represent their people in many service functions, and also <sup>act</sup> as agents of the State, however it would appear that:

- 1-Montana is a very diverse state, and that there is a need for some flexibility in the handling of solid waste, which I assume is a part of local govt's mandate from the people in it's day to day operations.
- 2-This bill is not unreasonable, and allows local govt to be more cost effective in it's land fill operations, by allowing the disposal site to be covered weekly... instead of every day as the State Dept of Health would have us do.
- 3-The land fill that my Comm's District is responsible for in Loma - was constructed according to 16-14-505 MCA, and to my knowledge there has been no problems with disease, rodents, complaining citizens or from the land owner. Local Govt does not live in a vacuum, and endeavors to serve its constituents in an adequate and least cost manner.
- 4-Solid waste sites are physically impractical to cover under winter time conditions, yet the law has said it should be done.
- 5-The existing S.W. Laws allow for the use of 40 cu. yd containers, and the so-called Green Box collection system, and they can set for a week and available to the public at all times...without being emptied...yet solid waste land fills are to be covered at the close of each operating day. The contradictory claims in favor of the containers compared to that of the land fills are difficult to prove.
- 6-The argument that this bill will weaken our present solid waste standards is debateable... in view of the fact that there are presently situations of non-compliance and non-cooperation because of the impracticalness of having to cover sites every day in the smaller communities- which have a low volume of solid waste.
- 7-The Fed Law allows for periodic cover of land fill sites. See section 257.3-6(a) of the Fed. Register page 53463 (Public Law 94-580). This information was given to the State Adm Codes Comm Hearing in June of 1980.
- 8-As a representative of local govt-we need to recognize that often small un-incorporated communities do not have garbage hauling services available at a reasonable cost...so we in local govt try to fill that void - with the approval of our constituency. Thank You.



TO: MEMBER OF THE COMMITTEE ON NATURAL RESOURCES - MONTANA HOUSE OF REPRESENTATIVES

FROM: DOUGLAS ALLEN \* SILVER STAR, MONTANA -Senate Bill 182

Exh: b: + I

I served for ten years, 5 months as Madison County Commissioner. During that time, no issue was more controversial, or attracted more people to hearings than the proposals on solid waste districts and road-side containers. Nobody liked them but state solid-waste bureau representatives and contractors who would make a buck off them.

The reason is, that no county with a small population, like Madison, just over 5000, and with a large area, needs, or can afford the strict regulations now required by the state solid-waste regulations. We do not produce a large enough volume of waste, and have too few households to support it.

Officials declare the need to protect our health, safety and welfare, and preserve our environment. I suggest to you committee members, that it is our health, our safety, our welfare and environment that is being protected, and we have done a pretty good job of it to date. We are dedicated to continuing that job.

Some of these regulations are asinine, why can green boxes or 40 yard containers sit by the roadside for a week, but immediately upon placing garbage in a land-fill it must be covered up? They claim it is because it breaks the fly cycle. What about flies that are hatched or eggs laid in someones garbage before it reaches the green box? I submit to you people that our dumps, located out of sight and away from the main roads are cleaner and safer than 40 yard containers along a main road.

The laws providing for solid-waste districts are a study in democracy, most issues are settled by a vote, the votes are counted, a majority rules. Not so with a solid-waste district, here the county commission must send out registered letters to all land-owners, if a majority of over 50% does not protest, in writing within thirty days, they may create the district.

At the Senate hearing on this bill, opponents were composed of contractors, solid-waste bureau people, one elected county commissioner, some appointed officials. They fail to understand that this bill would not force them to change if they don't want to, it would just relieve the burden on the rest that don't need it or can't afford it. Or are they passing the buck, the big bad government made us do it?

*Douglas Allen*

## WITNESS STATEMENT

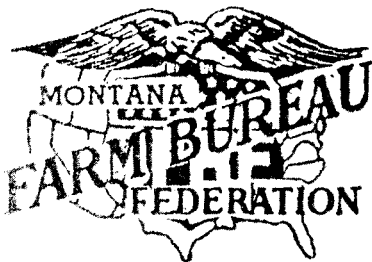
Name JACK HAYNE Committee On \_\_\_\_\_  
 Address BOX 285, DUPUYER MT Date 21 MAR 1983  
 Representing DUP. SOLID WASTE DIST. Support ✓  
 Bill No. S.B.-182 Oppose \_\_\_\_\_  
 Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

1. Section 2 (b) line 2,3,4 - I support this Section especially as it allows us to maintain a disposal site within our financial capabilities. We are open only two - 1/2 day a week. Four hours each day.
3. The section allowing us to cover once a week is especially helpful ~~to~~ a financial matter.
4. The opponents of this bill fail to read the proposed law, because under (2b) line 5 through 8 there is dissection for covering any problems that might arise.  
 Opponents tend to want to pursue their little impies. This bill would take away some of their vindictiveness.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



# **MONTANA FARM BUREAU FEDERATION**

502 SOUTH 19th

Dial 587-3153

BOZEMAN, MONTANA 59715

BILL NUMBER. SB 182

DATE MAR 21, 1983

SUPPORT ☒ OPPOSE ☐ AMEND ☐

NAME PAT UNDERWOOD

COMMENTS:

The MONTANA Farm Bureau wishes to  
go on Record in SUPPORT OF SB 182



# Black Eagle Disposal

Exhibit 9

Box 571  
Black Eagle, Montana 59414  
Phone (406) 727-6034 / 761-4975

## TESTIMONY FOR SB182

Mr. Chairman and Committee Members:

My name is Bill Price, I am a partner in Black Eagle Disposal, a private refuse collection service serving Great Falls, Black Eagle and surrounding rural areas.

We currently use the Great Falls city landfill and the county land fill sites in Ulm and Vaughn.

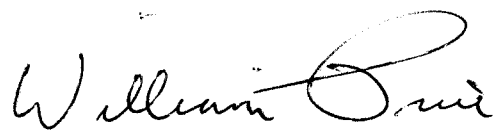
I am in strong support of SB182 as I believe it is a more sensible approach to rural land fill operation and a more cost effective means of maintaining these site. I say this as an operator using these sites; we are currently looking for a site for our own landfill operation.

I fear that without passage of SB182, county land fill operation will be forced to maintain more restrictive hours of operation. This will put a burden on rural disposal operators, who don't have their own land fill and residents in remote areas, who don't have private collection service.

I am sure that restrictive hours at our county land fill sites will lead to indiscriminate waste disposal along our county roads and a resurgence of back yard dumps throughout our rural areas.

I, therefore, urge this committe to recommend a DO PASS on SB182.

Thank you.

A handwritten signature in black ink, appearing to read "William Price". The signature is fluid and cursive, with a large, sweeping "W" and a long, trailing "e" at the end.

WITNESS STATEMENT

NAME Bill Romine BILL No. SB 182  
 ADDRESS Helena DATE 7-21-83  
 WHOM DO YOU REPRESENT Solid Waste Contractors Assn.  
 SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

this bill affects all dumps not serving class 1 & 2 cities. Many of these Rural dumps serve thousands of families, and need the same attention as those serving cities. Rather than allow these dumps to remain unattended and not covered, the counties should actively follow the green box procedure. The use of green boxes allows fewer, but larger, dumps to be maintained.

If this passes, as is, the counties would leave themselves open to law suits from surrounding landowners and from persons who might be injured at an unsupervised dump. The counties will also find it more and more difficult to secure dump sites. Ranches & the Federal Government will be very hesitant to allow their lands to used for dumps if they can not be assured that the dump will be adequately maintained and covered.

the effect of this bill will be to return Montana to the days of several decades ago, when garbage was dumped any place. we have made great strides toward consolidating garbage dumps, cleaning up the landscapes, protecting the environment etc, and we should not lose what we have gained.

SENATE BILL 182

Testimony before the House Natural Resources Committee

By Duane L. Robertson, Chief  
Solid Waste Management Bureau

The Department of Health and Environmental Sciences (DHES) is strongly opposed to Senate Bill 182. We feel this legislation will destroy much of the progress Montana has made in its solid waste program over the past 15 years.

This bill represents a radical change in direction from that established by previous legislatures. Since 1975 a total of \$850,000 has been allocated for a statewide solid waste plan, planning grants to local governments, and implementation of resource recovery systems. The money has been well spent, and the trend has been to consolidate the wastes into fewer landfills where it is more economical to handle large quantities, where it can be better managed and, where feasible, so that the waste can be used for energy recovery. To date, 26 counties and 234 communities have shared in this planning effort, and many of these local government plans are in various stages of implementation.

Senate Bill 182 encourages reversal of this process. It reduces landfill standards such that there will be a trend to decentralize waste disposal and encourage many new dump sites to be opened across the state.

As we read it, SB 182 contains some serious "flaws". The bill is represented as giving a break to a few small communities, but it goes far beyond that. With the exception of thirteen disposal sites which serve the 1st and 2nd class cities, every other Class II landfill in Montana would be able to back away from the present public health requirements. 208 sites, or over 90% of our landfills could revert to significantly lessened standards.

In many cases, sites which are classed by SB 182 as serving rural, unincorporated areas may serve very large populations. Examples are, the site at Victor serving 20,706 people, the site at Logan serving 16,000, and the Scratch Gravel site in the Helena Valley which serves 14,000. All are sites serving rural, unincorporated areas.

Similarly, many 3rd class cities also service a large unincorporated area around the city. Examples are Dillon and the surrounding area - 6587, Deer Lodge - 6455, Glasgow - 7000, Laurel - 10,000, Libby - 14,000, Polson 21,000 and Hardin - 11,000. All these have the opportunity to revert to the greatly lessened standards. There are many other examples. These certainly do not represent a few small sites serving a few people.

Public health authorities regard the daily cover requirement as essential at sanitary landfills and the most practical and inexpensive method to prevent fires, to control litter, control scavenging, and to prevent the spread of disease by flies, rodents, skunks and other vectors. The federal criteria which has been mentioned lumps garbage landfills,

liquid waste impoundments, sludge application sites and many others under a single criteria. The federal document uses the term periodic cover, since it applies to such broad groupings of sites. The federal criteria, specifically points out that daily cover is the most practical method to prevent environmental and public health hazards. It further states that in lieu of daily cover, the operator must provide water trucks for fire control, pesticide applications to control vermin, and other methods which we believe are actually more costly than daily cover.

Access control and supervision is essential to basic control of a disposal site. SB 182 removes these requirements and would leave dumpsites unattended and open 7 days /week, 24 hours/day. Without proper supervision, public health and safety hazards are dramatically increased and scavenging, dumping of prohibited waste materials, and the chances of fire increase substantially.

