

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

JANUARY 28, 1983

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Friday, January 28, 1983 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. Woody Wright, staff attorney, was also present.

Many, many visitors were also in attendance. (See exhibits 1 and 2)

CONSIDERATION OF SENATE BILL 193: Senator Max Conover of Senate District 36, chief sponsor of Senate Bill 193, gave a brief resume of the bill. This bill is an act providing that current medical practice must be referred to in determining standards for use of medication.

Jerome Loendorf, representing the Montana Medical Association, stood in support of the bill. He stated that SB 193 is merely a "housekeeping bill". This bill takes the Food and Drug Administration out of the law and in place puts the responsibility on the attending physician.

Curt Chisolm, Deputy Director for the Department of Institutions, stated that SB 193 would be a step in the right direction, as it would put in standards where there is none. This would have an effect on the medication in mental health cases.

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

Senator Stephens stated that he feels that this bill is redundant.

Senator Conover closed asking the Committee for favorable consideration.

DISPOSITION OF SENATE BILL 193: A motion was made by Senator Himsl that Senate Bill 193 receive a DO PASS from the Committee as the only thing it does is take the Food and Drug Administration out of the advocacy position. Motion carried unanimously.

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CONSIDERATION OF SENATE BILL 182: Senator Swede Hammond of Senate District 3, chief sponsor of Senate Bill 182, gave a brief resume of the bill. This bill is 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.

Senator Hammond stated that this bill is an outgrowth of a problem in eastern Montana. This bill would attempt to give the local authorities control over their own problem. It affects only those Class II Sites which use a landfill method of disposal. It would give the opportunity to the people in sparsely populated areas to control their own method of solid waste disposal.

Pete Fraziser, representing the City-County Health Department for Cascade County, stood in support of the bill. He stated 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. Rural counties in Montana, with low resources, cannot provide a caterpillar, operator, and supervisor on a daily basis. However, if Senate Bill 182 is not passed, that is what each county will be required to do. Mr Frazier handed in written testimony to the Committee. See exhibit 4.

Kathy Meadors, representing Representative Ron Marlee, read a letter from him stating his views which in turn asked the Committee for favorable consideration of the bill. See exhibit 5.

Darryl Meyer, representing Cascade County, stood in support of the bill. He stated that the Cascade County Commissioners would like to go on record as supporting Senate Bill 182.

Dale Skaclure, representing Choteau County, stood in support of the bill. He stated that Montana needs a bill which serves all of the people. Senate Bill 182 has five very important points: 1) Flexibility of local government, 2) Cost productive and satisfies the community's needs, 3) Choteau County's landfill is in compliance with the law as it now stands, 4) Choteau County does not need litter control fences as their site is in a low wind area and they use a land barrier, 5) optional 40 yard containers.

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Douglas Allen, representing the citizens of Madison County and also the Montana Farm Bureau, stood in support of the bill. He stated that he wished to emphasize that it is their belief that it is unreasonable and prohibitive in cost for rural counties with small population and large land area to try to comply with present solid waste disposal regulations. The volume of waste and the sparsity of populations does not justify the daily covering now required by the Solid Waste Bureau of the state. Mr. Allen stated that he feels this bill should be made law to give rural people a chance to keep costs in line with the ability to pay. See exhibit 6.

GordonClare, representing the Jefferson Acres Homes Owners Association, stated that he felt that some concessions should be given to small rural communities.

With no further proponents, the Chairman called on the opponents.

Bob Adams, attorney representing the Montana Department of Health and Environmental Sciences, stated the the Department recommends disapproval of SB 182 in its entirety. If SB 182 were to pass it could bring about negative long term effects and bring about the potential for litigation. Mr. Adams stated that SB 182 addresses Class II sites which would no longer have any supervision under this bill. There are three groups of waste. Class I -- hazardous waste; Class II -- garbage, dead animal, treated sewage sludge; Class III -- wood and stone. Under SB 182 every small town will want its own site. 85% of the people are using systems which comply with the state laws at the present time.

Dick Beulke, representing the Yellowstone County Solid Waste Disposal District, stated that this bill would increase open dump numbers and burning of refuse. Disposal of hazardous waste material and other liquid and semi-liquid waste would go uncontrolled. There would be increased likelihood of ground water pollution plus a deterioration of solid waste districts due to individual towns wanting to have their own open dumps. State regulatory requirements which already are oppressive, would become more complicated, demanding and costly. The availability of private and federal lands for refuse disposal would be diminished. SB 182 does not protect landowners against damage nor political entities against lawsuits. Because of the large number of feedlots in the Billings area, they have approximately 4,000 dead animal per year. Disease along with skunks could become very plentiful if this bill passes. He urged the Committee to put a DO NOT PASS on the bill.

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Bill Romine, representing the Solid Waste Contractors, stated that his group felt that this bill is a step backwards for several reasons. 1) The ability to acquire new sites will be greatly limited. 2) Adjoining landowner complaints will soar. 3) Insurance rates will increase drastically. 4) Air and water quality will degenerate. 5) The industry will suffer a blackmark because of public dissatisfaction.

Mr. Tom Lippert, representing Big Horn County Commissioner and the Big Horn County Board of Health, stated that if this bill is passed, it will put the solid waste control in Montana back at least 15 years. There is no reason to let a small group of people who won't face the Environmental Standards reduce them to fit their idea. Mr. Lippert stated that he realized that the financial squeeze is on, however, he urged the Committee to give the bill a DO NOT PASS. Mr. Lippert handed in a letter from his county commissioners to the Committee for the record. See exhibit 7.

Joy I. Nash, representing the Gallatin County Commissioners, Gallatin County Health Officers, and the Gallatin County Sanitarian, stated that Senate Bill 182 appears to undo the efforts of previous legislatures and again allows improperly operated dumps and the inherent public health concerns. 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 waste program for the state are minimal now. To pass Senate Bill 182 would be a step backward for the State of Montana. Gallatin County's Refuse District #1 encompasses three 3rd class cities and surrounding rural areas. This District serves a combined population of approximately 6 to 7 thousand people. The landfill site is classified and licensed as a Class II site. This site under the current regulation is covered daily which is essential to effectively control insects, rodents and litter. Mrs. Nash urged a DO NOT PASS for SB 182. Mrs. Nash presented to the Committee a letter from the Gallatin County Commissioners and also the Gallatin County Health Officer. See exhibits 8 and 9.

Lester Folvaj, representing the Valley Sanitarians, stood in opposition to the bill. He showed the Committee some pictures taken of uncovered landfills and also covered landfills for their comparison. He stated that saving pennies today will cost billions of dollars later to correct. Solid waste will kill us if we do not take care of it. There is 4 times the solid waste today as there was five years ago. Mr. Folvaj presented the Committee with an article taken from the Solid Wastes Management Magazine. See exhibit 10.

Tom Ferguson, representing himself as a landowner with property adjacent to the Scratch Gravel Sanitary Landfill, located north of Helena. Mr. Ferguson stated that his immediate concern is for the health and safety of his family. Living near the landfill, as it is currently operated, has caused few problems of any significance. With the proposed changes, increases in both the skunk population and the stray dog and cat population seem very likely, with increased chances of rabies or other diseases becoming very real. Some control is maintained over the type of debris that is permitted in the landfill. An untended landfill will eliminate those controls, thereby permitting the dumping of anything and everything.

Dave Polagi, representing the Tri County Dispensers of Great Falls, stated that he himself operates two solid waste disposals. Mr. Polagi stated that he strongly opposes this bill.

Elizabeth Knight, representing the Montana Environmental Health Association and also the Jefferson-Broadwater County Health Boards, stated that if SB 182 is passed it would markedly reduce the solid waste management standards for the majority of solid waste disposal facilities in Montana. The bill as proposed would seemingly result in the rapid growth of open dumps throughout the state. With the variation in operational requirements it would seem impossible to administer any standards. Loss of daily cover requirements could mean increases in those diseases associated with improperly handled solid waste such as anthrax and rabies. Daily cover also reduces the chances of contaminated ground water by leachate, which may contain virus, heavy metals, and various chemicals. Ms. Knight handed in written testimony to the Committee. See exhibit 12.

Mrs. Knight presented a letter from Dr. Pallister, which is in opposition to the bill. See exhibit 13.

Mr. Max Bauer, representing the Browning-Ferris Industries, stated that every other area of the world is increasing its supervision instead of laxing it. If SB 182 is passed it would be a large step backwards for Montana.

Scott J. Orr, representing the Montana Solid Waste Contractors, stated that he supports the statements of the previous opponents to the bill.

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Ken Haag, representing the city of Billings, stated that this bill would place unequal standards for different portions of the state. The bill would also present a major health hazard in many of the rural areas.

Paddy R. Trusler, representing the Lake County Land Services and also the Lake County Commissioners, stated that this proposal rewards those local governments which have neglected their responsibility to properly address their solid waste disposal problems. It is unnecessary legislation. Mr. Trusler handed into the secretary a letter from this local county commissioners in opposition to the bill. See exhibit 14.

Because of lack of time, several people handed in written statements stating their opposition to the bill.

