MINUTES OF THE MEETING PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE MONTANA STATE SENATE

JANUARY 19, 1983

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Wednesday, January 19, 1983 at 1 p.m. in Room 410 of the State Capitol Building.

<u>ROLL CALL</u>: All members were present. Woody Wright, staff attorney, was also present.

Many visitors were also in attendance. (See attachments.)

At this point, Senator Hager turned the chair over to Senator Reed Marbut, the vice chairman.

CONSIDERATION OF SENATE BILL 56: Senator Tom Hager of Senate District 30, sponsor of Senate Bill 56, gave a brief resume of the bill. This bill is an act to give the Department of Health and Environmental Sciences the authority to adopt rules setting fees to be paid by hazardous waste generators, and providing an immediate effective date.

Senator Hager stated that during the 1981 session he sponsored the bill which put hazardous waste at the state level rather than at the federal level. He stated that many of the states across the country are implementing fee systems as part of their hazardous waste programs, and in most cases they are imposing fees upon the companies that generate hazardous waste as well as upon the companies that receive these waste for treatment or disposal. This type of fee system spreads the impact more broadly and more fairly upon the regulated industry. This bill does not attempt to finance the whole program.

Roger Thorvilson, representing the Department of Health and more specifically that Solid Waste Bureau, stood in support of the bill. Mr. Thorvilson handed out some letters from companies affected by the bill which are in support of the same. See exhibit 1). He also gave the Committee a handout regarding fee systems in other states. There would be two sets of fees. 1) Those that generate hazardous waste, and 2) Those that store or dispose of waste. There are 20 companies in Montana with temporary permits at this time. Revenue generated from this program would not be stable, it would vary from year to year. Early last fall Mr. Duane Robertson, Chief of the Solid PUBLIC HEALTH PAGE TWO JANUARY 19, 1983

Waste Bureau, wrote to several companies asking their feelings about the program. Many companies replied to the letter and stated their support of the state program rather than at the federal level.

The Department hopes to adopt a two-part fee system. The first part would be a fee tied to the administrative workload of dealing with the permitting process. This would be applicable only to treatment, storage or disposal facilities. The second part of the fee system would be applicable to both hazardous waste generators and to those that treat, store and dispose of hazardous waste. The fee may be tied directly to the work load in inspection activites, report preparation and maintenance of files, or the fee schedule could be based upon the annual rate of hazardous waste generation. There are presently 120 hazardous waste generators registered in Montana.

Ken Knutson, representing the Montana Wildlife Federation, stood in support of the bill. He stated that he felt that industry should pay its own way.

Joan Miles, representing the Lewis and Clark County Health Department, stood in support of the bill in the interest of maintaining: hazardous waste program in the state. Senate Bill 56 should help offset some of the funds that are currently drained from the state's general fund. This should help at least to fund the program.

Dawn North, representing the League of Women Voters of Montana, stated that her group is strongly in favor of a state run hazardous waste program. This bill allows the generator to pay part of the state's cost.

With no further proponents, the vice chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Norman stated that being as there is no maximum fee set in the bill, perhaps the bill should be amended to contain one. He asked Mr. Duane Robertson of the Solid Waste Bureau to draft an amendment. PUBLIC HEALTH PAGE THREE JANUARY 19, 1983

Senator Himsl asked if there are specifics as to what is hazardous and what is not. The codes spell out quite clearly what is hazardous.

It was pointed out that ranchers with their pesticides could perhaps be included in this bill. This matter will be check into.

Senator Hager closed. He referred the Committee to the Fiscal Report. He stated that the budget hearing is scheduled for Friday, January 21. This bill is at the request of the Department of HES.

Vice chairman Marbut turned the chair back over to Senator Hager.

DISPOSTION OF SENATE BILL 61: Senate Bill 61 is refining the definition of death.

A motion was made by Senator Norman that Senate Bill 61 receive a DO PASS recommendation from the Committee. Motion carried unamiously.

RECONSIDERATION ACTIONS ON SENATE BILL 22: This bill is an act requiring the use of a safety restraint system to transport a child less than 4 years old; establishing standards, exemptions and penalty; providing for admissibility of evidence in civil suits without presumption of negligence and providing and effective date.

A motion was made by Senator Norman that the Committee reconsider its actions on Senate Bill 22. Motion carried. See exhibit 2)

A motion was made by Senator Jacobson that Senate Bill 22 receive a DO PASS as amended recommendation from the Committee.