The state of Montana at this time is developing a comprehensive program for control of hazardous waste material. We cannot control the disposal of hazardous material if SB 182 is passed causing the potential creation of over 200 uncontrolled disposal sites in Montana. Hazardous waste generators will not pay the higher fees for shipping hazardous materials to approved disposal sites when an uncontrolled landfill site will be readily available for dumping these types of wastes. The national news is reporting almost daily on incidents of improper dumping of hazardous wastes throughout the United States. The reasonable costs associated with handling the waste materials properly now will far out-weigh the costs for cleanup of this material in the future.

There are many other adverse ramifications if SB 182 passes. In addition to adverse environmental effects, some of which I've mentioned, the bill would discourage the formation and operation of refuse districts and encourage communities to drop out of existing districts. To date 34 refuse districts are in existence and seven more counties are in the process of creating them. These districts serve populations from 3,000 to 51,000. The average cost of these districts is less than \$2.00/month/family to dispose of solid waste in compliance with the present law and rules. We feel that SB 182 will effectively stop further creation of these districts.

Under SB 182 operating standards will vary from site to site. creating a cumbersome, ineffective system which will only add confusion rather than direction to solving our statewide solid waste problem.

One of the greatest ramifications of SB 182 is that it denies neighboring landowners the opportunity to have a say regarding the operation requirements, while the current law contains adequate procedures for public input.

As I described, we feel lessened access control and supervision requirements, as well as the weekly cover provisions, will put the state in conflict with the federal Resource Conservation and Recovery Act. The federal act gives specific authority for citizen suits to be brought in federal district court against anyone including a local government and the

state for any disposal sites not being operated in compliance with the federal criteria.

Passage of SB 182 would substantially increase an already critical siting problem. It's difficult right now to find land for landfills; under SB 182 it will be nearly impossible to find land for uncontrolled disposal sites.

In conclusion, we feel the existing laws and rules are adequate and need no change at this time. The existing rule contains basic flexibility, including language which allows the department to consider severe weather, equipment breakdowns, and similar emergencies when we work with the various site operators. The current law contains a variance procedure which is available to those communities which feel they have special circumstances. The Board of Health has the authority to allow any community to operate a landfill under lessened standards. The variance procedure does require that adjacent property owners be notified of the request so they may have the opportunity to testify before the board. SB 182 would remove this opportunity from those people most affected by lessened standards.

The great majority of sites are licensed and operate in compliance with the existing law and rules. Eighty-five percent of the citizens in Montana are now served by sites which are substantially in compliance with the present law and rule. We feel that the law change is being requested by a few entities which have not really made a serious attempt to comply with the existing, reasonable standards.

I have taken the liberty of attaching a sheet showing the membership of our solid waste advisory committee. Realizing the need for continuous review of our rules and policies, we've asked the people on this list to help us make decisions about several important issues in solid waste management, some of which are listed on the sheet. As a group, the committee recently voted overwhelmingly to not consider rule changes which would lessen current access control and daily cover requirements at this time. We in the department believe strongly that these committee members, all having experience in the solid waste field, can continue to help us in planning and implementation in the solid waste field. We feel that the existing system for rulemaking can adequately address issues such as these, and major changes in the Montana Solid Waste Management Act would be unwise at this time.

The department urges you to oppose the passage of Senate Bill 182.

## SOLID WASTE ADVISORY COMMITTEE

ALKEMA, KEN	Acting Director, Montana EPA Office, Helena
BAUER, MAX	Vice President, Browning-Ferris Industries of Montana, Inc., Missoula
BENNETT, ROY	Superintendent, Sanitation Dept., City of Billings
BLAKE, KELLY	Administrator, Land Administration Division, Dept. of State Lands, Helena
DELEO, FRANK	RV Ranch Company, Elliston
FLYNN, JIM	Director, Dept. of Fish, Wildlife and Parks, Helena
FRAZIER, PETE	Sanitarian, Cascade City-County Health Dept., Great Falls
HAGER, TOM	Montana Senate, Billings
HANSEN, ALEC	Executive Director, Montana League of Cities and Towns, Helena
HARPER, HAL	Montana House of Representatives, Helena
JOHNSON, HOWARD	Research Scientist, Environmental Quality Council, Helena
JOHNSTON, DENNIS	President, Big Sky Haul-Away, Billings
JONES, DAVE	Soil Conservation Service, Bozeman
KNIGHT, JEANIE	Sanitarian, Broadwater & Jefferson Counties, Boulder
KWIATOWSKI, JOHN	Administrator, Land Resources Division, Bureau of Land Management, Billings
LIPPERT, TOM	Sanitarian, Big Horn & Treasure Counties, Hardin
MC NENNY, DARELL	District Sanitary Engineer, U.S. Forest Service, Missoula
NORTH, DAWN	League of Women Voters, Helena
PALAGI, DAVE	City Transfer and Disposal, Great Falls
SKAALURE, DALE	County Commissioner, Chouteau County, Fort Benton
STOREY, BOB	Chief Executive, Madison County, Virginia City
TRUSLER, PAT	Administrator, Lake Co. Land Services Dept., Polson

### Topics Currently Under Consideration By Advisory Committee

- 1) Disposal of "small quantity" hazardous waste materials
- 2) Regulation of septic tank pumpers
- 3) Disposal of "special" waste materials, sludges, dead animals, tires
- 4) Prevention of bear incidents at landfills
- 5) Litter control issues on site and on access roads
- 6) Daily cover and access control at small landfills
- 7) Landfill siting problems
- 8) Disposal of infectious hospital wastes

## SB182 ADVERSE IMPACTS

### \* PUBLIC HEALTH AND SAFETY WILL BE ADVERSELY AFFECTED.

\* Periodic covering of waste as promoted by SB182 will encourage the concentration of disease vectors at disposal sites and therefore enhance the spread of such diseases as anthrax and rabies.

\* Elimination of access control and site supervision as allowed by SB182 will increase the public's exposure to uncontrolled fires, diseases and toxic wastes.

### \* GROUND WATER POLLUTION WILL OCCUR MORE FREQUENTLY.

\* Daily cover impedes moisture contact with waste. Without such protection, wastes produce leachates which can readily reach and contaminate ground water.

\* Leachate in ground water can travel for extended distances and does not dissipate.

\* Periodic cover as proposed by SB182 will increase ground water contamination around disposal sites throughout Montana.

### \* ADJACENT PROPERTY OWNERS WILL SUFFER DAMAGE AND INCREASED COSTS.

\* SB182 does not offer any means by which adjacent landowners to disposal sites will be adequately protected.

\* Reduced operational standards will increase the number of landowners seriously damaged by litter, fires and reduced property values.

\* Reduced standards will result in increased numbers of liability suits being initiated by affected adjacent landowners.

### \* FEDERAL LANDS WILL NOT BE AVAILABLE FOR SITING DISPOSAL AREAS BECAUSE PROVISIONS OF SB182 ARE LESS STRINGENT THAN FEDERAL REGULATIONS.

\* SB182 would place state standards substantially less than federal requirements.

\* Federal land will not be available for disposal sites because proposed reduced operational standards would be less than required on federal land.

\* Wastes generated on federal land such as campgrounds must be disposed of at sites meeting minimum federal regulations. SB182 would cause serious problems and greater costs in properly disposing of such waste.

### \* ALLOW SITES SERVING LARGE POPULATIONS TO SUBSTANTIALLY REDUCE STANDARDS.

\* Proposed reduced standards would apply to many disposal facilities that serve large unincorporated areas with populations ranging from 10,000 to 20,000 rural people.

\* Proposed reduced standards would apply to many third class cities that provide service to large populations ranging from 7,000 to 14,000.

\* Numerous disposal facilities currently serve first-class cities, third-class cities and heavily populated unincorporated areas. SB182 does not address what standards would apply to such facilities.

\* NO REGULATION OF HAZARDOUS WASTES BEING DISPOSED OF IN UNCONTROLLED SITES.

\* SB182 will increase number of uncontrolled dump sites in areas where hazardous wastes are generated in large quantities.

\* Generators of hazardous wastes will begin to use these dumps with increasing frequency.

\* Proposed bill will adversely affect the state hazardous waste program.

\* NO PROVISIONS FOR ISSUING NEW LICENSES REFLECTING REDUCED OPERATIONS.

\* Currently 159 Class II waste management licenses are in effect.

\* SB182 does not address procedures to be used in amending current licenses for disposal facilities.

\* All current licenses provide for active public participation.

\* If reduced standards are applied to disposal sites, what assurance will the public have that their interests and concerns will be heard?

\* NO PROVISIONS FOR PRIVATE LANDFILL OPERATORS TO BE HEARD ON DECISIONS THAT ARE MADE AFFECTING THEIR OPERATIONS.



State of Montana

County of Gallatin

Bozeman

March 21, 1983



Ex. 12

Representative Hal Harper  
Chairman - Natural Resources Committee  
State Capitol Building - Capitol Station  
Helena, Montana 59601

Dear Mr. Harper & Committee Members:

We feel that passage of SB #182 will be very detrimental to the progress of landfills established in Gallatin County.

At Logan, the landfill serves approximately 12,000 county residents and the new West Yellowstone Transfer Station serves that busy tourist area as well as portions of waste from the southern part of Yellowstone National Park.

We feel it would cause the following problems:

1. Wildland and range land fires
2. Air pollution
3. Create health & sanitary problems
4. Litter problems
5. Legal problems for both county and state

We, along with our County Health Officer, Dr. King, and County Sanitarian, Emery Nelson, urge a DO NOT PASS on SB #182.

Thank you,

GALLATIN COUNTY COMMISSIONERS

*Joy I. Nash*  
Joy I. Nash - Chairman

*Ruthmary Tonn*  
Ruthmary Tonn - Member

*Wilbur Visser*  
Wilbur Visser - Member

jn

Enclosure (1) Newspaper article from Bozeman Daily Chronicle  
3/17/83

cc: Dr. Edward King, Health Officer  
Emery Nelson, Sanitarian

# bill may weaken landfill criteria

By JoAn MENGEL  
Chronicle Staff Writer

Garbage has been on the minds of county sanitarians, commissioners and state legislators, who are debating new regulations for landfills that handle refuse from rural areas and small towns.

A bill which would reduce state regulations on such landfills has already passed the Senate and is scheduled for a hearing before the House Natural Resources Committee on Monday.

The Gallatin County Commission, County Sanitarian Emery Nelson and Health Officer Dr. Edward King oppose the bill, but all of the county's senators voted in favor of it.

"I don't think the senators considered the impact it would have on the already orderly refuse districts created in Gallatin County," Commissioner Joy Nash said this week.

In testimony during Senate hearings, Nash said the bill would allow improperly operated dumps.

"The effective control of flies and other insects as well as rodents at these disposal sites has been a concern of public health agencies for years and the solid wastes programs for the state are minimal now," she said.