Senator Hammond closed the hearing on Senate Bill 182. He stated that this bill would give the local government something to say about how their solid waste is being handled. Most people have lived here in our state for 3 or 4 generations and have taken good care of themselves up until now, and they will continue to do the same. Senator Hammond stated that there has been very little litigation in their area in regards to this matter. This bill was composed of people who had concerns and was also composed of with the help of the department. Let's give the people of Montana, a proud people, the right to take care of their own problems.

Senator Hager then opened the meeting to a question and answer period from the Committee.

Senator Jacobson asked if the bill would limit a landfill dump to being able to be covered only once a week. Senator Hammond stated that this was not the case.

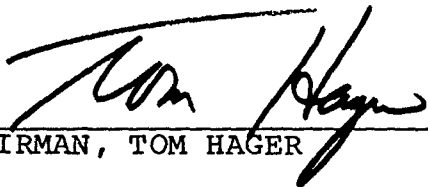
Senator Marbut asked if the people felt that rabies could be contacted from the dump. He went on to say that rabies can only be cultured in a live virus.

Senator Himsel asked that a list of contracts in the counties of our state be submitted to the Committee and also any other information which would be of help for the Committee in determining the fate of the bill.

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ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Monday, January 31, at 1 p.m. in Room 410 of the State Capitol Building.

ADJOURN: With no further business the meeting was adjourned.

  
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CHAIRMAN, TOM HAGER

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ROLL CALL

PUBLIC HEALTH, WELFARE, SAFETY COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 1-28-81

[illegible]



DATE \_\_\_\_\_

COMMITTEE ON \_\_\_\_\_

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jay Nash	Gallatin Co	SB 182		✓
Ernie Ryan	Reverend Co			✓
Pete Frozin	Cascade Co.	SB 182	✓	
Tom Ferguson	Self	SB 182		✓
Pat Jurel	Lake Co	SB 182		✓
Alvin Anderson	Chautauque Co	SB 182	✓	
Mike M. Kuldor	Lake County Commissioner	SB 182		✓
M. J. Chan	Self Jefferson Area	SB 182	✓	✓
Harold K. Chan	Jefferson Area	SB 182	✓	
Douglas Allen	Silver Star Medical Co	SB 182	✓	
L. J. Hopper & R.S.	Big Horn County	SB 182		✓
Frank DeLeo	Helena	SB 182		✓
Richard A. Beulke	Yellowstone County	SB 182		✓
Bob Adams	Dept. Health / Env. Sci	SB 182		✓
Duane Robertson	Dept of Health	SB 182		✓
Dennis Johnston	Big Dry Haul-away	SB 182		✓
Mr. Bauer	Brain Tissue Industries	SB 182		✓
Ken Merna	U.S. EPA	SB 182		
Ann Doan	U.S. EPA	SB 182		
Papa Loughrey				
Margaret Loughrey	Citizen	SB 182		✓
Marie Ferguson	Self	SB 182		✓
Bill McKraw	Self	SB 182		✓
Scott J. Orr	Mont. Solid Waste Contr.	SB 182		✓
Keith Menden	Commissioner Menden	SB 182	X	✓
Don & North	LWU	SB 182		✓

(Please leave prepared statement with Secretary)

DATE

COMMITTEE ON

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Lester E. Foley	ACT Dopola	SB 182		<input checked="" type="checkbox"/>
Lester E. Foley	Valley Institute	"		<input checked="" type="checkbox"/>
Bill Raming	Solid Waste Contractors	"		<input checked="" type="checkbox"/>
Kent	City of Bullhous			<input checked="" type="checkbox"/>
Elizabeth Knight	Taffey & Co. Producers	SB 182		<input checked="" type="checkbox"/>
Steve Pilsner	Self	182		<input checked="" type="checkbox"/>
Darryl Meyer	Cascade County	HB 182	<input checked="" type="checkbox"/>	
Don Peder	Tri-County Disposal	HB 82		<input checked="" type="checkbox"/>
John Palagi	Greens Disposal - Gr. Falls	HB 82		<input checked="" type="checkbox"/>
Larry Campbell	Tri-County Landfill	HB 82		<input checked="" type="checkbox"/>
Will Schen	LTC Co. Health	HB 182		<input checked="" type="checkbox"/>
Sandra P. Mintyke	Minter M Disposal	SB 182		<input checked="" type="checkbox"/>
Steven C. Mintyke	" "	SB 182		<input checked="" type="checkbox"/>
CHET CHISHOLM	DST INST	SB 182	<input checked="" type="checkbox"/>	
Ann Allen	self Madison Co.	SB 182	<input checked="" type="checkbox"/>	
Linda Stetten	Legislative Intern MMA	SB 193		
Jerome Roendorf	MMA	SB 193	<input checked="" type="checkbox"/>	
Luci Briegleb	MEIC	SB 182		<input checked="" type="checkbox"/>
Margaret Allen	self	182	<input checked="" type="checkbox"/>	
Barbara E. Mintyke	Minter "M" Disposal	SB 182		<input checked="" type="checkbox"/>

NAME: Oppone T London DATE: 1-28-83

ADDRESS: Helena, Ark

PHONE: 442 6350

REPRESENTING WHOM? NY red. of 0554

APPEARING ON WHICH PROPOSAL: SB 193

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

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: PETE FRAZIER

DATE: 1/28/82

ADDRESS: 1130 17<sup>th</sup> Ave. S., Great Falls

PHONE: 761-1190

REPRESENTING WHOM? City-County Health Dept - Cascade Co

APPEARING ON WHICH PROPOSAL: SB 182

DO YOU: SUPPORT? ✓

AMEND? ✓

OPPOSE?       

COMMENTS: Prepared statements given to Comm. Secretary

(copy for each committee member)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE 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 COVER THE LANDFILL SITES NORMALLY FIVE DAYS EACH WEEK AND HAVE A LANDFILL SUPERVISOR AT EACH LANDFILL SEVEN DAYS EACH WEEK, YET THIS IS 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.

IN KEEPING WITH THE PHILOSOPHY OF FLEXIBILITY THERE ARE TWO MINOR CHANGES I WOULD RECOMMEND IN SENATE BILL 182. ON PAGE 1 LINE 25 ADD THE WORD "MAY" AT THE BEGINNING OF LINE 25. THUS, THIS LINE WOULD READ "MAY REMAIN OPEN SEVEN (7) DAYS PER WEEK..." ALSO ON PAGE 2 LINE 1 INSERT THE WORDS "AT LEAST" IN FRONT OF THE WORD "ONCE". THUS THIS LINE WOULD READ "APPLICATION TO COVER MATERIAL AT LEAST ONCE PER WEEK IN A MANNER..." THESE CHANGES WOULD ALLOW COMMUNITIES THE FLEXIBILITY TO PROVIDE WHAT SERVICES THEIR COMMUNITIES DEEM NECESSARY.

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 ALLOWS FOR FLEXIBILITY AND GIVES THE LOCAL AND/OR STATE HEALTH AUTHORITIES THE RIGHT TO REQUIRE MORE FREQUENT COVERING, SHOULD RECURRING COMPLAINTS OR PROBLEMS EXIST. HOWEVER, IF SUCH PROBLEMS DO NOT OCCUR, WHY SHOULD LOCAL GOVERNMENTS BE FORCED TO DO MORE THAN IS NECESSARY TO CONTROL A PROBLEM?

I THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY AND URGE THE COMMITTEE TO PROVIDE A DO PASS RECOMMENDATION ON SENATE BILL 182.

THANK YOU.

TESTIMONY OF  
U.S. REPRESENTATIVE RON C. MARLENEE  
BEFORE THE  
MONTANA SENATE PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE  
FRIDAY, JANUARY 28, 1983

Mr. Chairman, members of the Committee, I want to thank you for this opportunity to submit testimony supporting Senator Hammond's bill, S.B. 182, which would amend the Montana Solid Waste Act and correct the abuse being perpetrated on our small communities.

Your passage of S.B. 182 will be important for Montana's small towns and rural communities because it will provide legislative direction for the needed flexibility in developing sound solid waste management--flexibility that it appears the state Department of Health is unwilling to give. It will show mayors, county commissioners and Montana taxpayers that their elected representatives are willing to work with them to find the most effective, efficient and least costly ways to deal with their community's solid waste problems. This flexibility is provided for in the federal Resource Conservation and Recovery Act (RCRA) and it is clearly the intent of the federal guidelines covering solid waste management. The reason this legislation is sorely needed is that the state regulations have gone beyond the intent of the federal law and have eliminated most of the flexibility.

The federal law does not mandate the closing and upgrading of open dumps until the state takes a planning grant. Until that time, the state is under no federal obligation whatsoever to study or implement solid waste management. Montana, as you know, receives a small grant of \$70,000 thus making itself subject to the federal law and guidelines. But, contrary to our usual experience with federal laws and regulations, RCRA and its regulations are broad enough to allow a wide variety of solid waste plans which should meet the needs of the particular states and communities. An example of this flexibility is the definition of "sanitary landfill" under RCRA:

"...the Administrator shall promulgate regulations containing criteria for determining which facilities shall be classified as sanitary landfills and which shall be classified as open dumps within the meaning of the Act. At a minimum, such criteria shall provide that a facility may be classified as a sanitary landfill and not an open dump only if there is no reasonable probability of adverse effects on the health or environment from the disposal of solid waste at such facility." P.L. 94-580, Sec. 4004 (a).