Senator Hager called upon the secretary to report her findings concerning the Volunteer Program in the state.

Senator Jacobson stated that if this becomes law if would still be necessary for the voluntary programs. The effective date was delayed until January 1, 1984 in order to give the public time to comply with the law. PUBLIC HEALTH PAGE FOUR JANUARY 19, 1983

Senator Himsl stated that he feels that this bill is indeed very noble, however, pickup trucks are a very definite way of life in his area and would be very inconvenient.

Senator Stephens stated that as a parent and now as a grandparent, he complied with putting the children in child safety restraint systems, however, he felt the program should be voluntary. He felt that the Committee was trying to extend its wisdom over the general public. He felt that a worthwhile public relations program would get the point across quite well. The Committee should move cautiously in taking away responsibility from parents and respect their rights.

The question was called for and a Roll Call Vote was taken. Motion carried. (See exhibit 3).

A motion was made by Senator Jacobson that the Statement of Intent DO PASS. Motion carried.

ANNOUNCEMENTS: The next meeting of the Committee will be held in Room 410 of the State Capitol Building on Friday, January 21, 1983 to hear Senate Joint Resolution 7.

ADJOURN: With no further business the meeting was adjourned.

CHAIRMAN, TOW HAGER

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ROLL CALL

PUBLIC HEALTH, WELFARE, SAFETY COMMITTEE

48 th LEGISLATIVE SESSION -- 1983

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Date /- /9-8

| NAME | PRESENT | ABSENT | EXCUSE |
|-----------------------------------|---------|--------|--------|
| SENATOR TOM HAGER | | | |
| SENATOR REED MARBUT | V | | |
| ENATOR MATT HIMSL | | | |
| ENATOR [®] STAN STEPHENS | V | | |
| ENATOR CHRIS CHRISTIAENS | | | |
| ENATOR JUDY JACOBSON | | | |
| ENATOR BILL NORMAN | | | |
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COMMITTEE ON_____

| | VISITORS' REGISTER | | | |
|---------------------------------------|---|--------|------------------|--------|
| NAME | REPRESENTING | BILL # | Check Support | |
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| Roger Thornilson | 11 | 56 | \checkmark | |
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| Ken Knudson | MTWILdlife Fed | 54 | | |
| Dan Judge | Sen. Mike Halligan | 56 | | |
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DATE

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(Please leave prepared statement with Secretary)

FEE SYSTEMS IN OTHER STATES

* Hazardous waste fee systems are being developed or are in place in many states nationally:

- * Implemented in 20 states
- * Near implementation in 6 states
- * Under evaluation in 9 more states

* Of the 20 existing state fee systems:

- * 18 involve facility fees
- * 14 involve transporter fees
- * 4 involve generator fees

* Total fee collections in the individual states range from "very minor" to \$4.4 million (California).

* Fee collections as a percent of the total state hazardous waste program budget range from less than 1% up to 57%.

* Fee collections as a percent of the state matching funds range from less than 1% up to 100%.

Source: "A Study of State Fee Systems for Hazardous Waste Management Programs," U.S. EPA, SW-956, July, 1982.

PRELIMINARY PROPOSALS FOR A MONTANA HAZARDOUS WASTE FEE SYSTEM

I. <u>Generator Fees</u> - These would offset the cost of registering and regulating hazardous waste generators.

Alternative A. - Fee based upon inspections.

1. Pros:

a. Ties the fees closely to program costs.

b. Does not require generator reporting in order to assess fees each year.

c. Relatively simple system.

2. Cons:

a. Does not give stable collection unless a rigid annual inspection schedule is adhered to.

b. May foster "catch-up" inspections at the end of a year.

c. Does not account for varying complexity in performing inspections at various sizes and types of generator locations.

d. May seem an excessive charge to small or infrequent generators.

3. Potential Revenues:

a. Facts and assumptions:

- 1) Number of registered generators = 100
- 2) Number of inspections per year = 50

b. Revenues derived:

- 1) At \$200/inspection \$10,000 per year
- 2) At \$300/inspection \$15,000 per year

Alternative B. - Fee based upon the amount of waste generated per year.

1. Pros:

a. Fee tied to the potential impact the generator poses to state via disposal, spills, etc.

b. Generator knows how his fee is derived and can anticipate what his annual fee will be.

c. Avoids the potential criticism that we inspect only so we can collect a fee (as with Alternative A).

d. Is similar to fee systems used in other states.

