

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

April 8, 1987

Meeting of the Senate Natural Resources Committee was called to order by Chairman Thomas Keating on April 8, 1987, at 1:00 p.m., in Room 405 of the State Capitol.

ROLL CALL: All members were present with the exception of Senator John Anderson who was excused.

CONSIDERATION OF HJR 44: In the absence of Representative Pavlovich, sponsor of the bill, Senator Lynch introduced HJR 44 as a bill that would request an interim study of the problems associated with hazardous material incidents. Sen. Lynch explained that there had been a meeting in Anaconda last December and the Civil Defense Coordinator from Butte brought out some problems that the participants were not ready to handle concerning transporting of hazardous materials across the State. The coordinator had asked the question at that meeting, inquiring how a community responds when there is a wreck that causes a hazardous spill on an interstate highway. Firemen and others have not had the training to know exactly what to do. There was not enough information known about hazardous material accidents to draft and submit a bill; therefore, HJR 44 was written.

PROPONENTS: Representative Dave Brown, House District 72, supported HJR 44.

Wilma Puich, Disaster and Emergency Services Coordinator of Butte/Silver Bow spoke in favor of HJR 44. Ms. Puich stated that hazardous incidents are becoming more common and she questioned whether local government or even State government are prepared to handle such an incident. The probability of incidents occurring had been studied in all 56 Montana counties in 1984. Every county in the State ranked the transportation of hazardous materials or fixed site facilities as one of the top five hazards facing their respective communities. Although a possible life-threatening situation faces every county in the State, to date, no State agency has been designated the responsibility of all four phases of emergency management -- mitigation, planning, response, and recovery. No State agency has control over the decision-making process during an emergency, and no State agency affords local communities a comprehensive training program for first response units or the general public. Ms. Puich described how any individual could come upon such an accident spilling an unknown substance.

Ms. Puich said that the expenses of equipping a response vehicle are phenomenal. Also, there would be liability issues between counties. Ms. Puich reported that there are over 10,000 chemicals today, and she said that HJR 44 should be passed so that pertinent questions can be answered, suggestions made for training the public, and even funding be recommended for equipping the counties. (Exhibit 1)

Henry E. Lohr, Montana State Volunteer Fire Fighters, showed hazardous materials placards denoting explosives, fertilizers, flammable solids, oxygen, gasoline, etc. Each placard was designated a number. The public needs education and information for safety purposes, and Mr. Lohr asked the committee to support HJR 44.

Ken Black, Montana Fire Chiefs, reported that there are 400 different fire departments in Montana, and they "thoroughly support this bill." He said that the chiefs are asking that someone be determined responsible by the study. Mr. Black reported that Bozeman's Fire Department is putting a hazardous response vehicle together. He stated that each suit costs \$12,000 each, and training costs more than a small fire department can handle. Mr. Black maintained that Montana is facing a very dangerous problem. Hazardous materials spills do not just happen in big metropolitan cities, and Mr. Black said it is very important that Montana do something about the situation as soon as possible.

Tom Harris, Sheriffs and Peace Officers Association, testified that present training is inadequate; and HB 44 will improve public education and awareness.

Russ Brown, Yellowstone Citizens Council, supported HJR 44.

Elmer Peterson, President of the County Disaster and Emergency Services Coordinators, submitted a letter written by R. Ben Bifoss, Anaconda-Deer Lodge County City Manager. (Exhibit 2) Mr. Peterson testified that the county disaster coordinators are not properly trained nor do they have the correct equipment to respond to an emergency situation. Mr. Peterson urged the committee to support HJR 44.

Judy Doggett, Broadwater County Commissioner, testified that a disaster did in fact happen in Broadwater County on September 10, 1985, which concerned a truck carrying sulphuric acid. Ms. Doggett submitted a detailed report of the incident. (Exhibit 3)

Paul Spangler, Lewis and Clark Disaster and Emergency Services Coordinator, showed the committee a poster proclaiming April as Disaster Preparedness Month. Mr. Spangler said that 2% of all Burlington Northern tanker cars contain hazardous materials and 27% of the trucks over the highways carry hazardous materials, many of which are not identified or placarded. The problem with hazardous materials is that they are so prolific (30,000 chemicals) that each may require slightly different response. Mr. Spangler told the committee of the four thousand gallons of anhydrous ammonia spilled in Dry Creek drainage south of Helena that had occurred on the evening of April 14. Fortunately, the spill was a practice drill. Volunteer fire departments sponsored the training drill. Two hundred gallons of the ammonia had escaped into the atmosphere. Had the entire truck ruptured in a real accident, it was very likely (given the winds) that the Capitol would have been evacuated. The type of response that is necessary for such an occurrence is listed below. However, Mr. Spangler asked the committee to keep in mind it was merely a drill.