Since the federal law set minimum requirements one could have expected the federal guidelines to define "minimum" in the usual inflexible way. But, in this case, the federal guidelines are surprisingly flexible. Again, an example is the definition of solid waste and its maintenance. The regulations define "sanitary landfill" as "...a facility for the disposal of solid waste which complies with this part." Federal Register, P. 53461.

"This part" simply means the landfill does not violate the following:

1. Floodplains; basically it is not in a floodplain.
2. Endangered species; shall not be threatened.
3. Surface Water; basically it will not discharge into ponds, lakes or streams.
4. Ground Water; basically it will not contaminate.
5. Application to land used for the production of food chain crops; basically shall be isolated by a given distance.
6. Disease: "The facility or practice shall not exist or occur unless the on-site population of disease vectors is minimized through the periodic application of cover or other techniques so as to protect the public health." Federal Register, Sec. 257.3-6 (a), P. 53463.
7. Air; "The facility or practice shall not engage in open burning of residential, commercial, institutional or industrial solid waste. This requirement does not apply to infrequent burning of agricultural wastes in the field, silvicultural wastes for forest management purposes, land-clearing debris, diseased trees, debris from emergency clean-up operation, and ordnance." Federal Register, Sec. 257.3-7 (a), P. 53463.

8. Safety; addresses itself to explosive gases, fires, hazards to aircrafts and access. "Access. 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." Federal Register, Sec. 257.3-8 (d), P. 53463.

Because the federal law and regulations are ~~minimum~~ guidelines at best, Montana had the opportunity to promote a program of solid waste management to fit the peculiar needs of its citizens and communities. It is clear to me that the problems our small towns and rural communities are having meeting the criteria of the current solid waste program stem from the state's law and regulations. And, it can only be corrected at the state level.

Ironically, Montana's present solid waste regulations establish a solid waste management program which is, in most respects, ideal for large, densely populated, urban areas where, due to the population situation, the industrialization and other conditions of "city-living," there is a lot of trash which has to be effectively controlled. S.B. 182 would bring the Montana law and subsequently the regulations more in line with the real Montana. It would finally set a framework for a solid waste management program which takes into account the needs and resources of the typical Montana community. The changes mandated by S.B. 182 would not, in any way, jeopardize the public health of Montanans nor would it lead to open dumping.

I have been involved with this issue for several years now. In June, 1980 I testified before the Montana State Administrative Code Committee and urged the State to take another look at its law and regulations. I have been contacted by local officials in central and eastern Montana who are being overburdened by the state solid waste regulations which are unnecessarily strict and which are unrealistic for our state.

Let's look at two of the major complaints I have received regarding the state's plan, and how S.B. 182 will help to alleviate them. Daily Coverage: Montana regulations, as you know, require daily coverage of a landfill at the end of each operating day, even when it's 40 below, or when the county bulldozer is working on the roads, and when there is heavy snow on the ground. For a city the size of Billings where many people use the landfill, I can see some sense in the daily coverage requirement; but for a town the size of Belt or Saco, I just can't see the need. And, as you know, the federal law doesn't even address this directly, and the federal regulations call for "periodic coverage." S.B. 182 would allow smaller communities (under 750) to cover on a weekly basis. This would give these communities a means to allocate their resources across-the-board and concentrate them where they are most needed rather than on the landfill. This is consistent with the intent of RCRA and the federal regulations. For the larger towns, S.B. 182 calls for cooperation between the local government that knows the community's financial resources, the local health department that knows the community's public health needs, and the state Department of Health and Environmental Sciences which will be able to advise on matters regarding the regulations, but will be effectively removed from its present dictatorial position. This cooperation should lead to better solid waste management for the middle-sized communities without causing financial difficulties and unrealistic goals imposed by the state Department of Health. The current law regarding big cities, such as Billings and Great Falls, would not change.

Supervision: Currently, the Montana regulations require that the landfills must be supervised at all times otherwise they can't stay open. Well, you know as well as I that if a person comes to the landfill and finds it closed, he doesn't drag his garbage home. No, he leaves it at the landfill. And, the more people that dump their trash outside the gates, the more chance you have of building open dumps--right outside your Senator's landfill. SB182 would require the landfill to

be fenced to control the trash and inhibit the "disease vectors," but it would also allow the landfill to stay open all week and would give the community the discretion as to how frequently the landfill has to be supervised. Let me note that S.B. 182 has provisions for more strict supervision should the landfill pose public health problems which is consistent with both the federal law and regulations. I believe this will do two things: it will allow these smaller communities to free themselves from the very costly "sanitary district" plan, and it will give taxpayers access to the landfill they maintain with their hard-earned dollars. Again, S.B. 182 provides for cooperation between the local government, the local health department and the Montana Health Department in planning supervision and accessibility in the larger communities. For the big cities the law doesn't change.

In essence, Mr. Chairman, S.B. 182 will allow responsible solid waste management to take place. It will bring into play all the elements required to achieve good landfills, and the end of open dumping. It will give our small, rural communities the opportunity to tailor their landfill to the needs of the community rather than to the wishes of a bureaucrat sitting in Helena who doesn't know or care about the specifics. It will give the medium-sized communities authority in the law to determine their own needs based on their current resources.

Montana doesn't need a grandiose plan for solid waste management. We don't have the cities, we don't have the large population, we don't have the heavy industry--we just don't have that much trash to be spending all this time and money--and money it will take unless this legislation is passed.

I was approached by a very astute, out-of-state businessman who was interested in providing a service to Montana's solid waste management. He stated that he had been led to believe that Montana would spend \$3 billion on its solid waste

over the next ten years and was of the opinion that these were federal tax dollars.

Gentlemen, these are not federal tax dollars or even state tax dollars.

This money comes from the local people--the widows, the young marrieds, and the unemployed.

You, the legislature, have the power to correct the mistakes of overzealous bureaucrats and protect our taxpayers. I applaud this step in the right direction and urge you to pass S.B. 182.



NAME: Darryl Meyer DATE: 1/28/83

ADDRESS: 1123 North Roberts

PHONE: (206) 449-4721

REPRESENTING WHOM? Cascade County

APPEARING ON WHICH PROPOSAL: H.B. 182

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Cascade County Commission  
would like to support HB 182

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Ann L. Skarke

DATE:

28 Feb 83

ADDRESS:

Box-812 Big Sandy, Mt, 59520

PHONE:

386-2299 or 622-3631

REPRESENTING WHOM?

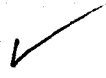
Clinton County

APPEARING ON WHICH PROPOSAL:

SB - 182

DO YOU:

SUPPORT?



AMEND?

OPPOSE?

COMMENTS:

- 1- Need flexibility at local level (in grant)
- 2- Cost production & satisfy the community needs
- 3- Our Solid Fill is in compliance w/ the exceptions of having it covered every day it is open - we cover once a week
- 4- Our present site does not need better fences - as the site is in low wind area & we use a sand barrier
- 5- It appears to me that the spend to get containers are in contradiction to not letting local govt cover once weekly.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Douglas Allen DATE: 1-28-83

ADDRESS: Box 715 Silver Star, N.J. 09251

PHONE: 684-5415

REPRESENTING WHOM? Citizens of Madison Co and <sup>Montana</sup> Farn Bureau

APPEARING ON WHICH PROPOSAL: SB 182

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Written testimony submitted.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

E. J. Helut 6

TO: MEMBERS OF THE COMMITTEE ON PUBLIC HEALTH

RE: SENATE HILL 182

We wish to emphasize that we are as concerned about health and environment as anyone, since, what we are talking about here is our health and our environment. It is our belief that it is unreasonable and prohibitive in cost for rural counties with a small population and large land area to try to comply with present solid waste disposal regulations.

There are simply too few households to generate the necessary money to move the waste for long distances.

The volume of waste and sparsity of populations too, does not justify the daily covering now required by the state Solid Waste Bureau.

We have long objected to the premise that every day covering is necessary as soon as it is deposited in a landfill - but green boxes or 40 yard containers may sit for a week, must sit for extended time to make this system work.

We are told it breaks the fly cycle, that they need one week to hatch, so therefore they would not do so if it is hauled each week. What if households were to have garbage that already contains fly eggs? Most people don't haul their garbage every day, with the distances involved here, we cannot do this.

The systems recommended by the Solid Waste Bureau for rural areas are costly, yet they do absolutely nothing for us that we aren't already doing, we still have to haul our own garbage.

The fees are not equitable, single persons, older folks on fixed incomes must pay the same household fee as a large family.

We feel this bill should be made law to give rural people a chance to keep costs in line with our ability to pay.

I emphasize again, it is our health and our environment, we will take care of it.

*Douglas Allen*  
Douglas Allen  
Silver Star, Montana  
Former Madison County Commissioner

NAME: GORDON CLARE DATE: 1-128/83

ADDRESS: 341 B Highway 41 South Silver Star

PHONE: 684-5574

REPRESENTING WHOM? Jefferson Area Home owner Assoc.