Sanitarian Nelson this week called the bill "regressive legislation," and said it would reduce landfill controls to the point where there would not be adequate protection for the public.

Senate Bill 182 changes the operational standards but not the siting standards for smaller landfills throughout the state. In Gallatin County, the Logan landfill would be affected by the bill but not Bozeman's landfill.

In Madison County it could affect several small landfills that the county is trying to phase out and indirectly affect the large county landfill at Ennis.

Madison Sanitarian Jon Dilliard said he opposes the bill and called it a "tremendous backslide for public health in the state."

Dilliard said enforcement of landfill regulations would not be much of a problem if the bill passes. "It guts the law so bad we will not have much left to enforce," he said.

The bill allows landfills serving rural and unincorporated towns to remain open seven days a week and provide cover for the garbage only once a week unless health officials agree more frequent coverage is needed. Litter control also must be provided.

Landfills serving third-class cities must provide litter control fences and cover the sites as often as state and local health authorities, and local governing bodies agree is necessary.

Current state law requires that all landfills be covered each day they operate.

"State and local health authorities can require more frequent cover if needed," Cascade County environmental health coordinator Pete Frazier said in defense of the bill.

Frazier said Cascade and Chouteau counties have landfills that serve very small populations which the bill will benefit. Covering the landfill each day, locking the gates at night and having a manager make landfills a costly operation for two or three pickup loads of garbage, he said.

Frazier also argued that locked landfills cause more indiscriminate dumping outside the gates because people cannot get into the landfill.

He said the bill would control any problems that might occur by leaving landfills open every day.

"Why should a small rural area have to do more than necessary to solve the problem?" Frazier asked. "Daily cover is not reasonable in small rural areas."

Frazier said in Cascade County the garbage container boxes can be uncovered and unattended for a week, which is no different than the proposed

regulations for small landfills. If the landfill sites are properly located there should be no problem with once weekly covering, he said.

Duane Robertson, chief of the state's Solid Waste Management Bureau, said the state opposes the bill because officials believe it will have adverse effects and substantially reduce the landfill criteria for communities. Only 13 communities in the state would still have to abide by the present regulations "and all the rest can slack off," he said.

Madison County is one place where landfills are so controversial they have become a political issue. Dilliard said the County Commission is divided on the bill.

For the past six years the county has been working on a landfill program to comply with state laws. The county has about 10 small landfills, some of which are only old excavations or coulees that occasionally get some dirt thrown on them, Dilliard said.

The state has not pressed its regulations on Madison County as long as the people have been working in good faith to solve the problems, Dilliard said. The present plan is to install container sites throughout the county and then haul all the garbage to the Ennis landfill. Dilliard said the bill could hinder that effort. Each area of the county could attempt to operate its own landfill if the bill passes, he said.

Robertson said Madison County residents would still have to locate new disposal sites because some of the current ones are improperly located.

Dilliard said he believes Madison County will still operate the Ennis landfill whether or not the bill passes, but it would probably serve a smaller area and be more costly.

West Yellowstone is also concerned about the cost of the Ennis landfill — to which West hauls its garbage 70 miles. Without the Ennis landfill, West might have to haul to Logan, which is about 110 miles.

Robertson said the state is concerned about controlling landfill wastes such as hospital wastes, dead animals, chemicals and liquid wastes from septic tanks. He said the proposed regulations could cause more disease spread and groundwater contamination.

"It can turn out to be an extremely expensive proposition to clean up the groundwater aquifer once it's contaminated," he said.

The state also is concerned about increased liability problems for both county governments and the state. The proposed type of operations would create a greater chance of burning garbage, blowing litter and uncontrolled waste dumping, all which could affect adjacent property owners, he said.

Robertson disagreed that the current regulations are too costly. He said there are 34 solid waste districts in the state that serve from 3,000 to 51,000 people. The average cost of all the districts is \$1.65 a month per family, he said.

"We don't feel even under present regulations that doing a good job of handling waste properly is a prohibitive cost," he said.

He said he believed SB 182 could cause a proliferation of disposal sites, however. Communities could open up old landfills as a cheaper alternative because they would have to cover the garbage only once a week, he said.

Robertson said the state was moving toward the consolidation of solid waste districts because garbage is cheaper to handle on a larger volume and there is better health control.


For example, it costs \$3 a ton to run a landfill for a community the size of Billings, but it costs \$20 to \$30 a ton to cover refuse at landfills for communities of 1,000, he said.

## WRITTEN TESTIMONY OPPOSING SB 182

By: Philip D. Pallister, M.D.

Mr. Chairman and committee members, my name is Philip Pallister. I hold the position of Jefferson County Health Officer. I am taking this opportunity to submit written testimony in opposition to SB 182 which would lessen operational requirements for landfills. I ranch property adjacent to the current Jefferson County landfill site. The County has found it difficult to control problems associated with landfills (blowing litter, vector concentrations) with daily cover of refuse. As a landowner and health officer I adamantly oppose any changes in the rules or laws of the State of Montana which would lessen the current standards for Solid Waste Management. I therefore urge this committee to oppose SB 182.

Sincerely,



Philip Pallister, M.D.  
Jefferson County Health Officer

PDP/bg

Ex. 14a

Rec'd - Mon - Feb 7, 1983  
use against S.B. 182 Anterior

BRIEFING - S.B. 182

S.B. 182 is intended to substantially reduce current waste management standards for the majority of waste disposal facilities in Montana.

\* Facilities serving towns and unincorporated areas would be required to remain open 7 days a week, only apply cover once per week and do not have to provide access control or supervision

\* These standards would apply to facilities serving large populations such as Logan disposal site which serves an unincorporated area of Gallatin County of approximately 16,000 people, Victor disposal site serving 20,706 rural people in Ravalli County and Scratch Gravel site serving the unincorporated area of Helena valley with population of 14,000

\* Facilities serving third-class cities (pop. 1,000-5,000) would provide litter control, site supervision and "periodic" application of cover as jointly determined by local health authority, local governing authority and state health department.

\* Because third class cities serve large county populations many provide service to large populations such as Dillon - 6587, Deer Lodge - 6455, Glasgow - 7,000, Laurel - 10,073, Libby - 14,000, Polson - 14,000, Hardin - 11,083

\* Local health authority would be placed in an awkward position because they are employed by local governing body requiring them to concur with the wishes of a local government

\* Current law places substantial responsibilities on state but proposed bill would dilute state authority however still leaving state with responsibility and subsequent liability.

\* Facilities serving first and second class cities (14) would be required to meet current standards.

X

\* Consequences of Bill

\* Would result in the proliferation of open dumps throughout state

\* Small sites would spring up close to each other with different operational requirements among them making it impossible to administer any standard

\* Currently 33 refuse disposal districts exist allowing counties and communities to jointly provide waste management services and access fee for same. Districts allow local governments to avoid duplicating services and keep services costs to a minimum.

Proposed bill would:

\* Result in no new districts being formed as each local government would attempt to maintain their own dump site;

\* Result in the destruction of existing districts as smaller communities attempted to maintain their own dumps

\* Disease - periodic cover of refuse will not impede disease vector concentration at disposal sites. Examples:

\* Anthrax

- is endemic in state

Anthrax (Cont.)

- high hazard because of extreme virulence
- disease transmitted in excreta, flies and tissues of dead animals
- dead animals not properly covered at unsupervised sites increases exposure to public

\* Rabies

- incidence of disease increasing dramatically
- skunks and feral cats common carriers of disease
- such animals greatly attracted to uncovered waste
- periodic cover of waste would increase concentration of such vectors of rabies around dump sites

\* Ground Water - Leachate consists of water-soluble chemicals, biological species such as polio virus, heavy metals and particulate matter created by moisture percolating through waste;

- \* Leachate readily reaches and contaminates ground water
  - \* Leachate in ground water can travel for extended distances and does not dissipate
  - \* Periodic cover as proposed by S.B. 182 will greatly increase ground water contamination around disposal sites throughout Montana
- \* Current state site siting criteria (soil type, soil permeability and depth to water table) and operation standards are closely related. Under proposed bill, reduced operational standards would require state to adopt more stringent siting criteria
- \* Current acquisition of new disposal sites are very difficult because private landowners do not want disposal sites near them;
- \* Landfill siting is a critical problem in waste management today
  - \* Currently 56 communities or areas have disposal sites which are at or near capacity
  - \* Reduced operational standards under proposed bill will result in no or very little private ground available for dump sites
- \* No federal land will be available because reduced operational standards are less than required on federal land
  - \* Local governments will increase demand for state administered land for dump sites
- \* Landowners through Montana who have property near disposal sites are becoming increasingly opposed to having such sites near them. This opposition is being voiced to local governments, the state and in the courts in the form of law suits.
- \* The proposed bill does not offer any means by which those affected by reduced standards, adjacent landowners, will be adequately protected
  - \* Reduced operational standards will increase the numbers of landowners seriously damaged by dump sites
  - \* Will result in increased number of liability suits being initiated by landowners against local governments and possibly the state

- \* Liquid and semi-liquid wastes - Improper disposal of such wastes can cause significant harm to public health and environment in such forms as transfer of disease and contamination of ground water
  - \* Current state standards are sufficient to provide adequate control over such wastes
  - \* Proposed bill would greatly increase number of uncontrolled disposal sites and such wastes would be brought into them especially septic tank and privy vault wastes
  - \* Another proposed Senate bill intends to improve disposal of septic tank and privy vault wastes. This bill would:
    - \* allow local and state health officials to determine and approve where septic tank pumpings are disposed
    - \* promote beneficial re-use of such waste through appropriate land application in agricultural ground
    - \* SB 182 by allowing for uncontrolled and unrestricted dump sites throughout the state will make any attempt to control disposal of septic tank pumping useless
    - \* SB 182 would encourage the indiscriminate dumping of these liquid wastes into uncontrolled dump sites
  
- \* Hazardous Waste Management Under current state laws, standards are sufficient to guarantee the reasonable control over the disposition of hazardous wastes.
  - \* SB 182 will greatly increase numbers of uncontrolled dump sites in areas where hazardous wastes are generated in large quantities
  - \* Generators of hazardous wastes will begin to use these dump sites with increasing frequency
  - \* Proposed bill will adversely affect the state hazardous waste program
  
- \* Resource Recovery/Recycling Current state standards, by promoting the concentration of wastes, have been of substantial assistance in the implementation of resource recovery and recycling systems
  - \* SB 182 would greatly retard this important development by actually encouraging the establishment of open burning dumps

Fri. Mar. 18, 1983

Ex. 14b

use against S.B. 182  
Pistoria

SB182 ADVERSE IMPACTS

\* PUBLIC HEALTH AND SAFETY WILL BE ADVERSELY AFFECTED.