List of Agencies Who Responded

County Fire Department
Sheriff's Office
Helena Police Department
Montana Highway Patrol
Montana Health Department
Montana Disaster Emergency Services
County Disaster Emergency Services
County Commission
Jefferson County Fire Department, Montana City

The above points out the vast types of response that are required for a disaster emergency. Mr. Spangler asked the committee to please vote for HJR 44 because it is desperately needed in Montana.

OPPONENTS: There were no opponents present.

QUESTIONS (AND/OR DISCUSSION BY THE COMMITTEE): Senator Keating wondered why Larry Lloyd from the Department of Health was not present.

Senator Walker commented that Butal suits cost \$3,000 each and there were eight different suits needed in the Great Falls Fire Department to handle different situations. Sen. Walker said that even Montana Power doesn't have a plan of action when it comes to PVC incidents. He recommended that the committee pass the resolution.

Senator Weeding also stated his frustration that the Board of Health representatives were not present.

Chief Black clarified that placarded vehicles are supposed to carry information regarding how to respond to a hazardous materials accident, and also the vehicle is to have a person in it at all times. It was stated, however, that it is not always prudent to go to the vehicle in order to read instructions on responding to a spill. In fact, many vehicles don't carry the information. There are only two or three fire departments in the State that have any capability to respond.

In the course of the discussion it was mentioned that the Right-to-Know Act was passed during the 49th Legislative Session. Under HB 750 which was the Right-to-Know Law, the Federal Title III Superfund amendments were incorporated. Part of that act concerns the data sheets that were referred to, but part of the act was also the establishing of emergency planning committees. The Governor had within a year to establish a State Agency for Emergency Planning Purposes, not only for in-place hazardous materials, but also for accidental spills on highways, etc. From that State Agency, there is supposed to be an appointment of local emergency planning committees. It was agreed that there is somewhat of an overlap of HJR 44 and Title III (SARAA), HJR 44 is broader than SARAA; However, SARAA will impact this study within the next couple of years.

Senator Hofman asked about CHEMTRAC and Chief Black explained that CHEMTRAC is an office in Washington, D.C., with a 24-hour toll free number. Chemical companies formed the association, and it's the only way to find accurate information on a chemical in an emergency.

CLOSING: After the study, Montanans will be more knowledgeable, and Senator Lynch said that Montana probably doesn't need 56 disaster response units, but we may need 15. He said perhaps the recommendation will be made to the legislature to provide funding for education on chemical hazards, and hopefully, efforts can be better coordinated in this area.

DISPOSITION OF HOUSE JOINT RESOLUTION 44: Senator Lynch moved that HJR 44 BE CONCURRED IN. Motion CARRIED unanimously.

There being no more business before the committee, Senator Keating adjourned the meeting at 1:45 p.m.


THOMAS F. KEATING, Chairman

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NOTE: James T. Mular, Butte, arrived too late for the meeting, but submitted his statement for the record. (Exhibit 4)

ROLL CALL

NATURAL RESOURCES

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date April 8, 1987

NAME	PRESENT	ABSENT	EXCUSED
<u>Sen. Tom Keating, Chairman</u>	✓		
<u>Sen. Cecil Weeding, Vice Chairman</u>	✓		
<u>Sen. John Anderson</u>			/
<u>Sen. Mike Halligan</u>	✓		
<u>Sen. Delwyn Gage</u>	✓		
<u>Sen. Lawrence Stimatz</u>	✓		
<u>Sen. Larry Tveit</u>	✓		
<u>Sen. "J.D." Lynch</u>	✓		
<u>Sen. Sam Hofman</u>	✓		
<u>Sen. William Yellowtail</u>	✓		
<u>Sen. Elmer Severson</u>	✓		
<u>Sen. Mike Walker</u>	✓		

Each day attach to minutes.

NAME Wanda Quick BILL NO. HJR #44
ADDRESS P.O. Box 4046 Butte, MT 59701 DATE 4/8/87
WHOM DO YOU REPRESENT Butte/Silver Bow District/Emergency Services
SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 (cover sheet)

DATE 4-8-87

BILL NO. HJR 44

Disaster and Emergency Services Division

BUTTE-SILVER BOW COUNTY

SILVER BOW COUNTY COURTHOUSE — P.O. BOX 4046 —

WILMA PUICH
Coordinator

SENATE MONTANA 59701
NATURAL RESOURCES

EXHIBIT NO. 1 (page 1)

DATE 4-8-87

BILL NO. HJR 44

PH. 782-1515

Mr. Chairman and Members:

My name is Wilma Puich and I am the Disaster and Emergency Services Coordinator of Butte/Silver Bow. I am here today to speak in favor of HJR #44.

I am certain that every person in this room has read or seen on television some community involved in a major hazardous material incident. Yet, I wonder how many of us have ever considered what could and will happen when a major incident occurs in our own community. I say when because believe me it is not if but when will it happen. Are all 56 counties totally prepared to handle such an incident. For that matter, is the State government prepared?