APPEARING ON WHICH PROPOSAL: 8 B 182

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: I believe some concessions  
should be given to small Rural communities

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

Name PAT UNDERWOOD Committee On SB 182  
Address 502 S. 19TH AVE Date 28 Jan 82  
Representing MONTANA FARM BUREAU Support ✓  
Bill No. SB 182 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The Montana Farm Bureau  
goes on RECORD as supporting  
SB 182

2.

3.

*Pat Underwood*

4.

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

NAME: Bob Adams DATE: 1-28

ADDRESS: Cogswell Bldg - Capital - Helena 59620

PHONE: 449-2630

REPRESENTING WHOM? MT Dept Health / Envir. Sci

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENTS: DHES Solid Waste Bureau recommends  
disapproval of SB 182 in its entirety -  
in accordance w/ testimony given this date

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: RICHARD A. BELLKE

DATE: 1-28-83

ADDRESS: 4101 Wells Place Billings 59106

PHONE: 406-656-0257

REPRESENTING WHOM? Yellowstone County Solid Waste Disposal Dist.

APPEARING ON WHICH PROPOSAL: SB-182

DO YOU: SUPPORT?           

AMEND?           

OPPOSE? X

COMMENTS: Bill would increase open dump numbers and  
burning of refuse. disposal of hazardous materials and  
other liquid and semi-liquid wastes would go uncontrolled.  
There would be increased likelihood of ground water pollution  
plus a deterioration of solid waste districts due to  
individual towns wanting to have their own open dumps.  
State regulatory requirements which already oppressive,  
would become more complicated demanding and costly.  
The availability of private and Federal lands for  
refuse disposal would be diminished.

Bill does not protect landowners against damage nor  
political entities against lawsuits.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Bill Romine DATE: 1-28-83

ADDRESS: Helena

PHONE: 442-2220

REPRESENTING WHOM? Solid Waste Contractors

APPEARING ON WHICH PROPOSAL: S.B. 182

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

COMMENTS: This bill is a step backward for several reasons.

1. The ability to acquire new sites will be greatly limited
2. Handling land owner complaints will suffer.
3. Insurance rates will increase drastically
4. Air & water quality will degenerate.
5. The industry will suffer a black mark from the public disaffection.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

T L Lippert R.S.

DATE: 1-28-83

ADDRESS:

524 N. Cran Av. Hardin mt. 59034

PHONE:

665-1005

REPRESENTING WHOM?

Big Horn County Health Dept & Board of Commissioners

APPEARING ON WHICH PROPOSAL:

SB182

DO YOU:

SUPPORT? ☐

AMEND? ☐

OPPOSE? ☒

COMMENTS:

If this bill is passed it will  
put the Solid Waste Control in Montana  
back at least 15 years. There is no reason  
to let a small group of people who won't  
face the Environmental standards reduce them  
to fit their idea.

T L Lippert R.S.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# BIG HORN COUNTY

BOARD OF COMMISSIONERS  
DRAWER H

HARDIN, MONTANA 59034



January 25, 1983

Sen. Tom Hager, Chairman  
Public Health, Welfare & Safety Committee  
Helena, Montana 59620

RE: Senate Bill 182

Dear Sen. Hager:

We, the County Commissioners of Big Horn County would like to have our thoughts entered into the testimony of your committee concerning the revision of the Solid Waste regulation for landfill operations.

We, like other governing bodies, agree that Solid Waste control is expensive, but it is also the responsibility of these governing bodies to control it and try to preserve our environment.

Big Horn County, as you probably know, has gone to a county-wide disposal program using the 40 cu. yds. container system and one central landfill. We have found this type of program much more satisfactory and we feel more economical in the long run to the old system of small landfills (dumps) scattered over the county. We have seen the results all too often in the past of the small dump getting out of hand from lack of proper maintenance either by the county or the small towns.

We have found over the years that the regulations and rules set by the Solid Waste Bureau have been set only to give Montana a better environment and a healthier place to live. Therefore, we see no reason to start a process of back sliding now by reducing the requirements for Solid Waste control.

If you take a "town" of 700 population, plus the rural area around it, (estimate 200 people), you have the potential of producing approximately 3,000 lbs. of Solid Waste per day (3.5 lbs. x 900 population). Solid Waste is not made up of only bread wrappers, beer cans, newsprint and milk cartons. Solid Waste is all our wastes other than sewage. It consists of old tires, lumber, car parts discarded, furniture, and on and on. Now visualize the 3,000 lbs. in a mixture of all the above material being placed on a piece of land and not controlled properly. It would only be a matter of a short time before the same people asking for a revision of the rules today, would be back demanding of the governing bodies they do something to correct the mess.

We have found that the image of the "old dump" with few or no controls have been one of the main factors in making it next to impossible to get land for future landfills.

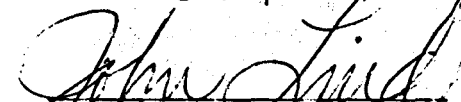
Public Health, Welfare & Safety Committee  
January 25, 1983  
Page Two


Garbage, or solid waste, is a problem of the present and will continue to be with us all in the future. Running away from our responsibilities today by lowering through revision present regulations, is not the answer for the problems of tomorrow. Therefore, we will state again that we oppose the idea of revising the present solid waste regulation governing landfills.

Respectfully,

BOARD OF COUNTY COMMISSIONERS  
BIG HORN COUNTY, MONTANA

  
Dick Gregory, Chairman

  
John Lind, Member

  
Jim Ruegamer, Member

cc: Committee Members - Reed Marbut, Vice Chairman  
B. F. Christiaens  
Matt Himsl  
Judy H. Jacobson  
Bill Norman  
Stan Stephens

NAME:

Joy I. Nash

DATE:

1/28/83

ADDRESS:

P.O. Box 1302 - Bozeman, MT.

PHONE:

587-7316

REPRESENTING WHOM?

Gallatin Co. Commissioners,  
Health Office, Sanitarian

APPEARING ON WHICH PROPOSAL:

SB-182

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

SEE ATTACHED - to give

to SECRETARY -

Joy I. Nash

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

State of Montana

County of Gallatin

Bozeman



January 28, 1983

TO: Public Health, Welfare & Safety Committee  
State Capitol Building  
Helena, Montana

Attn: Senator Tom Hager & Members

FROM: Gallatin County Commissioners  
Gallatin County Health Officer - Dr. Edward L. King, M.D.  
Gallatin County Sanitarian - Emery Nelson

We would like to state our comments re Senate Bill #182:

The Montana Solid Waste Management Act Section 76-10-202 states Legislative findings and policy as follows:

It is hereby found and declared that the health and welfare of Montana Citizens are being endangered by improperly operated solid waste management systems and by the improper and unregulated disposal of wastes.

It is declared the public policy of this State to control solid waste management systems to protect the public health and safety and to conserve natural resources whenever possible.

This act and the subsequent Department rules were years in the making and were long overdue. However, with its passage and implementation, the citizens of the State of Montana have been served well.

Senate Bill #182 as proposed appears to undo the efforts of previous legislatures and again allows improperly operated dumps and the inherent public health concerns.

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 program for the state are minimal now. To pass Senate Bill #182 would be a step backward for the State of Montana.

Public Health, Welfare & Safety Committee (continued)  
State Capitol - Helena, Mt.  
Senate Bill #182

Gallatin County's Refuse District #1 encompasses three (3) 3rd class cities and surrounding rural areas. This District serves a combined population of approximately 6,000 to 7,000 people. The landfill site is classified and licensed as a Class II site. This site under the current regulation is covered daily which we feel is essential to effectively control insects, rodents and litter.


To pass Senate Bill #182 would therefore adversely affect Gallatin County.

We respectively urge you to NOT PASS Senate Bill #182.

Thank you,

GALLATIN COUNTY COMMISSIONERS

  
Joy I. Nash - Chairman

  
Ruthmary Tonn - Member

  
Wilbur Visser - Member

EN/jn

State of Montana

*County of Gallatin*

Bozeman



Gallatin County Health Department  
Room 103, Courthouse  
Bozeman, MT 59715

January 28, 1983

The Honorable Tom Hager  
Senate Public Health Committee  
State Capitol  
Helena, MT 59601

Re: Senate Bill 182  
Facilities serving unincorporated towns

Dear Senator Hager:

This is to oppose SB 182. This bill is a regressive step in public health. Unattended dumps will scatter waste and fire, uncovered dumps will burn and burning dumps pollute. Montana's present laws have enabled Gallatin County to combine the services of several small unincorporated towns and properly dispose of the waste. The people of Gallatin County should not be resubjected to the stench of burning small town dumps, nor should the people of any Montana county.  
Thank you for your attention.

Sincerely,

Edward L. King, M.D.  
Gallatin County Health Officer



# Legal Changes Reflect Waste Volume

By Barry S. Shanoff

**M**UNICIPAL solid waste management is in a critical stage. Suburban development has created a shortage of land convenient to urban centers and environmentally suitable for waste disposal. Many major cities already have used up their local landfill capacity while the development of new sites often has been blocked by neighborhood resistance.

One of the major problems of solid waste management is simply the volume of waste being created. While the total volume of waste is increasing at a rate five times greater than the nation's population growth, urban areas, where three-quarters of the population live, are facing an even more rapid increase.