NOTE

\* Periodic covering of waste as promoted by SB182 will encourage the concentration of disease vectors at disposal sites and therefore enhance the spread of such diseases as anthrax and rabies.

NOTE

\* Elimination of access control and site supervision as allowed by SB182 will increase the public's exposure to uncontrolled fires, diseases and toxic wastes.

\* GROUND WATER POLLUTION WILL OCCUR MORE FREQUENTLY.

\* Daily cover impedes moisture contact with waste. Without such protection, wastes produce leachates which can readily reach and contaminate ground water.

\* Leachate in ground water can travel for extended distances and does not dissipate.

\* Periodic cover as proposed by SB182 will increase ground water contamination around disposal sites throughout Montana.

\* ADJACENT PROPERTY OWNERS WILL SUFFER DAMAGE AND INCREASED COSTS.

\* SB182 does not offer any means by which adjacent landowners to disposal sites will be adequately protected.

\* Reduced operational standards will increase the number of landowners seriously damaged by litter, fires and reduced property values.

\* Reduced standards will result in increased numbers of liability suits being initiated by affected adjacent landowners.

mention Wilhelmio

\* FEDERAL LANDS WILL NOT BE AVAILABLE FOR SITING DISPOSAL AREAS BECAUSE PROVISIONS OF SB182 ARE LESS STRINGENT THAN FEDERAL REGULATIONS.

NOTE

\* SB182 would place state standards substantially less than federal requirements.

\* Federal land will not be available for disposal sites because proposed reduced operational standards would be less than required on federal land.

\* Wastes generated on federal land such as campgrounds must be disposed of at sites meeting minimum federal regulations. SB182 would cause serious problems and greater costs in properly disposing of such waste.

\* ALLOW SITES SERVING LARGE POPULATIONS TO SUBSTANTIALLY REDUCE STANDARDS.

NOTE

\* Proposed reduced standards would apply to many disposal facilities that serve large unincorporated areas with populations ranging from 10,000 to 20,000 rural people.

Explain  
why Wilhelmio  
is not a  
large family.

\* Proposed reduced standards would apply to many third class cities that provide service to large populations ranging from 7,000 to 14,000.

\* Numerous disposal facilities currently serve first-class cities, third-class cities and heavily populated unincorporated areas. SB182 does not address what standards would apply to such facilities.

\* NO REGULATION OF HAZARDOUS WASTES BEING DISPOSED OF IN UNCONTROLLED SITES.

**NOTE**

\* SB182 will increase number of uncontrolled dump sites in areas where hazardous wastes are generated in large quantities.

\* Generators of hazardous wastes will begin to use these dumps with increasing frequency.

**NOTE**

\* Proposed bill will adversely affect the state hazardous waste program.

\* NO PROVISIONS FOR ISSUING NEW LICENSES REFLECTING REDUCED OPERATIONS.

\* Currently 159 Class II waste management licenses are in effect.

\* SB182 does not address procedures to be used in amending current licenses for disposal facilities.

\* All current licenses provide for active public participation.

**NOTE**

\* If reduced standards are applied to disposal sites, what assurance will the public have that their interests and concerns will be heard?

**NOTE**

\* NO PROVISIONS FOR PRIVATE LANDFILL OPERATORS TO BE HEARD ON DECISIONS THAT ARE MADE AFFECTING THEIR OPERATIONS.



Thurs - Feb. 17, 1983

PAUL WILHELM D.D.S.  
306 Montana Building  
Great Falls, Montana 59401

all against  
S.B. 182

Hc

Telephone (406) 452-7288

February 16, 1983

Paul Pistoria  
House of Representative  
5th Plaza Hotel  
Last Chance Gulch  
Helena, Montana 59601

Dear Mr. Pistoria:

It is incomprehensible to understand why responsible legislators would introduce Senate Bill #182 to change regulations in the Solid Waste Management Act. What is the purpose of this bill, and how can anyone rationalize the need for it?

There is absolutely no legitimate argument to take steps backward to return to the practice of a "open dump". It is extremely difficult to find future landfill sites because of already existing backyard Practices. Senate Bill #182 would make the present situation worse.

It has already been established and of record when small communities or small facilities in rural areas are excluded from administrative regulations, it has resulted in greater environmental damages. It won't be long before Class II sites serving first and second class cities would argue they are discriminated against, and that Senate Bill #182 is illegal. You cannot pass bills that effect the Civil Rights of any person under Public Law 94-580 94th. Congress. Small and rural communities have several options to reduce the per capita cost burden by regional collection, sharing equipment, and limited hours. If any community has a problem, they most certainly can go to the Montana Department of Health to address their problems.

From first-hand experience the only way to control litter is by earthen cover. The real need for fencing around a site is to prevent access to small children and unauthorized people, keep stray animals from harboring, prevent rummaging through garbage after hours, and to define the legal boundaries of the site. When garbage is not covered on a daily basis, injuries result, litter ends up outside the landfill on private property, crops are destroyed in neighboring fields, fires occur causing health hazards and property damage, and the ground water deteriorates. There is a greater need for the rural areas to cover on a daily basis because of the lack of fire fighting equipment. If rural areas do not have enough dirt for earthen cover, then why are the cities taking their garbage into the rural areas where they have to comply? Solid waste contains pathogenic bacteria, viruses, and parasites which can infect both human and animal. Periodic application of earthen material (6 inches) at the end of each operating day would control wastes that provides food for rats, flies, and Sea Gulls which are capable of transmitting these disease organisms to humans and animals. Because the landfill exists adjacent to our property, I can speak with authority on this subject.

PAUL WILHELM D.D.S.  
306 Montana Building  
Great Falls, Montana 59401

Telephone: (406) 452-7268

Why did Senate Bill #182 delete the word "fences" in part "a" under (2) Class II sites serving rural, unincorporated areas or towns in the second reading? If they cover but once a week, how are they going to prevent litter blowing out of the landfills? It seems to me auto graveyards have to be fenced because they are unsightly. Garbage is worse.

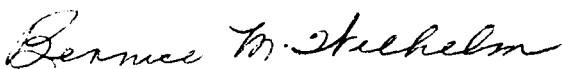
Under Class II sites serving first and second-class cities the bill states "provide application of earthen cover material at the end of each operation day". How much dirt cover is this bill requiring? The cities have not complied under existing regulations which has created many problems for adjoining property owners. Are the sponsors of this bill suggesting any amount of dirt cover? The cities deposit sewage sludge and dead animals which need immediate coverage. Is this health problem going to be ignored?

Also under the same section "each Class II site shall provide a final cover at least 2 feet of earthen cover material after the final deposit of solid waste in the site". We have lived adjacent to a landfill for about nine years and have yet to see two feet of earthen cover in a completed area!

I cannot see one redeeming factor in Senate Bill #182. This bill reverts progress made to-date back to unsightly dumps and opens the doors for many civil suits. My suggestions to the Senators is to allow garbage to be deposited in the center of towns and see if it is objectionable to the citizens. What makes them think it is less objectionable to people in the rural areas who live in the vicinity of a landfill? When one has had the experience of litter, fires, polluted water, stray animals, and horrible stench coming from a "dump", they had better protest against this bill loud and clear.

It doesn't take a lot of intelligence to understand why Senate Bill 182 should not pass, but takes a lot of stupidity to allow it. Even a cat covers its mess!

Sincerely yours,



Bernice M. Wilhelm

Thurs - Feb. 17, 1983

PAUL WILHELM D.D.S.  
306 Montana Building  
Great Falls, Montana 59401

all against  
S.B. 182

Telephone: (406) 452-7268

February 16, 1983

Paul Pistoria  
House of Representative  
5th Plaza Hotel  
Last Chance Gulch  
Helena, Montana 59601

Dear Mr. Pistoria:

It is incomprehensible to understand why responsible legislators would introduce Senate Bill #182 to change regulations in the Solid Waste Management Act. What is the purpose of this bill, and how can anyone rationalize the need for it?

There is absolutely no legitimate argument to take steps backward to return to the practice of a "open dump". It is extremely difficult to find future landfill sites because of already existing backyard Practices. Senate Bill #182 would make the present situation worse.

It has already been established and of record when small communities or small facilities in rural areas are excluded from administrative regulations, it has resulted in greater environmental damages. It won't be long before Class II sites serving first and second class cities would argue they are discriminated against, and that Senate Bill #182 is illegal. You cannot pass bills that effect the Civil Rights of any person under Public Law 94-580 94th. Congress. Small and rural communities have several options to reduce the per capita cost burden by regional collection, sharing equipment, and limited hours. If any community has a problem, they most certainly can go to the Montana Department of Health to address their problems.

From first-hand experience the only way to control litter is by earthen cover. The real need for fencing around a site is to prevent access to small children and unauthorized people, keep stray animals from harboring, prevent rummaging through garbage after hours, and to define the legal boundaries of the site. When garbage is not covered on a daily basis, injuries result, litter ends up outside the landfill on private property, crops are destroyed in neighboring fields, fires occur causing health hazards and property damage, and the ground water deteriorates. There is a greater need for the rural areas to cover on a daily basis because of the lack of fire fighting equipment. If rural areas do not have enough dirt for earthen cover, then why are the cities taking their garbage into the rural areas where they have to comply? Solid waste contains pathogenic bacteria, viruses, and parasites which can infect both human and animal. Periodic application of earthen material (6 inches) at the end of each operating day would control wastes that provides food for rats, flies, and Sea Gulls which are capable of transmitting these disease organisms to humans and animals. Because the landfill exists adjacent to our property, I can speak with authority on this subject.

PAUL WILHELM D.D.S.  
306 Montana Building  
Great Falls, Montana 59401

Telephone: (406) 452-7268

Why did Senate Bill #182 delete the word "fences" in part "a" under (2) Class II sites serving rural, unincorporated areas or towns in the second reading? If they cover but once a week, how are they going to prevent litter blowing out of the landfills? It seems to me auto graveyards have to be fenced because they are unsightly. Garbage is worse.

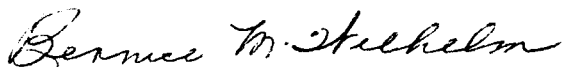
Under Class II sites serving first and second-class cities the bill states "provide application of earthen cover material at the end of each operation day". How much dirt cover is this bill requiring? The cities have not complied under existing regulations which has created many problems for adjoining property owners. Are the sponsors of this bill suggesting any amount of dirt cover? The cities deposit sewage sludge and dead animals which need immediate coverage. Is this health problem going to be ignored?

Also under the same section "each Class II site shall provide a final cover at least 2 feet of earthen cover material after the final deposit of solid waste in the site". We have lived adjacent to a landfill for about nine years and have yet to see two feet of earthen cover in a completed area!