2. Cons:

a. Revenue can be estimated in advance, but may be subject to considerable variation based on actual report data.

b. Small generators and especially infrequent generators are a problem to address.

c. Requires annual generator reporting in order to assess fees.

d. May foster generator non-reporting or under-reporting.

3. Potential Revenues:

a. Facts and assumptions:

1) Number of registered generators = 100

- 2) Companies with multiple generation sites = 9 companies/58 sites
- 3) Number of generators active in 1981 = 45
- 4) Total hazardous waste generated in 1981 = 5,500 ton
- b. Proposed fee schedule and potential revenues derived:

| Generation Range | #Generators (1981 data) | Annual Fee Assessment | Annual Revenues |
|------------------------|----------------------------|--------------------------|--------------------|
| Inactive generators | 55 | \$ 50 | \$ 2,750 |
| 2.2 1b 1 ton | 26 | 100 | 2,600 |
| 1 ton - 10 ton | 4 | 150 | 600 |
| 10 ton - 50 ton | 8 | 200 | 1,600 |
| 50 ton - 100 ton | 1 | 250 | 250 |
| 100 ton - 500 ton | 3 | 300 | 900 |
| 500 ton - 1,000 ton | 1 | 400 | 400 |
| Greater than 1,000 ton | 2 | 500 | 1,000 |

TOTAL \$10,100

<u>Alternative C.</u> - Fee based upon relative size of the generator, based upon average yearly generation rates and/or number of employees.

1. Pros:

- a. Simpler system than Alternative B.
- b. Would provide more stable revenue from year to year.
- c. Would not require generator reporting each year.
- d. Otherwise, has the same benefits as Alternative B.

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2. Cons:

> a. Very small generators and infrequent generators may feel they are too heavily assessed.

Would require that generators petition DHES for any changes. h.

3. Potential Revenues:

| | | Annual Fee | Annual |
|----------------|-------------|------------|--------------|
| Generator Size | #Generators | Assessment | Revenues |
| Small | 70 | \$75 | \$ 5,250 |
| Medium | 24 | 150 | 3,600 |
| Large | 6 | 300 | 1,800 |
| | | TO | TAL \$10,650 |

II. Facility Permit Fees - Would offset the costs of reviewing and processing permit applications and of renewing and modifying facility permits. Would provide revenues which vary considerably from year to year based upon actual permitting activities.

Α. Assumptions:

> The fee structure could consist of some combinations of the 1. following:

- Permit filing fees a.
- b. Permit modification fees
- Permit renewal fees c.
- Annual monitoring/surveillance fees d.

2. The initial issuance of permits will be phased over several (3-5) years.

3. Permits will have a set term, probably not exceeding 10 years.

4. Permits will be subject to modifications, either major or minor, over their 10-year terms.

5. Permit modifications cannot be accurately predicted, but we will assume one major modification halfway through the term of a 10-year permit.

6. The state permitting process will begin late in FY83.

Β. Alternative Fee Systems:

1. Filing fees

Base upon the number of waste management processes at the a. facility; or

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b. Base upon the number of waste management units at a facility (number of units will equal or exceed number of processes); or

c. Base upon the cost of construction of a facility (would probably be applicable only to new, not existing, facilities); or

d. Base upon the number of employees at the facility or plant.

2. Modification fees

a. Use the same basis as chosen for filing fees; or

b. Base upon the classification of "major" or "minor" modification; or

c. Charge a flat fee for all modifications.

3. Renewal fees

a. Use the same basis as chosen for filing fees; or

b. Charge a flat fee for all renewals.

4. Annual monitoring/surveillance fees

a. Base upon inspection, as in Alternative A. under generator fees; or

b. Use the same basis as chosen for filing fees; or

- c. Charge a flat fee.
- C. Example of Possible Fee System
 - 1. Based upon:

a. Filing fee - \$1,000 for the first process; \$500 for each additional process used at a facility.

b. Modification fee - \$500 for major modifications; \$250 for minor.

c. Renewal fee - \$750 for the first process; \$400 for each additional process.

d. Monitoring/surveillance fees - no fee assessed based upon the fact that almost all facilities are also generators and are paying annual generator fees.

2. Cost to individual facilities:

a. Filing fees would range from \$1,000 to \$2,500.

b. Modification fees would be either \$250 or \$500.

c. Renewal fees would range from \$750 to \$1,950.