In the past 25 years, the amount of waste discarded per person has doubled. Meanwhile, state and federal environmental protection laws designed primarily to control air and water pollution have severely restricted popular

methods of solid waste disposal: incineration and ocean dumping. While resource recovery and waste-to-energy projects have captured public attention, for the foreseeable future the overwhelming majority of this country's solid waste — probably 90% — will be managed through land disposal.

Traditionally, solid waste management has been a local function performed by private contractors and municipal governments. Before the mid-1960s waste management regulations consisted primarily of general health and safety ordinances applied to waste disposal sites. Less than half the cities and towns in the United States with populations greater than 2,500 had programs for sanitary disposal of solid waste.

At the state level, concern for solid waste management usually translated into laws authorizing municipalities to deal with solid waste problems — something many communities already were doing under police power and general welfare clauses of state constitutions and municipal charters. Direct state involvement in solid waste management, for the most part, meant anti-litter laws and bans on the dumping of wastes on public property. In 1964, according to U.S. Public Health Service records, only 12 states were involved in specific solid waste activities, while 31 states had no program whatsoever. Only two states had comprehensive solid waste management programs.

### States Indifferent

Indifference on the state level existed despite a federal program started in the early 1950s under the Public Health Service Act. The act directed the U.S. Surgeon General to conduct and coordinate "research, investigations, experiments, demonstrations and studies relating to the causes,....control, and prevention of...diseases...., including water purification, sewage treatment, and pollution of lakes and streams."

The surgeon general also had authority to "make and enforce such regulations...necessary to prevent the introduction, transmission, or spread of communicable diseases."

Given the long association of disposal sites with the spread of disease, it was not surprising that the first federal solid waste management program (itself limited to waste disposal research) was conducted by the Public Health Service. However, because the program was substantially underfunded (annual appropriations of less than \$500,000), it had little effect on waste management practices or on state and local waste management laws.

### SWDA Adopted

The first important federal solid waste management law was the Solid Waste Disposal Act of 1965 (SWDA),

which relied on local action while trying to encourage greater state-level activity. Under SWDA, the Department of Health, Education and Welfare (HEW) was responsible for providing direct technical and financial assistance to state and local governments for resource recovery and solid waste disposal programs. With this incentive, 48 states had adopted some form of waste management law and every state had issued some type of solid waste disposal regulations by 1975. Not surprisingly, regulatory activity under these new laws varied tremendously from state to state; staffing for solid waste management programs ranged from as little as one person to as many as 62, while budgets for these programs ran the gamut from zero to a million dollars.

Even as the states were developing solid waste management plans under the stimulus of HEW grants, Congress began to conceive more elaborate ideas for federal involvement. The Resource Recovery Act of 1970 (RRA) took SWDA a step further. Besides encouraging solid waste management and resource recovery systems, RRA introduced the concept of nationwide guidelines for solid waste collection, transport, separation, recovery and disposal systems. At the same time, the law made federal grants available for the construction of resource recovery facilities. Although RRA signaled recognition that recovering energy and materials from waste was a promising method of reducing the volume of waste requiring disposal, federal officials handed out money for only eight resource recovery projects.

### Staff Numbers Cut

The solid waste management programs established under SWDA and RRA received substantially greater funding from Congress after the creation of the Environmental Protection Agency in 1970. (EPA took over the functions of HEW's Bureau of Solid Waste Management.) Nevertheless, during the next few years the number of staff positions in EPA's Office of Solid Waste Management continued to decline. Ironically, EPA solid waste management activity showed a corresponding decrease at the same time the agency was telling Congress that the volume of solid waste was increasing and that government officials at all levels were doing little to protect the environment from waste pollution. Despite state-level waste management planning, as well as federally-funded research and demonstration projects that showed environmentally sound alternatives to existing waste management practices, pollution from solid waste disposal continued to threaten public health and the environment.

The Resource Conservation and Re-



The author is an attorney with offices in Silver Spring MD and Washington DC. He is a former special counsel to the U.S. EPA.

covery Act of 1976 (RCRA) transformed passive federal involvement (research, development and information exchange) into a dramatic nationwide regulatory program. Although RCRA deals largely with hazardous waste management, significant parts of the law address the problems of poor municipal solid waste disposal. Financial and technical assistance to the states and their political subdivisions are intended to be an incentive to voluntary development and implementation of solid waste management plans that will provide for the recovery of materials for solid waste disposal. States that do not develop or implement a solid waste management plan for municipal waste risk a reduction or a complete cut-off of federal money and other assistance. However, RCRA provides no direct federal influence on municipal waste management.

Under the law's hazardous waste provisions, EPA itself must establish and enforce minimum federal standards for all who generate, transport, treat, store or dispose of such wastes. Unlike the provisions relating to municipal solid waste, the hazardous waste provisions are mandatory. A state may supplant EPA authority if it establishes and enforces a hazardous waste plan that is at least equivalent to the minimum federal standards. Moreover, states that undertake their own hazardous waste program become eligible for financial and technical assistance. Congress carefully avoided federal regulation of municipal waste; RCRA does nothing more than exhort neighboring jurisdictions to plan and coordinate their waste disposal activities.

#### Promotion, Funding Needed

As with other remedial legislation, RCRA's worthwhile objectives simply are not enough to ensure protection of health and the environment and conservation of valuable material and energy resources. The programs contemplated by the act must be promoted actively by EPA and funded adequately by Congress.

Since the act, for the most part, addresses hazardous waste management, successfully promoting environmentally sound municipal solid waste management is left to voluntary cooperation among state and local governments. Federal assistance should supplement, not substitute for, state, local, regional and non-federal funds already committed to municipal waste management programs. State and local governments seem willing to take an active role in waste management if adequate resources are made available to them.

Even before the Reagan Administration began its slashing of budgets for nearly all non-defense programs, EPA had a poor track record in asking Con-

gress for substantial funds for state and local solid waste programs. These programs (contemplated and required by RCRA) will never succeed until future EPA administrators demonstrate greater concern for the needs of local and state governments, more actively promote the agency's waste management programs, and seek the resources to support them properly.

Although state and federal lawmakers have taken extraordinary steps to solve the nation's hazardous and radioactive waste problems, they have paid little attention to municipal solid waste. Many states have passed laws that allow preemption of local opposition to hazardous waste facility siting. Meanwhile, the federal Low-Level Waste Policy Act, adopted in 1980, allows states to work together to develop radioactive waste burial sites. States not cooperating in regional compacts will be barred in 1986 from using cooperating states' facilities. Uniform statewide and regional approaches are needed: regional waste management authorities, spurred by federal financial incentives and flow control mechanisms (that are safeguarded against anti-trust complications) and interstate compacts, protected by constitutionally permissible restrictions on acceptance of extra-territorial solid waste. The end result is a cost-efficient areawide approach to sat-

isfy the local interest in conserving land, the national interest in recovering resources, and the common interest in preserving the health and environment.

We've come a long way in the past quarter of a century toward recognizing and dealing with the crisis in municipal solid waste disposal. Yet, nothing really has changed. Everyone wants the trash picked up, but no one wants it put down. Unless we replace "politics as usual" at the state and local levels with some form of enlightened mutual assistance, federal involvement is inevitable. □

## ISIS

Continued from page 58

\$47 a ton price recorded in 1957 — too close in current dollars — in fact, much less in real dollars. It is conceivable that domestic demand for scrap in 1982 could be in the same range as was experienced 25 years ago and that export shipments actually could be less.

That is the cyclical nature of the scrap industry and its only consumers — steel mills and foundries.

While there have been innumerable changes in the scrap industry and ISIS over the past 25 years, the impact of the marketplace — the laws of supply and demand — continue unchanged. □

## BRASK

### THE INDUSTRY LEADER IN COMPACTOR RENTALS

Larger Commissions

Paid Promptly

No Contract to Sign

Never Increased Rental Fee

Many Territories Open

Easier Than Selling

Additional Income if You Install

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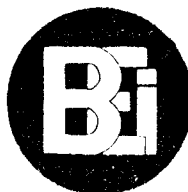
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*Mfg's of Quality Compactors*

NAME: THOMAS F FERGUSON DATE: 1-28-83

ADDRESS: 178 FRANKLIN MINE RD, HELENA

PHONE: 442-6529

REPRESENTING WHOM? MY SELF

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TO: Senator Tom Hager, Chairman, and members,  
Senate Public Health, Welfare and Safety Committee  
FROM: Tom Ferguson, 178 Franklin Mine Road, Helena, MT 59601  
RE: Opposition to S.B. 182

Mr. Hager and members of the Committee:

My name is Tom Ferguson. My wife and I own property adjacent to the Scratch Gravel Sanitary Landfill, located north of Helena, and I am speaking in opposition to S.B. 182.

I have several concerns:

1. My immediate concern is for the health and safety of my family. A little over two years ago, we built a home on the property I have described. Living near the landfill, as it is currently operated, has caused few problems of any significance. With the proposed changes, increases in both the skunk population and the stray dog and cat population seem very likely, with increased chances of rabies or other diseases becoming very real.