I cannot see one redeeming factor in Senate Bill #182. This bill reverts progress made to-date back to unsightly dumps and opens the doors for many civil suits. My suggestions to the Senators is to allow garbage to be deposited in the center of towns and see if it is objectionable to the citizens. What makes them think it is less objectionable to people in the rural areas who live in the vicinity of a landfill? When one has had the experience of litter, fires, polluted water, stray animals, and horrible stench coming from a "dump", they had better protest against this bill loud and clear.

It doesn't take a lot of intelligence to understand why Senate Bill 182 should not pass, but takes a lot of stupidity to allow it. Even a cat covers its mess!

Sincerely yours,



Bernice M. Wilhelm

# Area landfills to remain open during dispute

By BARBARA MITTAL  
Tribune Staff Writer

The Ulm and new Vaughn landfill sites will remain open while Cascade County health officials and the Montana Department of Health and Environmental Sciences settle a dispute over operation of the sites.

The state went to District Court Monday seeking injunctions to prevent the counties from operating the solid waste disposal sites without licenses and order the county to apply for solid waste management facility licenses.

Since then a tentative agreement has been made for continued operation although parts in which the sites can be used will be shorter.

Action was taken because the new Vaughn landfill was opened in recent weeks without state approval. "The old site was exhausted and we had no alternative" but to begin using the new site, according to Don Pizzini, City-County Health Department administrator. The county was working on its license application at the time, a process Pizzini called cumbersome. That application was sent to Helena last Friday.

The site, just northeast of Vaughn between Muddy Creek and Interstate 15, was purchased by the county last year for a replacement disposal site. Pizzini said the state had approved

the site as a possible landfill several years ago.

Two representatives of the state department's Solid Waste Management Bureau visited the proposed site Dec. 16, 1982. James Leiter, state sanitarian, notified the county four days later that the site appeared suitable.

The letter outlined conditions including flood, litter and water pollution control, supervision during hours of operation and closure after operating hours that must be met. The licensing process also requires a 30-day public comment period.

That letter also said "it must be clearly understood that this letter does not in any way give or imply acceptance or approval of the new site." A license "constitutes our only official approval," Leiter wrote.

Both the Ulm site and former Vaughn site were been operated on conditional licenses, Leiter said Wednesday, because the county was upgrading them. But "we've had a long history of disagreement with the health department" over supervision, securing sites after hours and covering the sites daily, he said.

Leiter, who visited the Vaughn site again last week, said "we felt we were backed into a corner" when it was opened without approval. The county could have sought a variance



This new landfill trench at Vaughn and a landfill at Ulm are the subject of a District Court County Board of Health. (Tribune Photo)

to open the site, he said, but that was not done until the license-application was made. Pizzini said the comment pretty important" on local solid waste division, said ing a landfill. That requires 30 days public notice, which was not provided.

The Ulm site was included in the court action because it, too, is not licensed. Other solid waste disposal sites in the county are among 150 licensed sites in the state.

The Ulm site has been in operation since 1980, but it has not been fenced or not locked after hours and has not been covered daily. In order to comply with the state, the county will erect a fence and gate and limit the hours in which the site can be used, Pizzini said. In the past the site has been open seven days a week.

The problem with fencing a landfill site, Pizzini said, is that people dump garbage outside the gate or in the borrow pit if they arrive when the site is closed. "They don't take garbage back home."

"We are going to comply" with the state's demands at both sites, Pizzini said, "but it's going to cost us some money." He estimated the cost of a gate and fencing at Vaughn at \$10,000. That site also will be open only five days a week, because "we can't afford to keep someone there seven days" to supervise the operation.

County officials claim the legal action is politically motivated because they support legislation that would ease state requirements on rural landfill sites. "We feel current restrictions on small rural landfill sites are unrealistic," Pizzini said. For awhile the state "went along with us" on landfill site operation but "now they want to enforce it to the letter of the law," Pizzini said.

The bill that would ease restrictions on rural landfills has passed the state Senate, Pizzini said. "If it passes the House," the county's expense in fencing the Vaughn and Ulm landfill sites "will have been done for naught," he said.

Robertson and Leiter say they had no intention of filing action against Cascade County while the legislation is under consideration. "We were holding off" awaiting the outcome of the legislation, they said.

17d

Maxwell K. Botz  
Box 171  
Clancy, Montana 59634

March 21, 1983

Representative H. Harper  
Montana House of Representatives  
Natural Resource Committee  
Capitol Station  
Helena, Montana 59601

RE: Senate Bill 182

Dear Mr. Chairman:

I am opposed to Senate Bill 182. As a professional groundwater geologist and engineer, I feel this bill could lead to serious groundwater pollution problems in Montana.

My specific objections to this bill are:

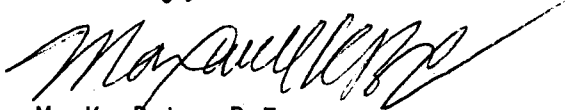
- 1) The bill will lead to uncontrolled and unsupervised disposal of solid and liquid wastes in most of Montana's landfills.
- 2) Without daily or frequent inspection, hazardous and toxic wastes, and sewage sludge and septic tank wastes will be improperly disposed into the landfills.
- 3) Uncovered wastes will subject to rainfall, snowmelt and runoff that will percolate through the wastes, create contaminated leachate and cause contaminated groundwater beneath the landfill.
- 4) Contaminated groundwater is very expensive to control and correct.

In the past ten years, I have investigated groundwater conditions at many solid waste sites in Montana and have documented groundwater contamination from leachate.

Montana has developed an excellent solid waste program that protects groundwater resources. Senate Bill 182 would be a large step backwards and would allow landfill operation that could lead to groundwater pollution problems. There is a great deal of concern in Montana and nationally about groundwater pollution. Montana should pride itself on protection of its water resources and not allow conditions that, in the future, could lead to extremely costly groundwater pollution problems.

I urge you to not pass Senate Bill 182.

Sincerely,



M. K. Botz, P.E.  
Hydrologist/Engineer

MKB:jy

Exhibit 17



# BEAVERHEAD COUNTY SANITARIAN

COURTHOUSE

POST OFFICE BOX 1166

DILLON, MONTANA 59725

TELEPHONE 683-4868

March 21, 1983

Dear Mr. Chairman and Committee Members:

Thank you Mr. Chairman and Committee members. My Name is Eugene Regan and I am the Beaverhead County Sanitarian. I am opposed to Senate Bill 182. I ask you to disapprove this bill for the following reasons:

In 1978, Beaverhead County went to the State Board of Health and asked for a variance from cover and opeation requirements. After testimony from the Solid Waste Bureau and county officials the Board of Health gave us a variance to last one (1) year. In that year we had to demonstrate that we could maintain the sites in an environmentally safe manner. I developed a monitoring system which collected photos of the sites before and after they were covered and recorded the amounts of garbage in each site every week. The contractor covered the site once a week and provided the photographs.

On our second appearance before the Board of Health, the Board was so impressed that they directed the Solid Waste Bureau to draft a bill to allow variances to the solid waste laws. The 1981 Legilature passed that bill and it became law. Since 1981, no one else has applied for a variance! WHY? Is the answer because the proponants just don't want to do anything to improve their sites. With Senate Bill 182 no one will be required to do anything to improve open dumps in Montana. Do we want to put ten (10) years of improvements in solid waste down the drain? I feel that the variance procedure is the only way to go. This method puts the burden on the county to prove that they can satisfactorily operate a site that does not meet all of EPA regulations.

Another reason this Bill is ill advised is that federal agencies, such as B.L.M. and the Forest Service, require once a day cover for landfills on federal property. Five (5) years ago the Forest Service had about 200 dumps on their ground, today there is only one (1). Making the state rules and laws less stringent than EPA regulations is a joke and the joke is on the citizens of Montana.

Still another reason is that Western Montana College has completed a study for using solid waste as an energy source. If such a facility is built garbage from Beaverhead and Madison County should be hauled to the facility to be burnt. The study showed that Beaverhead County spends \$50,000.00 a year to dispose of a \$200,000.00 resource. How can we afford to waste such a resource? In the future I request that the Legislature provide funds and low interest money for resource recovery projects.

Again I request that you give Senate Bill 182 a do not pass recommendation. Thank you.

Sincerely yours,

*Eugene Regan*

Eugene Regan, R.S.  
Beaverhead County Sanitarian



# MISSOULA CITY-COUNTY HEALTH DEPARTMENT



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

March 16, 1983

MEMO TO: Members of the Committee

FROM: Edward G. Zuleger, R.S.

SUBJECT: Senate Bill 182

As a Registered Sanitarian in the State of Montana, I am opposed to S.B. 182 for the following reasons:

1. The wording in Section 2 of the Bill is ambiguous, and depending on how you interpret it, it excludes virtually every landfill in Montana from daily coverage. I say this because there isn't a landfill in Montana that doesn't serve some unincorporated areas or towns.

2. Even if the Bill only affected those landfills serving only unincorporated areas or towns, there are rural areas in the State that include thousands of people that are served by only one landfill.

3. The State has been working for years to combine numerous small landfills scattered throughout the State (none of which were being taken care of) into a few larger landfills which could be taken care of properly.

4. If this Bill was to pass, it would encourage the proliferation of the small landfill sites, due to the fact that these sites, with lower operational costs, could under-bid larger sites for the same services. This, in my opinion, would be a giant step backward.

5. This Bill seems to completely overlook the health aspects of a landfill operation, and the reduction of the covering requirement will cause health problems, no matter what size the landfill happens to be. Open garbage cannot help but become a problem in a number of ways. These include such things as providing a place for the breeding of flies and the proliferation of rats and mice, not to mention periodic fires which occur, and the scattering of litter by the wind.

In closing, I would again like to state that I am against S.B. 182, and I feel that the adoption of such a bill will put Montana back into the dark ages with regard to the operation of landfills.

EGZ:mzc





United States  
Department of  
Agriculture

Forest  
Service

Lolo National Forest

Ex. 19  
Seeley Lake R.D.  
Drawer G  
Seeley Lake, MT 59868

Reply to: 7460 Solid Waste

Date: January 27, 1983

Subject: Landfill Disposal Sites

To: Mr. Ed Zulager  
Missoula Health Department  
Missoula, MT 59868

Locating garbage and trash disposal facilities on National Forest land is seldom compatible with National Forest purposes and is strongly discouraged. Providing these facilities is normally a local government responsibility and not that of the Forest Service. Nevertheless, the Forest Service occasionally gets involved through its responsibilities in the field of fire prevention and its operation of public recreation areas and administrative sites. However, special use permits may be issued only when private sites are not reasonably available, and suitable sites are available on the National Forest.

Permits for solid waste disposal sites would require operation in full compliance with the Solid Waste Disposal Act (P.L. 89-272, as amended; P.L. 91-512). Also, guidelines published in the Federal Register of Wednesday, August 14, 1974, (Vol. 39, No. 158) are mandatory for any disposal operation permitted on National Forest land.