3. Projected revenues to the state:

| FY | 1983 | = | \$2,500 | FY | 1989 | = | \$2,000 |
|----|------|---|---------|----|------|---|---------|
| FY | 1984 | = | 7,000 | FY | 1990 | = | 2,000 |
| FY | 1985 | = | 6,500 | FY | 1991 | = | 2,000 |
| FY | 1986 | = | 5,000 | FY | 1992 | = | 1,500 |
| FY | 1987 | = | 4,000 | FY | 1993 | = | 1,900 |
| FY | 1988 | = | 1,000 | FY | 1994 | = | 5,800 |

III. Potential Impact on the 1984-85 Biennium

If both facility and generator fee systems were implemented prior to FY 1984 in the forms outlined above, the state hazardous waste program would be funded for the biennium as follows:

| | FY 84 | FY 85 |
|-----------------------------|----------------|----------------|
| | \$/% of budget | \$/% of budget |
| Federal Grant | \$163,710/75% | \$158,957/75% |
| State General Fund Revenues | \$ 37,571/17% | \$ 36,485/17% |
| Generator Fees | \$ 10,000/ 5% | \$ 10,000/ 5% |
| Facility Fees | \$ 7,000/3% | \$ 6,500/ 3% |
| TOTAL | \$218,281/100% | \$211,942/100% |

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SOLID WAST SECTION

PEO 17 1302

December 14, 1982

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Mr. Duane L. Robertson, Chief Solid Waste Management Bureau Montana Department of Health and Environmental Sciences Cogswell Building Helena, MT 59620

Dear Mr. Robertson:

REFINING DEPARTMENT BILLINGS REFINERY

PROCESS ENGINEERING DEPARTMENT

Responding to your letter of late October about RCRA funding mechanisms, Exxon has historically supported the concept of State operated programs versus federally operated programs provided they parallel and are no more restrictive than the federal. As you know, this is the case with Montana's hazardous waste program. We believe that those living and working in the state are best qualified to address programs directly affecting them. The Solid Waste Bureau has attempted to understand industries concerns and have been much more receptive to considering case-by-case issues than the EPA. We foster the hope that such cooperation will continue as future issues arise.

Relative to your proposed funding level, it appears to be a reasonable cost to administer the program. Though the actual breakdown of expected costs was not presented in your letter, review of information to EPA relative to interim authorization depicts, again, a reasonable assessment of what we believe would be a well designed and administered program. Attempts to obtain the required state funds would be encouraged by Exxon.

You also asked us to comment on the proposed fee system. We believe that such a system is possible as long as it is not, as you say, the soul source for the state funds. Further, we believe that the system must be equitable to all who are covered under the program. Because of the recent experience we have had regarding questionnaires, reports, inspections, etc., we are concerned that other facilities in the state who have been less rigorous at providing the Bureau information about their operations may not have been adequately reviewed. This tendency may also be reflected in any fee system set up. That is, those who spend more time and effort to meet the intent of the law are scrutinized more closely and may have to pay a higher fee than those for whom the laws were written to control. We would oppose a fee system that is based on the ability to pay rather than a more equitable basis of, for example, volume of hazardous material generated, transported, treated or disposed. It is our hope to have an opportunity to review any proposed structure before we can give full support.

Mr. Duane L. Robertson

We hope this provides you information you need. Please contact me if you need further background.

Sincerely,

T. N. Schug, Coordinator Environmental Affairs

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November 2, 1982

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Mr. Duane L. Robertson, Chief Solid Waste Management Bureau Environmental Sciences Division Department of Health and Environmental Sciences State of Montana Cogswell Building Helena, MT 59620

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Dear Mr. Robertson:

I am in receipt of your letter of October 25, 1982, and still feel as I did in the past. I feel that a Hazardous Waste Program should be at the State level. I intend to talk to our Government Affairs people to assure our position (Conoco's) and I am sure there will be no problems in this area. In fact, I see no reason why we cannot support you in this position.

I will let you know what our decision is in this matter in the near future. I will be on vacation for the next two weeks, but I do expect to be in Helena in the near future to discuss this with you.