2. Some control is maintained over the type of debris that is permitted in the landfill. An unattended landfill will eliminate those controls, thereby permitting the dumping of anything and everything! Fires and other hazards to the area become a real potential -- with my adjacent alfalfa field and home as the victims.

3. An unsupervised public area, especially a dump, invites both human and animal scavengers. Who is to say the next stop won't be the Fergusons?

4. We live on part of the original Green Meadow Ranch, and were attracted to the area because of the view we have of the city of Helena, because of the proximity to schools and our jobs, and because we could own 10 acres and still live close to town. Debris along our road, which also leads to the landfill, has been minimal.

I believe most of the landfill users have been considerate of the residential area through which they are driving. With no restrictions on who may use the landfill, and on the frequency with which garbage is covered, I see the problem multiplying.

NAME: Elizabeth J. Knight DATE: Jan 28, 1983

ADDRESS: Box 622

PHONE: Work 225-3810 Home 225-3597

REPRESENTING WHOM? Tafferton-Brookwater Counties  
Montana Environmental Health Association

APPEARING ON WHICH PROPOSAL: 58122

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

COMMENTS: WE SUBMITTED PREPARED TESTIMONY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*exhibit 12*

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 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 require facilities serving towns and unincorporated areas to remain open seven days a week applying cover once weekly with unlimited access and no litter control at the site. Areas such as the Victor disposal site, which serves about 20,000 rural population and Scratch Gravel, out of Helena, which serves about 14,000 people, would be at liberty to operate as they please. Facilities serving third class cities of a population range of 1-5 thousand would have to provide litter control and periodically provide cover as determined by the State Department of Health, local Health Authority and local Governing Body, but it is necessary to keep in mind that many 3rd class cities also provide service to large county populations, which means service of populations in the upwards of 14,000 people may take place.

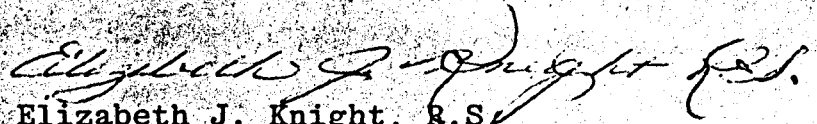
The bill as proposed would seemingly result in the rapid growth of open dumps throughout the state. With the variation in operational requirements it would seem impossible to administer any standards. Loss of daily cover requirement could

mean increases in those diseases associated with improperly handled solid waste such as anthrax and rabies. Daily cover also reduces the chances of contaminated ground water by leachate, which may contain viruses, heavy metals, and various chemicals. The current standards for site selection would need to be made more stringent if operational standards are reduced in order to protect public health and the ground water, thereby leading to less available land for landfill sites. It is difficult enough now to acquire property for new disposal sites because private land owners do not want disposal sites near them. With the lack of control this bill would produce, sites ~~---t~~ would become much harder to acquire. There are no provisions for the protection of those who currently have property near disposal sites. We've already seen a number of suits initiated by landowners damaged by the operation of the landfills near them.

This bill would lead to a lack of knowledge or control of semi-liquid, liquid (septic and privy vault wastes), and hazardous waste materials entering 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 decrease the standards to suit those few who find it a hardship to comply without looking at the long term effects is a mistake.

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

Sincerely,



Elizabeth J. Knight, R.S.  
President, Montana Environmental  
Health Association  
Jefferson-Broadwater County  
Sanitarian  
Box 622  
Boulder, MT 59632

EJK/bg



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

NAME: MAX BARRER JR. DATE: 1/28/87

ADDRESS: 7250 Dewmshire Lane Missoula

PHONE: 251-2506 543-3157

REPRESENTING WHOM? Browning Ferris Industries of Montana.

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE :

**ADDRESS:**

PHONE :

# REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

**DO YOU:**

## SUPPORT?

AMEND?

OPPOSE?

**COMMENTS:**

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Kent Haag DATE: 1/28/83

ADDRESS: 2634 Louisa Billings MT

PHONE: 657-8230

REPRESENTING WHOM? City of Billings

APPEARING ON WHICH PROPOSAL: SB 182

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENTS: This bill would place unequal  
standards for different portions of  
the state. The bill would also  
present a major health hazard  
in many of the rural areas.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

LAKE COUNTY  
LAND SERVICES DEPARTMENT

POLSON, MONTANA

59860

PLANNING

Jerry Sorensen  
Nancy Thormahlen

ADMINISTRATOR

Paddy R. Trusler

SANITATION

Al Hawkaluk  
Tim Read

TELEPHONE 406-883-6211

January 28, 1983

Honorable Tom Hager, Chairman  
Senate Committee on Public Health  
Capitol Station  
Helena, Montana  
59620

RE: SB 182

Dear Members of the Senate Public Health Committee:

My name is Pat Trusler, Administrator for the Lake County Land Services Department. I am here today representing the Board of Lake County Commissioners, Lake County Land Services, Northwestern Montana Sanitarians Association, and the Montana Environmental Health Association.

All of those who I represent are in strong opposition to SB 182. Our reasons are varied but we all agree that if this legislation passed we would be taking a giant step backwards in promoting the public health and aesthetics in the State of Montana.

In northwestern Montana the vast majority of solid waste disposal sites are in compliance with existing laws and rules. Those that are not are in a planning program to determine the most cost effective and practical method to bring sites into compliance. This legislation as proposed would effectively kill that planning effort and would have the potential to allow those smaller sites to legally slip backwards. We feel that Montana and specifically Western Montana is much too beautiful to be littered with windblown refuse.

In Lake County we have gone from open burning dumps to one centralized land-fill and 8-40 cubic yard containers. The transition was not without controversy and expense. We are proud to say that Lake County is now 100% in compliance with Solid Waste Disposal laws and rules. It presently costs \$22.00 per family per year to accomplish this compliance. We fear that this regressive legislation will erode away at our district and allow small, uncontrolled sites to emerge. We have expended too much time and money to allow this to happen.

As a result of poorly managed landfills, Lake County has been in 2 different lawsuits. One cost the county over \$18,000.00 when fire, originating at a dump, burned a sizeable amount of grazing land. The other was as a result of birds scattering refuse and infecting certified seed potato areas. People appreciate our effort and the refuse board is not constantly faced with lawsuits.

Over the past several years money has been granted to local government for planning purposes. An opportunity that was not afforded to most counties in Western Montana at the time they began working to solve their problems. These counties now know what the cost effective means are to solve their problems. It will never get more cost effective than now to begin implementing a satisfactory program.

Existing solid waste laws and rules have a provision which provides for a variance of rules. If special conditions exist which creates a hardship yet does not adversely affect the public health or aesthetics, a variance is in order. I contend that this variance condition is adequate and that a complete change in the law is unnecessary.

I have talked to many adjacent landowners next to solid waste disposal sites and they are totally against allowing for less restrictive laws and rules with regards to covering. Covering is the only effective means to contain litter and access by disease vectors. Don't adjacent landowners have rights too?

In conclusion, our organization feels that this legislation is regressive and unnecessary. The time and effort which is put forth in trying to circumvent progressive laws and rules would be better spent implementing an approved program.



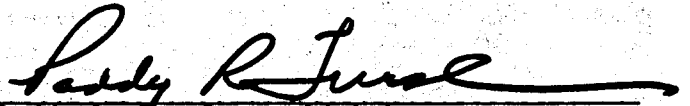
Don Corrigan - Chairman  
BOARD OF LAKE COUNTY COMMISSIONERS



Harold A. Fitzner - Member



Mike W. Hutchin - Member



Paddy R. Trusler - Administrator  
Lake County Land Services

President - Northwestern Montana  
Sanitarian Association

DC/HF/MH/PRT/vhd

NAME: Paddy R Truster DATE: 1-28-83

ADDRESS: Lake Co. Land Services - Courthouse - Bozeman, MT

PHONE: 883-6211 Ext 264

REPRESENTING WHOM? Lake Co. Comm - MT Env. Health Assoc  
Northwestern Montana Sanitarians Assoc

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENTS: This proposal rewards those local govts  
which have neglected their responsibility to  
add properly address their solid waste  
disposal problems. It is unnecessary  
legislation. ~~and~~

Please refer to written comments

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME:

Will Selser

DATE:

1/28/83

ADDRESS:

728 N. Warren, Helena

PHONE:

443-1010 ext. 351

REPRESENTING WHOM?

Lewis + Clark Co. Health Dept.

APPEARING ON WHICH PROPOSAL:

SB 182

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

☒

COMMENTS:

While we understand the good intentions of this bill, it will (part 2) allow a landfill district serving 14,000 + persons to go unsupervised & uncovered for a week at a time. This landfill is currently <sup>creating</sup> ~~experiencing~~ groundwater pollution because of inadequate covering operations.

This <sup>bill</sup> will legalize this inadequate operation.

As such, we must oppose this bill.

Suggested ~~an~~ amendment - Allow for variances to landfills serving less than 500 persons to be permanent rather than only for three years.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Frank R DeLeo

DATE: Jan 28, 1983

ADDRESS: 6531 Hwy 12 west Helena MT 59601

PHONE: 442-8551

REPRESENTING WHOM? Self + RV Ranch Co

APPEARING ON WHICH PROPOSAL: SB 182

DO YOU: SUPPORT?           