One of the basic criteria for locating a landfill on NFS land would be that it was operated in a safe and sanitary manner. Environmental protection, fire prevention and nuisance animals are some of the factors which would receive strong consideration. Operational methods which did not optimize these factors would seriously jeopardize any landfill on National Forest lands.

I am aware of a proposal to relax requirements for daily covering of landfills in small communities. Since it is a general policy of the Forest Service not to allow landfills, any lessening of the operational standards would only make justifying them on our public lands more difficult. Regardless of State law, Forest Service requirements for landfill operation on National Forest land would probably require daily coverage.

DENNIS L. JOHNSON  
District Ranger



EMO

Mr. Chairman and Committee Members:

I am Dr. John McGregor, Chairman of the State Board of Health and Environmental Sciences living in Great Falls. I am here today speaking in opposition to Senate Bill 182. As you are all familiar with the contents of the bill, I will not go into that. I would like to state that the current solid waste standards have been in effect in Montana for eleven years. These standards are to provide basic protection for the health, welfare and safety of the public and for the environment, as well as the land itself. Senate Bill 182 as written will substantially reduce these standards for the majority of the waste disposal facilities of Montana.

The 47th legislature, passed measures allowing for a variance procedure from rules issued under the Montana Solid Waste Management Act. This procedure allows any person to apply to the board of Health and Environmental Science for a variance from rules governing the management of solid waste. This law allowing the Board to hear and grant variance requests assures that persons requesting such a variance will be heard by a neutral third party. Most importantly, it assures that the interest of the property owners most likely to be effected by a variance will be amply protected. They may be issued for up to three years with opportunities for extension. It should be noted that the procedures for seeking a solid waste variance were patterned very closely after those used by the Air Quality Bureau of the State Department of Health. Under Air Quality standards, 94 variances have been granted. To date, one solid waste

variance was requested and granted. This was to Beverhead county operating five small disposal sites. The process by which the variance was granted was simple and direct. It was not time consuming, cumbersome or expensive for that county to seek. Most importantly, the variance granted was satisfactory to all parties concerned including adjacent landowners at the disposal site.

Senate Bill 182, by encouraging the lessening of current standards, would have a serious adverse impact upon the variance portion of the Montana Solid Waste Management Act. I am concerned that those persons now requesting relaxed dumping standards under Senate Bill 182 may in the future be requesting that extensive investigations be conducted by the state or federal government to determine what adverse impacts were caused by the dumping practices. The cost of investigating and correcting such problems could easily exceed the cost of the preventive measures. I am also concerned for the people who live and own property adjacent to land fill sites. They deserve protection of their water wells and property values from the harm that can result from disposal sites operating without adequate control. Senate Bill 182 appears to extend greater privileges to small local governments in Montana, but doing so at the direct expense of private citizens, especially those persons unlucky enough to live near a solid waste disposal site. If this bill passes, those adjacent landowners may find that they have opened uncontrolled dump sites as their neighbors in the future.

Thank you for this opportunity to appear before you.

JOHN MCGREGOR, M.D



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

222 North 32nd Street

P.O. Box 30157

Billings, Montana 59107

3/21/83

BLM is opposed to any reduction in Montana administrative rules governing solid waste below presently established federal standards. BLM administers 8.4 million acres in Montana, North and South Dakota. The BLM has approximately 20 solid waste sites authorized under the Recreation and Public Purpose leases (R&PP) in Montana. All R&PP leases for solid waste sites must meet EPA Land Disposal and Solid Waste Guidelines and Classification of Solid Waste Facilities and Practices published in the Federal Register, August 14, 1974 and September 13, 1979, respectively. Particularly these guidelines, which carry the weight of regulation, require access control and daily covering to insure public safety and control of wind-blown paper, fire and disease vectors. BLM is concerned not only with the aforementioned items' effect on public land, but the effect on adjacent private lands.

BLM is also concerned about reductions in Montana administrative rules which might allow unlimited access to sites; since this could allow unauthorized dumping of hazardous wastes which could result in long-term liability to BLM at such times as the R&PP lease reverts to BLM. Our only alternative under such circumstances would be direct sale to operator of solid waste sites.

John A. Kuntzowski  
Deputy State Director

25 JAN 1993

Mr. Ken Alkema  
Office Director  
Environmental Protection  
Agency  
301 South Park  
Drawer No. 10096  
Helena, Montana 59626

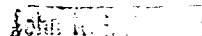
Dear Mr. Alkema:

It has been brought to our attention that Montana State Senate Bill No. 182 (enclosed), dealing with operational requirements for solid waste disposal sites, is scheduled for consideration by the House Natural Resources Committee in a few weeks. We are considering the implications of this Bill on solid waste disposal sites located on BLM land or land patented under the Recreation and Public Purposes Act with a reversionary clause.

The Bill provides, among other things, that Class II sites serving rural, unincorporated areas or towns, may remain open seven days a week with application of cover material only once a week. Our position on the Bill is dependent on the regulations that are applicable to our areas of responsibility. This would include the EPA regulations dealing with solid waste, which appear to require application of cover material at the end of each operating day.

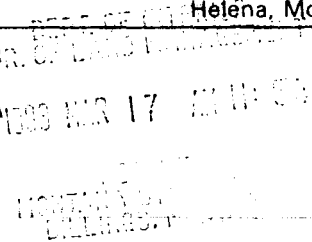
We would appreciate your opinion on this matter as soon as possible. We need to know if this bill would be inconsistent with your regulations. If so, please describe the inconsistencies especially as they apply to the Bureau of Land Management.

Sincerely yours,



John A. Kwiatkowski  
Deputy State Director,  
Division of Lands and Renewable Resources

Enclosure



R.

/

CUNO

Dear Mr. Kwiatkowski:

Sincerely yours,

Kenneth L. Williams

Attachment

62. 212  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: MAR 15 1983

SUBJECT: BLM Solid Waste Disposal Request

FROM: 8AW-WM

TO: Ken Alkema, Director  
Montana Operations Office

Mr. John A. Kwiatkowski's February 25, 1983 letter is addressed for your information. In short, the Land Disposal of Solid Waste Guidelines published in the Federal Register of August 14, 1974, carry the weight of regulations for federal facilities and federally managed lands. The issues of fire safety, personnel safety, vector control, and blowing paper, among others, are positively impacted by covering waste at a sanitary landfill at the end of each operating day. While other options may exist to control these issues, cover at the end of each operating day continues to be the accepted norm for proper operation. The Land Disposal Guidelines require cover at the end of each operating day.

We recognize that in practice communities will incur increased expense in meeting this requirement. Several options exist to limit this expense. The most obvious recommended option is to limit site operation and access to a minimum number of days per week with application of cover at the end of each operating day.

The Montana Senate Bill No. 182 does not require access control or supervision for sites serving rural and non-incorporated areas, and provides only optional control and supervision for sites servicing third-class cities. In the absence of access control, operating days cannot be limited and cover at the end of each operating day would equate to daily cover as required by the Guideline.

A potentially more significant liability to lessees and the Bureau of Land Management arises from the unauthorized disposal of hazardous and non-hazardous liquid industrial wastes at sites with no access control or supervision. The Hazardous Waste Regulatory Control Programs of EPA and the State of Montana significantly increase the cost of proper hazardous waste management, thus increasing the incentive for midnight dumping of such wastes. Where better to dump than an open, unattended, rural, solid waste disposal site?

In addition to complying with 40 CFR 241, Land Disposal of Solid Waste Guidelines, the Bureau must recognize the liability of providing convenient sites for dumping of unauthorized wastes. With the reversion provision in BLM leases, ultimate liability for impacts to the environment (groundwater) would be theirs.

While EPA has other regulations for our use in classifying sanitary landfills and open dumps - 40 CFR 257, dated September 13, 1979 - the Land Disposal of Solid Waste Guidelines take precedence for federal facilities and federally managed lands.

Sincerely yours,

Robert L. Duprey, Director  
Air and Waste Management Division



NAME: Dawn A. North DATE: 3/21/83ADDRESS: 914 Breckenridge, Helena, MtPHONE: 443-4284REPRESENTING WHOM? League of Women Voters of MontanaAPPEARING ON WHICH PROPOSAL: SB 182DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS: Mr. Chairman and members of the  
committee my name is Dawn North and I am  
representing the League of Women Voters of  
Montana. L.W.V. of Montana believes that daily  
cover and supervision are necessary requirements  
for landfill disposal sites. Daily cover helps  
control odor, litter, rodents and insects, fires and  
minimizes infiltration of surface water. Because  
SB 182 removes these requirements from certain  
sites, L.W.V. of Montana opposes the bill.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

## WRITTEN TESTIMONY OPPOSING SB 182

By: Elizabeth J. Knight, R.S.

Mr. Chairman and committee members, my name is Elizabeth Knight. I am currently employed as the Jefferson-Broadwater County Sanitarian and am president of the Montana Environmental Health Association. The association, Jefferson and Broadwater County Commissioners, and I appreciate the opportunity to submit written testimony in opposition to SB 182. SB 182 would markedly reduce the current solid waste management standards for the majority of solid waste disposal facilities in Montana. It would allow for facilities serving towns and unincorporated areas amounting to populations in the upwards of 14,000 the liberty to operate as they please.

The bill as proposed would seemingly result in the rapid growth of open burning dumps throughout the state. With the variation in operational requirements it would be impossible to administer any standards. Loss of daily cover requirement could mean increases in diseases associated with improperly handled solid waste. Daily cover also reduces the chances of contaminated ground water by leachate, which can contain viruses, heavy metals and various chemicals. The current standards for site selection, should operational standards be reduced, would need to be made more stringent, to protect public health and ground water; if siting standards are made more restrictive, it will lead to less available land for landfill sites. Land is difficult enough at

do not want disposal sites located near them. With the lack of control these measures would produce, sites would become much harder to acquire. SB 182 contains no provisions for the protection of those who currently own property near disposal sites. We've already seen a number of suits initiated by landowners who have sustained damage as a result of operation of the landfills near them.

Reduced operational requirements would lead to a lack of knowledge or control of semi-liquid, liquid (septic tank and privy vault wastes), and hazardous waste materials entering landfill sites.

The Montana Environmental Health Association at their annual fall meeting passed a resolution opposing, what were at that time, proposed changes to the solid waste management rule which are, in substance, those changes in operational requirements which would be mandated should this bill become law. Many counties have gone to considerable expense and work to bring their systems into compliance with current state rules and laws to protect their public's health. To decrease the standards to suit those few who find it a hardship to comply without looking at the long term effects, would be a mistake.

On behalf of the Jefferson and Broadwater County Commissioners, the Montana Environmental Health Association and myself, we urge this committee to oppose SB 182. Thank you.