Very truly yours, balling an england track

Robert B. Blomeyer Plant Manager Billings Refinery

bjc

Conoco Inc. P.O. Box 2548 Billings, Montane 59103 (406) 252-3841

> RECEIVED HOV 0 3 1962 NONTANA DEPARTMENT OF HEALTH AND ENVIRCHMENTAL SCIENCES SOLID WASTE SECTION

BURLINGTON NORTHERN RAILROAD

CHARLES C. DEARDEN Attorney First Northwestern Bank Center 175 North 27th Street, Suite 1003 Billings, Montana 59101

(406) 256-4416

January 18, 1983

Mr. Duane L. Robertson Solid Waste Management Bureau Environmental Sciences Division Cogswell Building Helena, MT 59620

RE: Hazardous Waste Program

Dear Mr. Robertson:

I have been asked to reply to your letter seeking support for your program. It is Burlington Northern Railroad Company's position that it will continue to support the state versus federal operation of the hazardous waste program in Montana. Accordingly, we support your efforts to have the state legislature appropriate funds for the program. I understand the state needs to generate \$100,000 in order to obtain \$300,000 in federal matching funds.

You now indicate that you are considering a fee system for the purpose of generating a portion of the \$100,000 so as to ease the burden on the state general fund. Clearly, if we are faced with a situation of no fee, no state program to that extent we would support the fee system. In that event, we would support a flat fee across the board to all affected industries or businesses.

Sincerely,

lias C. Deard

CHARLES C. DEARDEN

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MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SOLID WASTE SECTION



MONTANIA DAKOTA UTILITIES CO.

400 NORTH FOURTH STREET - BISMARCK, ND 58501 - TEL. (701) 222-7900

Jan. 10, 1983

Honorable John Shontz State Representative -Joint Appropriations Sub-Committee on Human Services Capital Station Helena, MT 59626

RE: Montana Hazardous Waste Act (Title 75, Chapter 10, Part 4, MCA)

Dear Representative Shontz;

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Montana-Dakota Utilities Co. supports state control and administration of the Resource Conservation and Recovery Act (RCRA) and has had a good working relationship with Solid Waste Management Bureau regarding the implementation of the Montana Hazardous Waste Act.

Relinquishing State control and administration of RCRA would require permitting through the Region Eight EPA located in Denver, Colorado. This would be geographically inconvienent and more time consuming.

Sincerely yours,

David P. Price, Vice-President Gas Supply and Transmission

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MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SOLID WASTE SECTION ANACONDA Aluminum

Primary Reduction Division Columbia Falls Plant P.O. Box 10 Columbia Falls, Montana 59912 Telephone 406 892 3261



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SOLID WASTE SECTION

December 10, 1982 $\square E C E I V E D$

Mr. Duane L. Robertson, Chief Solid Waste Management Bureau Department of Health and Environmental Sciences Cogswell Building Helena, Montana 59620

Dear Mr. Robertson:

This letter is in response to your October 25, 1982 request for information concerning the Arco Aluminum Company policy on a State operated hazardous waste program.

Arco Aluminum Company supports the State operated program. We believe that the continuation of this program (in lieu of a Federal one), is in the best interests of Montana. One of the most obvious benefits is the more effective utilization of valuable and increasingly scarce government agency and industrial staff resources. This will be particularly true in the permitting of hazardous waste facilities. Others that we can see are the "tailoring" of regulations to fit specific Montana environmental problems and hazardous waste sources, quick response of a State agency in dealing with hazardous waste problems, and the greater familarity of State personnel with Montana concerns.

Another potential benefit that we can see is elimination of Federal-State redundancy. Since the State is operating a solid waste program, it makes sense that the Department also operate the hazardous waste program, rather than end up with concurrent Federally run hazardous waste and State run solid waste programs.

In short, we feel that a State operated program would better serve the interests of industry, the environment, and the taxpayers.

We also feel that we can support a fee system along the lines you recently discussed with Mr. Reick of our environmental staff; however, we would be interested in obtaining some more details on such a system prior to committing our support.



Mr. Duane L. Robertson, Chief

December 10, 1982

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ANT ALL WALLAND

This plant will be represented during the 1983 legislative session in Helena by Mr. Jack Canavan, our government affairs manager. I suggest that you contact Mr. Canavan for any additional information you may need regarding our position.