AMEND?           

OPPOSE?           

COMMENTS: We are ajacent to the Elliston <sup>opposite</sup> dump  
it has taken two years, a lot of work under  
our present laws to get Powell County moving  
in the direction of forty yard containers.  
We do not support SB 182

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MANUWET TWICKEL RPH DATE: \_\_\_\_\_

ADDRESS: 125 Anderson Blvd Helena

PHONE: 442-1254

REPRESENTING WHOM? Concerned Citizen

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENTS: As a registered Pharmacist I am  
very concerned for the public health.  
Garbage, unburied for 7 days, presents an  
enormous hazard. A breeding ground  
for flies, mosquitoes and other insects  
would be had. Also, it would attract  
mice, rats, skunks, dogs, cats and other  
small animals. With counties in Montana  
already under quarantine for rabies it  
seems senseless to provide a breeding  
ground for rabies. Lastly, the safety  
hazard to children is also enormous.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mona Laughery RN retired DATE: 1/26 85

ADDRESS: 4780 East Strawn Dr

PHONE: 414 - 2875

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: Landfill Bill 182

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

COMMENTS: I think its a bad bill

The health hazards are great - the  
fire hazards are present -

The chance of children being injured  
because of target practice  
cat and other wild life population  
will increase

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Eugene Regan DATE: Jan 28, 85

ADDRESS: Box 1166 Dillon

PHONE: 683 6348

REPRESENTING WHOM? Beaverhead County

APPEARING ON WHICH PROPOSAL: SB 182

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENTS:       

If the State Regulations are more stringent than the  
Federal standards why do BLM & US Forest Service  
require at least the State Regulations

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.





# BEAVERHEAD COUNTY SANITARIAN

COURTHOUSE

POST OFFICE BOX 1166

DILLON, MONTANA 59725

TELEPHONE 683-4868

January 28, 1983

Thank you Mr. Chairman and committee members for this opportunity to provide this information to you. My name is Eugene Regan and I work as a Sanitarian for Beaverhead County. I oppose Senate Bill 182 for the following reasons:

The 1981 Legislature passed a law allowing for a variance from the Solid Waste Bureau rules. The variance allows the cities and counties to propose an operation and maintenance plan which would dispose of their garbage in an environmentally safe manner. This 1981 law change was proposed by the Montana State Board of Health after Beaverhead County demonstrated to the Board that some flexibility was necessary. The Beaverhead County Commissioners and the Refuse Disposal Board, who operate and maintain 5 small sites, agree that a variance program is a far better alternative than allowing an unregulated covering requirement as Senate Bill 182 proposes. Beaverhead County's experiences has shown that a weekly cover requirement degrades into a 10-15 day cover period in operation without proper enforcement and record keeping.

Over the course of the 6 years that I have been working with the Solid Waste Bureau, I have seen many of their "prophecies of doom" come true in Beaverhead County. Statements like "If you don't follow the rules, when you need a new landfill site no one will give you one." In Beaverhead County we have been looking for a new site at Wise River for 4 years with no luck. There are sites on B.L.M. and Forest Service ground but we can't use them. In 1978, the United States Forest Service had 190 dump sites on their ground in Montana. Today there is only 1. The reason is that none of the 189 sites met E.P.A. regulations or current state laws. Cities and counties operating dumps under Senate Bill 182

January 28, 1983

would not be allowed to use B.L.M. or Forest Service land in the future. Our experience with using or obtaining private ground for landfills is that the private landowner does not even want to talk to you about locating a dump on or next to his property no matter how well it is operated. Finding new landfill sites is bad now, we don't need to make it worse.

A study completed by Western Montana College indicated that a solid waste burner would be feasible at the college. Beaverhead and Madison County are now cooperating with W.M.C. on the ground work to build a solid waste burner for energy recovery. Steam will be used to heat the college and produce electricity. Beaverhead County now spends over \$50,000.00 a year to dispose of garbage and the W.M.C. engineering reports indicated that the energy value of our waste is equivalent to \$200,000.00 worth of natural gas. In other words, we are spending \$50,000.00 to get rid of \$200,000.00 worth of valuable resources. The Solid Waste Bureau has spent and allotted over \$1,000,000.00 for planning and implementation for solid waste collection and resource recovery projects in Montana. We don't need bills to lessen the rules and laws, we need bills to provide funding for building feasible resource recovery plants and collection systems.

For these reasons and for many more presented by other people, please give this bill a do not pass recommendation. Thank you.

Eugene Regan



WITNESS STATEMENT

Name Dawn A North Committee On Public Health  
Address 914 Breckenridge Helena Date 1/28/83  
Representing League of Women Voters Support \_\_\_\_\_  
Bill No. SB 182 Oppose X  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The League of Women Voters of Montana believes that daily covers 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 S.B. 182 removes these requirements for certain sites, League of Women Voters of Montana opposes the bill.
- 2.
- 3.
- 4.

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

NAME: Duane L Robertson DATE: 1/28/83

ADDRESS: #4 Cogswell Bldg

PHONE: 449-2821

REPRESENTING WHOM? State Dept of Health

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENTS: this Bill is opposed to the Bill for  
many reasons which will be presented by testimony.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Sandra B. Mintyala DATE: 1-28-83

ADDRESS: Hill Edge Route

PHONE: Leviestown, MT 59457

REPRESENTING WHOM? ~~SB 182~~ Mister. M. Driscoll

APPEARING ON WHICH PROPOSAL: SB 182

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

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE :

1/28/83

**ADDRESS:**

**ADDRESS:**

PHONE:

PHONE:

# REPRESENTING WHOM?

# REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

APPEARING ON WHICH PROPOSAL:

**DO YOU :**

## SUPPORT?

**AMEND?**

**OPPOSE?**

A large handwritten 'X' mark is drawn across the page, crossing the horizontal line.

**COMMENTS:**

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROOSEVELT COUNTY  
SANITARIAN/PLANNER



Basement Law Enforcement Building  
Wolf Point, Montana 59201

January 25, 1983

Senator S. A. Olson  
Capital Station  
Helena MT 59620

RE: Enclosed

Dear Senator Olson:

I am enclosing copies of recent letters I sent to Senator Hager, Chairman of the Senate Public Health Committee and Senator McCallum, Chairman of the Senate Local Government Committee. The letters are in regards to Senate Bill 182 and Senate Bill 140. I hope that you will take my remarks into consideration when reviewing the bill.

Thank you.

Sincerely,

  
Timothy J. Murphy, R.S.  
Roosevelt County Sanitarian

Enclosures 2

TM/ljs



ROOSEVELT COUNTY  
SANITARIAN/PLANNER



Office Phone  
653-1590 X22

Basement Law Enforcement Building  
Wolf Point, Montana 59201

January 24, 1983

Senator Tom Hager, Chairman  
Senate Public Health Committee  
Capital Station  
Helena MT 59620

RE: Senate Bill 182

Dear Senator Hager,

It has come to my attention that your committee will be hearing testimony, on S.B. 182 this week. I would like to take this time to express my professional opinion on this bill.

First, let me introduce myself, I am a rural County Sanitarian covering Roosevelt County. We presently have one (1) licensed Class II Landfill in the County and four (4) open burning dumps.

The four open dumps are not licensed by the State because they do not meet State standards. They do not meet State standards because of fires, blowing litter and poor management. The dumps are not being covered daily therefore allowing refuse to blow onto surrounding landowners property, the lack of cover also allows rodents (mice, rats, skunks etc) to feed on the refuse.

Currently Roosevelt County and surrounding counties have been placed under rabies quarantine (an unusual practice in the winter months) because of the numerous cases of rabies reported in the area. Vector Control of any rodent begins with eliminating the three basic needs for survival; food, water and shelter. Open dumps that are not covered with earth at the end of each operational day, act as a food source for these vectors, if the landfill is covered daily and wind blown litter is kept to a minimum, there will be no food source and therefore cut down on the rabies epidemic (the law on the books requires daily cover).

Senate Bill 182 would substantially change a law that is working quite well now. I feel that if S.B. 182 was made law, it would seriously effect the health and well being of all the people of Montana. I believe it is up to your committee to defeat this bill.

Thank you for your time.

Sincerely,

  
Timothy J. Murphy, R.S.  
Roosevelt County Sanitarian

TM/ljs

Office Phone  
653-1590 X22

ROOSEVELT COUNTY  
SANITARIAN/PLANNER



Basement Law Enforcement Building  
Wolf Point, Montana 59201

January 25, 1983

George McCallum, Chairman  
Senate Local Government Committee  
Capital Station  
Helena MT 59620

RE: Senate Bill 140

Dear Senator McCallum,

I would like to take this time to express my professional opinion of proposed Senate Bill 140. First let me introduce myself, I am a Registered Sanitarian employed in Roosevelt County.

As a sanitarian in a small rural area I for see nothing but problems for my County if S.B. 140 is passed. If, as section 76-4-104 states, the local governing body takes over total review of subdivision proposals, a tremendous amount of money will have to be spent to retain a professional Engineer to review engineered documents. Also, with each individual governing body adopting its own criteria for subdivisions there will be no standardization in the state and therefore no gaurentee that the health and well being of all Montans will be protected.