Sincerely, *Delbert M. Bullock*  
Delbert M. Bullock, Chairman  
Jefferson County Commissioners

Sincerely, *Elizabeth J. Knight*  
Elizabeth J. Knight R.S.  
President, Montana Environmental  
Health Association  
Jefferson-Broadwater County Sanitarian

## WITNESS STATEMENT

Name Luci Brieger Committee On HNR  
 Address 511 S. Raleigh, Helena Date 3-21-83  
 Representing Mt. Env. Inf. Center Support \_\_\_\_\_  
 Bill No. SB 182 Oppose ✓  
 Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

1. No need to jeopardize groundwater supplies, & risk threats of vermin & disease & blowing litter, to satisfy a small majority of sites in the state ~~that~~ cannot (or will not) comply w/rules.   
 • Plenty of remedy & recourse under current ~~but~~ law, through variances & exemptions, to allow for the special circumstances of those sites complaining. But those that cannot comply have not even tried to get a variance!
2. All but 14 sites in the state would be affected. If sites are unsegregated, anything could be dumped there, including small quantities of hazardous waste, which are not (& cannot) be supervised by Hazardous Waste rules.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

# Land of poison

## Hazardous wastes out of control

3-16-83

Index  
Reford

Ex-25

WASHINGTON (AP) — More than a ton of hazardous chemical waste for each man, woman and child is dumped into nation's environment every year, according to a congressional study which contends federal laws are inadequate to deal with the problem.

The study, released today by the congressional Office of Technology Assessment, also criticized some regulations that encourage the burial of toxic wastes, a practice that poses a threat to the nation's water.

*There are serious and numerous gaps in our present hazardous waste regulatory system; gaps which must be closed if we are to protect public health.*

According to the report, at least 255 million metric tons of hazardous chemical wastes are put into the environment each year — more than a ton for each American. A metric ton weighs 2,205 pounds, compared to 2,000 pounds for a regular ton.

Yet, the study said, new federal regulations "may not effectively detect, prevent or control hazardous releases, especially over the longer term. ... Consistent levels of protection nationwide are not assured."

The conclusions come from a three-year study of hazardous waste control by the nonpartisan research office.

Although the study deals with issues under investigation by congressional committees probing the Environmental Protection Agency, the report was started before the Reagan administration took office.

The furor over EPA, however, is likely to focus attention on the study and make it a major factor in future legislation.

Rep. James Florio, D-N.J., chairman of the House subcommittee in charge of hazardous waste legislation, said the study "clearly confirms that there are serious and numerous gaps in our present hazardous waste regulatory system — gaps which must be closed if we are to protect public health."

The 407-page report details an environmental threat barely dreamed of a decade ago, but now reaching mammoth proportions. Among its statistics on the scope of the problem:

- More than 15,000 uncontrolled hazardous waste disposal sites already have been listed by the EPA, and more are being discovered each year.

- An unreleased EPA study indicates there are 80,263 sites in the nation with contaminated surface water impoundments, such as pits, ponds and lagoons. Ninety percent are believed to be a potential threat to groundwater supplies.

- Another unreleased EPA study, a test of underground drinking water supplies in 954 cities with populations of more than 10,000, reported contamination in 29 percent of the samples.

Congress has responded to the problems with two laws. In 1976, it passed the Resource Conservation and Recovery Act, designed as a "cradle-to-grave" tracking system for hazardous wastes to ensure their proper handling and disposal.

And in 1980, it added the "superfund" — a \$1.6 billion, five-year program to clean up abandoned chemical waste dumps — that is the focus of the current EPA investigation.

Despite those laws, the congressional study said, the government is pursuing a problem it does not fully understand with too little money, vague technical standards, imperfect laws and sometimes contradictory policies.

The study is particularly critical of regulations encouraging the disposal of hazardous wastes by burying — the method now used for about 80 percent of waste.

The study said lax requirements for landfills — including failure to require stringent monitoring for leaks and allowing some older dumps to meet less exacting requirements — makes burying wastes cheaper than alternative disposal methods.

Yet, the study said, even EPA technical analyses concede that any landfill, no matter how well constructed, eventually will leak.

The study said alternatives to burying — such as recycling or changing production methods to reduce the amount of wastes generated — could double industry's costs.

Montana Environmental Information Center (Opposed to SB 182)

SB 182 deletes requirements for onsite supervision and daily covering of refuse at sanitary landfills. The purpose of these changes is allegedly to make rules more flexible and reasonable, and to make operations more affordable. While these goals are laudable, the bill will actually create many more problems than it solves, and in fact, goals of the bill can be met by present policy.

Important questions about the bill:

1. Is there broad support for the rule changes? NO.

- a. Of the more than 220 landfills in the state, the Solid Waste Management Bureau <sup>(SWMB)</sup> has received complaints from only 4.
- b. The SWMB opposes these revisions, as does DHES.
- c. Sanitarians state-wide, except in Cascade County, are opposed to these rule changes; they passed a resolution, at their annual meeting, opposing these changes.

2. Are present rules inflexible? NO.

- a. Variances, for up to 3 years, may be obtained, and may be renewed.
- b. Of the 4 sites that want rules changed, none has applied for a variance.
- c. 1 site, in Beaverhead County, has obtained a variance, and recommends that process to others.
- d. The state has not fined any site for violating rules.

3. Are rules unreasonable? NO.

- a. State rules are not more stringent than federal (EPA) rules. In fact, federal rules could be interpreted as being more strict.
- b. Case-by-case determinations can be made on requirements of a particular site. Cover is not required daily in inclement weather, or in other extenuating circumstances.

4. Are rule changes in the best interest of public health and the environment? NO.

- \* a. Unsupervised sites would allow for the disposal of all manner of wastes, including hazardous wastes. (see attached page)
- b. Not covering at the end of each operating day would threaten groundwater, and increase vermin and litter problems.
  - c. Complaints from adjacent landowners are the main complaints that the SWMB receives now, and those complaints would only increase if rules were relaxed.
  - d. We'd see the proliferation of open, burning dumps.

5. Would costs be decreased? Not in the long-term.

- a. the state would be liable over increased public health problems caused by relaxing rules.
- b. adjacent landowners would have more grounds to sue the state and the landfill operator.

Does it make sense to change state-wide rules to accomodate the desires of a small minority of proponents, and risk increased groundwater contamination, increased opposition and lawsuits from adjacent landowners, and the public health? NO.

Those dissatisfied with present operating requirements have adequate recourse under the present rules.

3-16-83

Am 5/10/83  
Exhibit 26

Representative Harper - Chairman, Natural Resources Committee

Re: SB182

Dear Mr. Harper;

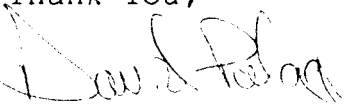
Monday, the 21st of this month, you will be hearing SB182. The basic concept of this bill would be to allow small communities to operate current dumps and future dumps in an unsafe and unsanitary manner.

The bill asks that these dumps be allowed to be open 7 days a week, 24 hours a day and only be covered with dirt once a week. If this were to be allowed, neighboring landowners would have garbage in their fields and yards. The potential for fire and fire damage to adjacent property would be increased dramatically. Such inadequate covering enhances the likelihood of a hazardous disease being spread.

I control two landfills in Montana that are operated in compliance with the current rules and requirements. I feel the rules are just and needed. We should not relax the requirements to accomodate a few who refuse to comply.

I strongly urge you to vote NO PASS on SB 182.

Thank You,

  
David Palagi, President  
City Transfer and Disposal, Inc.  
Box 2124  
Great Falls, MT 59403  
761-6752

cc Rep. Bob Ream

Rep. Kelly Addy

Rep. Tom Asay

Rep. Toni Bergene

Rep. Vern Bertlesen

Rep. Dave Brown

Rep. Aubyn Curtiss

Rep. Harrison Fagg

Rep. Bill hand

Rep. Dennis Iverson

REp. Jim Jensen

Rep. Kathleen McBride

Rep. Jerry Metcalf

Rep. Glenn Mueller

page 2

Rep. Ted Neuman

Rep. Ken Nordtvedt

Rep. Joe Quilici

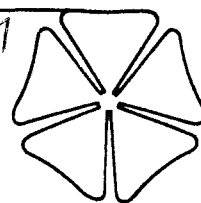
REp. Dennis Veleber

---



# MISSOULA CITY-COUNTY HEALTH DEPARTMENT

Ex. 27



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

March 21, 1983

MEMO TO: Members, House Natural Resources Committee

FROM: Missoula City-County Health Department

SUBJECT: Senate Bill 182


The Missoula City-County Health Department strongly opposes Senate Bill 182. As an agency charged with protecting public health and the environment, we cannot support a bill that would promote the spread of disease, contamination of groundwater, and the uncontrolled dumping of hazardous waste.

Standards for landfill operation were established to ensure that diseases did not occur or spread from garbage disposal. Passage of this bill, however, could cause an increase in vector-borne diseases such as rabies and anthrax. Eventually the virus causing polio could increase throughout the State from biological leachate at landfills. Montana's current standards for landfill management are designed to protect public health--not promote disease.

At a time of heightened awareness about hazards created from improper waste disposal, this bill would substantially weaken Montana's landfill management standards. These lower standards would reduce property values of current landowners adjacent to landfills by increasing litter and fire potential. Of even greater importance, however, future landholders may be adversely affected by degraded groundwater quality caused by leachates from periodically covered landfills.

Montana has developed and implemented a strong solid waste management system. The State has worked to consolidate small landfills and to standardize operational requirements. This bill would encourage establishment of numerous small dump sites throughout the State. Further, it would eliminate site supervision and controlled access to these areas. In short, this bill would seriously impair the sound solid waste management system Montana has built through the years.

To reiterate, the Missoula City-County Health Department cannot support S.B. 182. This bill ignores the public health threat and disease potential associated with weakened standards for landfill management. It also fails to address the long-term environmental consequences of inadequate covering and improper maintenance of solid waste disposal sites. This bill should not be passed.

  
Elaine Bild, Director  
Environmental Health

## WITNESS STATEMENT

Name W. B. Jones Committee On Nat. Defense  
 Address \_\_\_\_\_ Date 3/21/83  
 Representing Teton County Support yes  
 Bill No. SP-182 Oppose \_\_\_\_\_  
 Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

1.

More law books

2.

3.

4.