Sincerely,

ARCO ALUMINUM COMPANY

Lee W. Smith

Technical Operations Manager

LWS:KGR:hcp

Page 2

619 Southwest Higgins Amoue, Suite "O" Missoula, Montana 5980 406 721-2720 William M. Kirkpatrick Montana Government Affairs Representative

Champion International Corporation

December 17, 1982

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MONTAHA DEPARTMENT OF HEALTH AND ENVICEMENTAL SCIENCES SCLID WASTE SECTION

Duane L. Robertson, Chief Solid Waste Management Bureau Environmental Sciences Division Department of Health and Environmental Sciences Cogswell Building Helena MT 59620

Dear Mr. Robertson:

You have directed communications to several offices of Champion International asking whether we would prefer a state operated hazardous waste program, and, if so, would we support a fee system applicable to hazardous waste generators as a means of developing a part of the necessary state matching funds.

Champion is still of the opinion that a state operated hazardous waste program would be desirable and we have no objection to a reasonable fee system which would take into consideration the extent of the hazardous waste problem of each generator.

We should appreciate being informed of any legislative proposals - you may develop and the opportunity to provide our comments at an appropriate time.

Sincerely,

WMK:ss

cc Ralph Heinert Bob Helding Bob Kelly Ed Martinson Larry Weeks



Montana Hospital Association

(406) 442-1911 • P.O. BOX 5119 • HELENA, MONTANA 59604

November 3, 1982

Sec. 1730

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Duane L. Robertson, Chief Solid Waste Management Bureau Environmental Sciences Division Department of Health and Environmental Sciences Cogswell Building Helena, Montana 59620

Dear Duane:

The Montana Hospital Association is still of the opinion that the implementation of a state operated hazardous waste program is much more desirable than a federal hazardous waste program and we continue to support the efforts of your department in implementing the law and the state regulations.

We will support your request for \$100,000 of state funds which will be used to match the \$300,000 federal funds. Our decision as to whether or not we will support the implementation of a fee system will depend upon the prescribed fees as they affect hospital systems. We would support a reasonable fee system which would be uniformly applied across the state with all businesses participating but would oppose a fee system singling out hospitals as a major problem area.

It would be helpful to know where the hazardous waste generators are located and I would like to suggest that you conduct a survey so as to have this information available prior to the 1983 legislative session.

I would also like to have the opportunity of reviewing in advance any bills which SDH&ES will be introducing on the hazardous waste program so I can be better informed on prospective legislation.

Sincerely,

William E. Leary President



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MONTANA DEPARTMENT OF HEALTH MID ENVIRONMENTAL SCIENCES SOLID WASTE SECTION

WEL:ml

General actions

P.O. Box 2345 Great Falls, Montana 59403 Telephone 406/761-8757 Tele:: 31 9422 November 5, 1982

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110V 0 8 1382 MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

SOLID WASTE SECTION

State of Montana Department of Health and Environmental Sciences Cogswell Building Helena, Montana 59620

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> Attention: Duane L. Robertson, Chief Solid Waste Management Bureau Environmental Sciences Division

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Falls Chemicals Inc.

Dear Mr. Robertson:

We are in receipt of your letter of October 25, 1982 and appreciate your views, suggestions, and areas of interest. We likewise recognize the needs for improved communications and working programs between Government and Industry. I applaude your letter and feel good that you are communicating so well. It gives us an opportunity to respond in kind.

I would like to express a different viewpoint regarding the hazardous waste problem. We do not have a facility in Montana for the treatment, storage or disposal of hazardous waste. At present we are having to collect, store, and transport the waste we generate to out of state facilities. This has become very costly to us Montanans since the state neither provides the facility nor any financial help to transport to other areas. Therefore, rather than continue to skirt the issue with fees and legistative support, we feel State Government energies should be channeled toward providing . either adequate facilities in Montana or cooperation to support out of state facilities.

To summarize, it is felt the State of Montana should address itself to the following:

- Continue to comply with Phase I and II of the Hazardous Waste 1. Regulatory Guide as set forth by EPA.
- 2. Regarding the anticipated fee structure, the idea appears to have merit, however, I would like to reserve judgment until more information is made available.
 - 3. Develop a feasibility study to determine the need of a Hazardous Waste Treatment, Storage and Disposal Facility in Montana.
 - 4. An alternative to #3 above would be to determine if a cooperative effort with a neighboring state would be more beneficial over an extended period.

CHEMICALS FOR AGRICULTURE AND INDUSTRY

State of Montana Duane L. Robertson

STREE . 6 PARAMENT

Page 2 November 5, 1982

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5. Develop and present a projected program (say 5 years) of Montana's needs to the legislature rather than only the immediate, emergency need. The projected program would include both the short term needs and also include the needs of present and anticipated industry in Montana.