As far as the fee charged for review, the state could not meet their expenses, when charging \$30.00 per lot, you can not possibly feel that the local (county, city) authority could.

I believe that the review of all subdivision proposals should be performed at the State level and that the review fee should be \$50.00 per lot. Therefore ensuring that three is uniformity through out the state, and that the state bureau reviewing subdivision proposals is adequatly funded to perform their task.

I ask that you take another look at S.B. 140 and defeat this Bill for the health of the residence of the Great State of Montana.

Sincerely,

  
Timothy J. Murphy, R.S.  
Roosevelt County Sanitarian

cc Senator Story  
Senator Conover  
Senator Manley  
Senate Local Government Committee

TM/ljs

Jon A. Dilliard, R.S.  
Madison County Sanitarian  
P.O. Box 278  
Virginia City, MT. 59755

Members of the Senate Public Health, Welfare and Safety Committee  
Capitol Station, Room 440  
Helena, Montana 59620

Dear Members,

Since I will be unable to attend your public hearing concerning Senate Bill No. 182 please accept this letter as my written testimony against this bill.

#### TESTIMONY

I would like to comment first on Senate Bill No. 182. This bill will basically change the current solid waste regulations of daily coverage of garbage and supervision when open to weekly coverage of garbage and no supervision for towns or areas of upto 5000 people. Truly this bill will allow a considerable quantity of garbage to lie on the ground unattended for a week at a time. It is my opinion that this proposed change to the solid waste regulations would have a detrimental effect on the public health and safety of the residents of any area affected by this change.

Currently Madison County does not have a comprehensive solid waste program in operation for the residents of this county nor does the county have any municipal corporations exceeding the 5000 persons limit in the proposed changes. Therefore these changes in the solid waste regulations will directly affect this county. Because of this lack of a county-wide solid waste program, Madison County has numerous so called landfill operations that have been operating in the manner suggested by the proposed revisions as a compromise between the law and the violations. Dealing with these landfills on a daily basis and seeing the problems with open burning of the garbage, blowing litter and groundwater problems has led me to believe that these revisions will not work.

At the moment Madison County is ready to implement a plan for solid waste



disposal that will solve all the current violations to the solid waste regulations. The program will cost the residents of the county a very reasonable \$30.00 per household per year and will give the people a clean and healthful environment to which all of us have a given right. Also Madison County has been working with Beaverhead County on the possibility of having a solid waste burner located in Dillon, MT. that will utilize our solid waste for steam energy and electricity as can be done with the valuable resource of solid waste. If Senate Bill No. 182 is allowed to pass it will destroy both of these programs and some existing ones in other counties and our hopes of keeping Montana a clean and healthful place to live will be hopelessly lost.

Other problems that will be associated with these proposed changes will be insects which are always a problem around garbage. With garbage exposed at landfills for 7 days at a time it will attract a considerable number of insects. Combining this 7 day period with the period of time that garbage may be held at private homes prior to disposal will allow adequate time for the breeding and development of adult flies and other insects in the garbage. Many of these insects are vectors for various diseases and with the increased exposure of garbage to these insects and the increased breeding of insects in these weekly covered dumps, it is logical to assume that the incidence of many diseases will also increase.

Similarly, many types of animals are attracted to landfills, including rodents, birds, skunks, and domestic cats and dogs. With the increased exposure of the garbage, these animals may begin to rely on these open dumps as a source of food. It is not uncommon for these animals during their hunt for food in these dumps to tear open sacks or dig through the garbage and drag off part of the garbage. This will ultimately create a litter problem at these open dumps. Also with the increase of reported rabies in Montana and its migration westward in the state these dump sites could be the spreading grounds for this disease. This would prove to be a serious threat to the people of the area when their domesticated pets interact with wild, possibly rabid animals at the open dumps.

Since the garbage in these open sites would be exposed to the elements, especially the wind, for 7 days at a time, it is hard to believe that the fences to be used for controlling blowing litter will be able to perform their duty. Since smaller landfill operations that are presently using everyday coverage of the garbage are having a large enough problem controlling blowing litter, I cannot see how a landfill using once a week coverage will handle this task at all. This will result in a litter problem not only within the site but outside as well.

It is not uncommon for garbage in these uncovered landfills to be set afire by the users. Many people feel that it is the thing to do to control the odors, the unsightliness, and to destroy their personal papers. Once a fire is started people will continue to feed the fire with their own garbage until it has spread throughout the landfill or until the fire is raging uncontrollably. This situation occurs very frequently in these unsupervised landfills and will continue with the lack of supervision in the proposed bill. This will result in violations of state air quality laws and will be an immediate threat to surrounding range and forest lands and to the users of the landfill themselves.

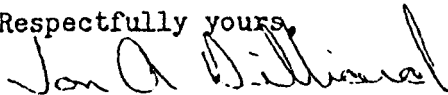
It has been shown in many instances around the state that many people will not obey directional signs at an unsupervised landfill. Some people will dump their garbage where they feel it should go and not where the signs direct them. After one person has dumped in the wrong area other people seem to be attracted to that area to dump their own garbage, resulting in a considerable pile of garbage in the wrong place. Also many people have a fear of getting to close to the dumping area because of the fire and smoke from the burning garbage or because of the possibility of getting a flat tire from the uncovered garbage. This results in the garbage being dumped further and further away from the original dumping area. After 7 days of this at an unsupervised landfill the area covered by garbage could be considerably large and unmanageable.

With the increase of restrictions and public opposition to the disposal of hazardous wastes, these small unattended landfill could begin collecting various types of hazardous wastes. These wastes can be extremely dangerous to people using the landfills or to the operators of the landfill if not properly indentified and handled. It would be impossible to control the dumping of these waste if Senate Bill No. 182 is passed.

Presently in Montana it is extremely difficult for a refuse district to locate land for a landfill site because of the problems associated with landfills in the past. To relax the current regulations with the proposed changes would only make it that much to relocate a landfill when the time arrives. Nobody is going to want a landfill on or near their property with the problems that will be associated with a once a week covering and unsupervised landfill.

It is my opinion that the passage of Senate Bill No. 182 and the revisions to the Montana Solid Waste Disposal Rule would only lead to greater problems for the handling of solid waste in the State of Montana and would prove to be a tremendous backslide for the public health and safety of the residents of this state.

Respectfully yours,



Jon A. Dilliard, R.S.  
Madison County Sanitarian





*The Big Sky Country*

MONTANA STATE HOUSE OF REPRESENTATIVES

REPRESENTATIVE GENE N. ERNST  
HOUSE DISTRICT 47

BOX 39  
STANFORD, MONTANA 59479

COMMITTEES:  
AGRICULTURE  
APPROPRIATIONS

Jan 28, 1982

To: Members of Senate Public  
Health, Welfare and Safety Committee

Re: SB 182

I would like to express my concern related to me by a constituent who is in charge of a county solid waste site. He is a non paid individual who adjoins the site.

He is concerned about the item (b) (3) sec 1, page 1, which states the site remain open 7 days a week.

He would prefer an option in the bill to allow them to close the site a number of days a week when it cannot be under some sort of supervision.

I hope you might consider this

Respectfully  
Rep Gene Ernst  
Dist 47

AMENDMENTS TO SB 266

1. Page 1, line 17  
Following: "72-17-202"  
Insert: "(1)(a) or (b)"-
2. Page 1  
Following: line 19  
Insert: "(3) "Department" means the department of health  
and environmental sciences provided for in Title 2,  
Chapter 15, part 21, MCA."  
Renumber: all subsequent subsections.
3. Page 1  
Following: line 21  
Insert: "(5) "Eyebank association of America" means the  
organization nationally recognized by that name with  
headquarters in Houston, Texas, that surveys banks or  
storage facilities for the storage of eye tissue upon  
their requests and grants membership and certification  
status to any such bank or storage facility that it  
finds meets its standards and requirements."  
Renumber: all subsequent subsections.
4. Page 3, line 8.  
Following: "facility"  
Insert: "licensed, accredited or approved under the laws  
of any state,"
5. Page 4  
Following: line 9  
Insert: "NEW SECTION. Section 4. Approval of eye banks.  
Any bank or storage facility that furnishes to the  
department written evidence of its membership and  
certification, and reports and recommendations for  
future compliance, granted by the eyebank association  
of America, is approved for receipt and storage of  
eye tissue for the term of such membership and certifi-  
cation, and is eligible during such term to be a donee  
of eye tissue pursuant to 72-17-202(1)(c) MCA."  
Renumber: subsequent section.
6. Page 4, line 11.  
Following: line 10  
Strike: "Section 3 is"  
Insert: "Sections 3 and 4 are"
7. Page 4, line 13.  
Following: "to"  
Strike: "section 3"  
Insert: "sections 3 and 4"

STANDING COMMITTEE REPORT

27-42 2

.....JANUARY 31..... 19 83.....

MR. ....PRESIDENT:.....

We, your committee on .....PUBLIC HEALTH, WELFARE AND SAFETY.....

having had under consideration .....SENATE..... Bill No. ....193.....

Respectfully report as follows: That .....SENATE..... Bill No. ....193.....

DO PASS

HC.