W. B. Jones

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Mark J. Longhany Committee On \_\_\_\_\_  
 Address 480 Lock Street Dr Date March 22 1983  
 Representing myself Support \_\_\_\_\_  
 Bill No. 182 Oppose X  
 Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. I oppose bill 182 on health grounds - I am a R.N. I live close to the scratch gravel landfill.
2. The skunk population is increasing. With water collecting in cans it will be a Mosquito Heaven.
3. I also am fearful of the wells.
4. I strongly urge you to defeat the bill.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Ans 3/22/83

EX-30

March 17, 1983

Melinda A. Tusler, R.S.  
Box 1052  
Forsyth, MT 59327

Mr. Kelly Addy  
House Natural Resources Committee  
Capitol Station  
Helena MT 59620

Dear Mr. Addy:

I am writing you concerning Senate Bill 182- an act to provide operational requirements for all solid waste disposal sites classified as Class II sites by the Department of Health and Environmental Sciences which use the landfilling method of solid waste disposal.

As a registered sanitarian employed as a county sanitarian and a citizen of this state, I oppose this change in the rules because, to me, they seem to be a step backwards in the control of the solid waste problem in the state. We already have current regulations that are effective. So why change them and lower the standards?

At the present time in Rosebud County there is one Class II landfill that serves all of Rosebud County, Treasure County and a large portion of the Northern Cheyenne Reservation. The solid waste from the outlying areas is transported to the landfill in forty (40) cubic yard or seventy-five cubic yard containers.

This site is therefore serving several times the 5000 people of a second class city yet, there are only two incorporated municipalities in the area. (Forsyth which is a third class city and Hysham which is a town.) The rest of the area is either rural or includes unincorporated communities like Colstrip, Ashland, Lame Deer and Rosebud.

In the proposed regulation the required covering frequency for this landfill would be periodic while a second class city would be required to cover daily. To me, this indicates that one can not base the operational requirements of a landfill on the classification of municipalities. In fact, I feel that all landfills no matter what their size need the same type of regulation.

The present regulations require daily cover. There are reasons other than just controlling fires, rodents and blowing refuse as indicated in section 2 of the proposed regulations for this regulation. The most obvious is protecting the area's groundwater from leachate contamination. The daily cover keeps additional moisture out of the landfill and the ground below.

Every site needs some method of access control if only to prevent the dumping of hazardous wastes at the site. I do not feel a local government operating a site serving only a rural unincorporated area can afford to operate a landfill seven days per week and still regulate the types of materials being

disposed of and control the other activities-fire starting, etc.-with personnel at the site only once per week. Signs alone are not effective control.

The proposal doesn't indicate what earthen cover is. To be an effective regulation a specified amount and type is needed. The present regulations indicate six inches of approved earth cover material. Just as too little cover can not effectively control the problems of leachate and blowing refuse, etc., too much cover is wasteful of space and leads to the problem of having to locate a new site. Also certain soil types are not effective covers.

The proposal indicates that at least two feet of earthen cover material be provided after the final deposit of solid wastes in the site yet it does not give a time limit for applying this cover. Again effective regulation has to be specific. There are reasons for this cover and it must be provided within a reasonable time to be effective. It also makes it virtually impossible for the regulating authority to determine if the operator is trying to comply with the regulations or not. The operator can indicate that he will apply the final cover in the future but when.

In conclusion, I feel that the present set of regulations are effective and that there is no need for change especially one that could lead to the old open burning dumps of the past.

Sincerely,

*Melinda A. Tusler R.S.*

Melinda A. Tusler, R.S.  
Rosebud County Sanitarian

#ms 16483

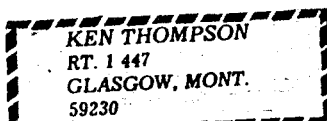
Exhibit 31

DO NOT PASS S.B. 182 - small dumps could stay open seven days a week 24 hrs. a days and covered once a week.

I urge a no pass on this bill because

- 1- Many coulee type landfills will contaminate streams & rivers.
- 2- Adjacent landowners would have a mess when the wind blew.
- 3- Valley County is already quarantined what a skunk haven you would create.
- 4- Fire hazards would be greatly enhanced.
- 5- Imagine the liability the landfill owner would have to insure against if there were a weeks worth of debris laying and blowing around.
- 6- Rat Colonies will flourish, becoming pests and spreading disease to towns adjacent to these dump sites.

DO NOT PASS SB 182 - DON'T YOU SUPPOSE THERE WAS A REASON WHY THESE LAWS WERE ENACTED IN THE PAST? WHAT A CAN OF WORMS YOU'LL OPEN!



Sincerely,  
Kenneth Thompson

## SB182 ADVERSE IMPACTS

### \* PUBLIC HEALTH AND SAFETY WILL BE ADVERSELY AFFECTED.

\* Periodic covering of waste as promoted by SB182 will encourage the concentration of disease vectors at disposal sites and therefore enhance the spread of such diseases as anthrax and rabies.

\* Elimination of access control and site supervision as allowed by SB182 will increase the public's exposure to uncontrolled fires, diseases and toxic wastes.

### \* GROUND WATER POLLUTION WILL OCCUR MORE FREQUENTLY.

\* Daily cover impedes moisture contact with waste. Without such protection, wastes produce leachates which can readily reach and contaminate ground water.

\* Leachate in ground water can travel for extended distances and does not dissipate.

\* Periodic cover as proposed by SB182 will increase ground water contamination around disposal sites throughout Montana.

### \* ADJACENT PROPERTY OWNERS WILL SUFFER DAMAGE AND INCREASED COSTS.

\* SB182 does not offer any means by which adjacent landowners to disposal sites will be adequately protected.

\* Reduced operational standards will increase the number of landowners seriously damaged by litter, fires and reduced property values.

\* Reduced standards will result in increased numbers of liability suits being initiated by affected adjacent landowners.

\* FEDERAL LANDS WILL NOT BE AVAILABLE FOR SITING DISPOSAL AREAS BECAUSE PROVISIONS OF SB182 ARE LESS STRINGENT THAN FEDERAL REGULATIONS.

\* SB182 would place state standards substantially less than federal requirements.

\* Federal land will not be available for disposal sites because proposed reduced operational standards would be less than required on federal land.

\* Wastes generated on federal land such as campgrounds must be disposed of at sites meeting minimum federal regulations. SB182 would cause serious problems and greater costs in properly disposing of such waste.

### \* ALLOW SITES SERVING LARGE POPULATIONS TO SUBSTANTIALLY REDUCE STANDARDS.

\* Proposed reduced standards would apply to many disposal facilities that serve large unincorporated areas with populations ranging from 10,000 to 20,000 rural people.

\* Proposed reduced standards would apply to many third class cities that provide service to large populations ranging from 7,000 to 14,000.

\* Numerous disposal facilities currently serve first-class cities, third-class cities and heavily populated unincorporated areas. SB182 does not address what standards would apply to such facilities.

\* NO REGULATION OF HAZARDOUS WASTES BEING DISPOSED OF IN UNCONTROLLED SITES.

\* SB182 will increase number of uncontrolled dump sites in areas where hazardous wastes are generated in large quantities.

\* Generators of hazardous wastes will begin to use these dumps with increasing frequency.

\* Proposed bill will adversely affect the state hazardous waste program.

\* NO PROVISIONS FOR ISSUING NEW LICENSES REFLECTING REDUCED OPERATIONS.

\* Currently 159 Class II waste management licenses are in effect.

\* SB182 does not address procedures to be used in amending current licenses for disposal facilities.

\* All current licenses provide for active public participation.

\* If reduced standards are applied to disposal sites, what assurance will the public have that their interests and concerns will be heard?

\* NO PROVISIONS FOR PRIVATE LANDFILL OPERATORS TO BE HEARD ON DECISIONS THAT ARE MADE AFFECTING THEIR OPERATIONS.



# County of Yellowstone

Ans 5/24/83



Exhib: + 32

COMMISSIONERS

(406) 252-5181, ext. 350

Box 35000  
Billings, Mt. 59107

March 14, 1983

Natural Resources Committee  
House of Representatives  
State Capitol  
Helena, Montana 59620

Re: SB 182 - Refuse disposal rules

Dear Committee Members:

On February 17, 1983, our Disposal District Board adopted a resolution opposing Senate Bill 182. For the reasons outlined below, we also urge you to vote a do not pass recommendation for SB 182:

1. The Bill would allow the proliferation of open dumps throughout our State.
2. Small sites would open close to each other with different operational requirements making administration of any standard difficult.
3. Reduced operational standards in the Bill will increase the numbers of landowners seriously damaged by dumpsites.
4. The Bill would greatly retard the establishment of resource recovery and recycling systems by actually encouraging the use of open dumps.

Thank you for considering this request.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

A handwritten signature in cursive script, appearing to read "Dave Gorton".

Dave Gorton, Chairman

A handwritten signature in cursive script, appearing to read "James Straw".

James Straw, Member

A handwritten signature in cursive script, appearing to read "Dwight MacKay".

Dwight MacKay, Member

DG:gp

cc: Richard Beulke, Chairman  
Yellowstone Disposal District Board



# Big Sky Haul-Away

Ans. 5/14/83  
Exhibit 33

P.O. BOX 30331  
BILLINGS, MONTANA 59107  
(406) 248-5400

March 11, 1983

Dear Representative:

We would like to express our feelings pertaining to Senate Bill 182. We are opposed to this bill for the following reasons. This bill would allow small dumps to be operated in an unsafe and unhealthy manner. This bill states that these small dumps could stay open seven (7) days a week, twenty-four (24) hours a day, and only be covered once a week. We don't need that kind of primitive operation in Montana.

\* Periodic covering of waste as promoted by SB182 will encourage the concentration of disease vectors at disposal sites and therefore enhance the spread of such diseases as anthrax and rabies.

\* Elimination of access control and site supervision as allowed by SB182 will increase the public's exposure to uncontrolled fires, diseases and toxic wastes.

\* GROUND WATER POLLUTION WILL OCCUR MORE FREQUENTLY.

\* Daily cover stops moisture contact from waste. Without such protection, wastes produce leachates which can readily reach and contaminate ground water.

\* Leachate in ground water can travel for extended distances and does not dissipate.

\* Periodic cover as proposed by SB182 will increase ground water contamination around disposal sites throughout Montana.

\* ADJACENT PROPERTY OWNERS WILL SUFFER DAMAGE AND INCREASED COSTS.

Sincerely,

*Dennis Johnston*

Dennis Johnston  
Owner

DJ/lk

# STANDING COMMITTEE REPORT

March 23, 1983

## SPEAKER:

MR. ....

## NATURAL RESOURCES

We, your committee on .....

having had under consideration ..... SENATE Bill No. 182

third reading copy (blue color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE OPERATIONAL REQUIREMENTS FOR ALL SOLID WASTE DISPOSAL SITES CLASSIFIED AS CLASS II SITES BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES WHICH USE THE LANDFILLING METHOD OF SOLID WASTE DISPOSAL."

Respectfully report as follows: That ..... SENATE Bill No. 182

BE NOT CONCURRED IN

~~XXXXXXXX~~  
DO PASS