- 6. Develop for the personnel of Industry and Agriculture, an effective understanding of the regulations in areas related to generators and transportors. This might include preparation of documents, record keeping, management practices, etc.
- 7. Provide some form of financial assistance for the development of waste management.

Regarding your request for support, our firm will cooperate to the extent of our abilities and time available. This includes working with your group as well as the state legislature.

Sincerely yours,

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FALLS CHEMICALS INC.

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F. B. Eberwine President

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Post Office Box 670 . Sandpoint, Idaho 83864 (208) 263-2141 - TWX 510-776-1596



November 3, 1982

Mr. Duane L. Robertson, Chief Solid Waste Management Bureau Environmental Sciences Division Montana Dept. of Health & Environmental Sciences Cogswell Building Helena, Montana 59620

Dear Mr. Robertson:

I am replying to you in regards to your letter of 10/25/82 to our Idaho Pole Company Division in Bozeman concerning the financing of the Montana RCRA program. We feel that it is very important that Montana exercise its right to run their own hazardous waste program. We feel this way because we believe that local regulation is, in the long run, the most effective and therefore beneficial to the people of Montana.

While in these difficult economic times we find it as difficult as the State of Montana does to volunteer for the economic impact of a proposed fee system, we can understand the State's requirement for something like this. We would very much appreciate receiving notice of any meetings that you might envision to discuss the fee system.

We feel that your department has done a good regulatory job in relation to our Bozeman operation and understands our process and problems. Please let me know what we can do to support your legislative effort.

> Yours truly, McFarland Cascade

C.L.Stoddard Vice President, Technical Services

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MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SOLID WASTE SECTION

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Timber Conserving by Wood Preserving



November 8, 1982

Department of Health & Environmental Sciences State of Montana Cogswell Building Helena, MT 59620

Attn: Duane L. Robertson, Chief Solid Waste Management Bureau Environmental Sciences Division

Dear Mr. Robertson:

Thank you for your letter of October 25, 1982 regarding the State Hazardous Waste Program. At this time, we are in favor of having the State of Montana administer the Hazardous Waste Program.

Because of economic conditions, we cannot support any measure that will put an additional cost burden on our company. If the State proposes a fee system that will, in turn, cost the Missoula White Pine Sash Co., then we must oppose such a fee system.

We are willing to discusa this fee system further, since we are not sure exactly what it might entail.

Sincerely,

Duane R. Duff

General Manager

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MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SOLID WASTE SECTION

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columbia paint company

517 DODGE AVENUE # HELENA FONTANA 59601 # 2000 1442-7650

December 16, 1982

LARRY W. HUNTLEY HELENA PLANT SUPERINTENDENT

> Duane L. Robertson, Chief Solid Waste Management Bureau Environmental Sciences Division Cogswell Building Helena, MT 59620

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Dear Mr. Robertson:

Columbia Paint would prefer to leave the E.P.A. control in its current status quo position. We are satisfied with the present control, and would like to keep our status quo position.

Yours truly,

Larry Huntley Plant Superintendent

LH:aw

MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SOLID WASTE SECTION

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| NAME: JOAN Miles DATE: JAN 19, ADDRESS: <u>316 N. Park. Helena, NT 59623</u> PHONE: <u>443-100 × 353</u> | <u>1983</u> |
|---|---------------------------------------|
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| MUNE. 442-100 × 253 | |
| PHONE: | · · · · · · · · · · · · · · · · · · · |
| REPRESENTING WHOM? BUNIS ALL Mark lity Courty thatte I | xp4 |
| APPEARING ON WHICH PROPOSAL: SB 56 | |
| DO YOU: SUPPORT? AMEND? OPPOSE? | |
| COMMENTS: | |
| Dest proper this but it the interest of naintain a population waste program in the state. 30% should your pome of the funds that are currently drained the states general fund this phould help at least to build this program. | ing |
| a to have a waste program in the state. Bb to should | help |
| Her some of the funds that are currently drained. | from |
| The stokes general fund his should help at least to | |
| ful this program. | · · · · |
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

| NAME: Dawn a North | DATE: // | /83 |
|-------------------------------------|---------------|--|
| ADDRESS: 914 Brackenridge, | Helena | |
| PHONE: 443-4284 | | |
| REPRESENTING WHOM? League of U | lomen Voters | <u>of Mon</u> tana |
| APPEARING ON WHICH PROPOSAL: Senate | Bill 56 | |
| DO YOU: SUPPORT? AMEND? | OPPOSE? | |
| COMMENTS: We our strongly | in favor of a | state |
| run phazardous waste pr | ogram. This | _ <u>bill</u> |
| allows the generator to pay | | |
| cost. For these reasons w | e support Si | onate |
| Bill 56, | | |
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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STATEMENT OF INTENT SENATE BILL 56 48th LEGISLATURE

A statement of intent is required for Senate Bill 56 because it amends Section 75-10-405, MCA, of the Montana Hazardous Waste Act to allow the Department of Health and Environmental Sciences to establish, by rule, fees for registration of hazardous waste generators. The Act. first enacted in 1981, presently contains authority for the Department to assess permit fees for hazardous waste management facilities. In the subsequent two years of its administration, it has become apparent that substantial administration costs are also associated with maintenance of the registry of hazardous waste generators. Therefore, it is the intent of Senate Bill 56 to give the Department authority to set whatever fees are reasonable to offset a portion of the costs of maintenance of the registry, including the costs of inspection of generators, maintenance of files, communications between the Department and generators, and the preparation of program reports.

ANDING COMMITTEE REPORT S

January 19 14 9 President, MA

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We, your committee on.

having had under consideration 19.50 1

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Bill No......61

Bill No.

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Respectfully report as follows: That Senat

DO PASS

STATE PUB. CO. Helena, Mont.

Senator Tom Hager

Chairman. AC.

SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date JANNARY PO SENATE Bill No. 22 Time 1:55

| NAME | YES | NO |
|---------------------------|---------------|----|
| | | |
| SENATOR TOM HAGER | | |
| SENATOR REED MARBUT | | |
| SENATOR MATT HIMSL | | L |
| SENATOR STAN STEPHENS | | V |
| SENATOR CHRIS CHRISTIAENS | \mathcal{L} | |
| SENATOR JUDY JACOBSON | | |
| SENATOR BILL NORMAN | | |
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Motion: <u>A motion was made by Senator Norman that the Committee</u> reconsider its actions on Senate Bill 22. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date JANUARY 19 SENATE Bill No. 22 Time 2:20

| NAME | YES | NO |
|--|-----|--------|
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| SENATOR TOM HAGER | | \sim |
| SENATOR REED MARBUT | | |
| SENATOR MATT HIMSL | | |
| SENATOR STAN STEPHENS | | ~ |
| SENATOR CHRIS CHRISTIAENS | | |
| SENATOR JUDY JACOBSON | | |
| SENATOR BILL NORMAN | | |
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| <u>*************************************</u> | | · · · |

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Chairman

Motion: <u>A motion was made by Senator Jacobson that Senate Bill</u> <u>22 receive a DO PASS recommendation from the Committee.</u> Motion <u>carried</u>.

(include enough information on motion--put with yellow copy of committee report.)

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PERSIDENTE

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STATEMENT OF INTENT RE: SB 22

A statement of legislative intent is required for this bill because the bill authorizes the Division of Notor Vehicles of the Department of Justice, consistent with 61-9-504, to adopt rules prescribing standards for child safety restraint systems to be approved for installation in vehicles owned by residents of Montana. The intention is that the standards adopted incorporate federal standards that specify requirements for child restraint systems and seatbelts used in motor vehicles and prescribe proper procedures for restraining a child under 4 years old with acknowledgment of certain exemptions allowed in [SB 22]. The rules should also provide for informational activity to bring the new rules to the awareness of the public.

DO PASS

STATE PUB. CO. Helena, Mont. Senator Tom Hager

Chairman.

J.C.

L. "Page 1, line 21. Following: "resident" Insert: "or his spouse"

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S.

2. Page 1, line 25. Following: "resident" Insert: "or his spouse"

3. Page 1, line 24. Following: "old" Insert: "or weighing less than 40 pounds"

4. Page 2, line 7. Following: "resident" Insert: "or his spouse"



CONTINUED

Chairman.

Bill No. 22

A.C.

CALCED TO BE SHOLE

Following: Sumishable Strike: "as provided in 61-9-511" Insert: "by a fine of not less than \$10 or more than \$25, a second or subsequent conviction within three years is punishable by a fine of not less than \$25 or more than \$100,"

Statement of Intent Attached

And, as so amended, DO PASS

STATE PUB. CO. Helena, Mont.

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Sector States

Senator Tom Hager

Chairman. p.c.

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