By the end of 1984, every county in Montana completed a detailed hazard analysis. This process identified every potential hazard and the probable impact it could have on people and property in our communities. A weighting factor was used to rank the potential hazards, taking into consideration the history, vulnerability, maximum threat and probability of such a hazard occurring. Now, maybe all of this sounds irrelevant to the issue we are addressing here today but believe me this process produced some startling facts. Every county in the state ranked the transportation of hazardous materials or fixed site facilities as one of the top five hazards facing their respective communities.

So, we have identified a possible life-threatening situation facing every county in the state and yet, no state agency has been designated the responsibility of all four phases of emergency management - mitigation, planning, response and recovery. No state guidance flows down to the local level to insure a common understanding of procedures. No state agency has control over the decision making process during such an emergency. No state agency affords local communities a comprehensive training program for first response units or the general public. Thus, training is fragmented

and very costly.

I want to discuss training for the general public because I am a firm believer that in this instance training for them must be a vital component of the training program. If you and your family take a ride this Sunday and on some Montana highway you encounter an over-turned semi, which has on board some 50,000 gallons of some unknown substance, would you be able to identify that substance by the placard on the side of the vehicle? Are you aware that much of this transported material cannot be smelled or seen? You can't see it or smell it but oh boy you can breathe it.

Now, this leads us to equipment. The necessary response equipment is very costly. The financial burden placed upon a county equipping and training a hazardous material response van is phenomenal. Is it necessary for all 56 counties to be so equipped and trained? Who determines who should and shouldn't be?

So, if Silver Bow County is fully equipped and trained and Mineral County calls for some much needed advise, and un-intentionally, the wrong advise is given, is Silver Bow County libel? If I call the State Board of Health at 2:00 a.m. and the same type of incident happens is the duty officer or the agency libel? Please bear in mind that over 10,000 such hazardous materials have been identified. Just to keep a library on them is a tremendous cost.

Is enough being done in the area of truck and rail inspections? Remember these highway and rails run through your county as well as mine. These same trucks and trains carry items we all have come to become dependent upon. These items enhance our very way of life and the only way to get them is to transport them from county to county and state to state.

Therefore, do you feel that we as decision makers in our counties, are doing everything possible to insure the safety of our citizens and property when it comes to the topic of hazardous materials? I feel we are doing what we can with what resources are available to us but more, much more needs to be done. I alone cannot begin to solve the problems facing us as D.E.S. Coordinators, fire chiefs, sheriffs medical personnel, etc., but by many people working together, with a common goal in

mind, there are answers and ways to put this all into perspective.

I therefore request you concur with HJR #44 and give it a "do pass" recommendation.

Thank You.

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 (p.3)

DATE 4-8-87

BILL NO. HJR 44

HAZARD RANKING AMONG
3,286 LOCAL JURISDICTIONS

SENATE NATURAL RESOURCES
EXHIBIT NO. 1 (p.4)
DATE 4-8-87
BILL NO. HJR 44

Rank	Hazard	Jurisdictions Viewing Hazard as Significant Threat		
		No. (1)	% of 3,286 (2)	Population (3)
1	Nuclear Attack	(All jurisdictions are vulnerable to attack)		
2	HAZMAT - Highway	2,959	90.0	196,064,389
3	Severe Winter Storm	2,719	82.7	161,263,981
4	Flood	2,373	72.2	167,301,193
5	HAZMAT - Rail	2,315	70.5	178,852,195
6	Tornado	2,287	69.6	138,383,798
7	Power Failure	2,280	69.4	147,364,679
8	HAZMAT - Stationary	2,154	65.6	172,259,836
9	Urban Fire	2,003	61.0	155,231,733
10	Wildfire	1,618	49.2	85,829,928
11	HAZMAT - Pipeline	1,596	48.6	137,049,166
12	Agricultural Drought	1,509	45.9	79,071,796
13	Air Transportation	1,440	43.8	148,852,193
14	Dam Failure	1,261	38.4	96,495,437
15	Rail Transportation	1,037	31.6	109,719,723
16	Earthquake	1,001	30.5	78,693,413
17	Urban Drought	968	29.5	68,328,860
18	Hurricane/Tropical Storm	894	27.2	74,245,798
19	Civil Disorder	852	25.9	101,902,107
20	HAZMAT - River	617	18.8	70,340,325
21	Fixed Nuclear Facility	410	12.5	44,052,093
22	Subsidence	312	9.5	27,271,212
23	Landslide	280	8.5	23,345,488
24	Tsunami	93	2.8	7,828,788
25	Volcano	88	2.7	6,660,644
26	Avalanche	55	1.7	3,770,616

- (1) No. of jurisdictions viewing hazard as significant threat (base = 3,286)
 (2) Percent of jurisdictions viewing hazard as significant threat
 (3) Total population of jurisdictions viewing hazard as significant threat

SOURCE: Federal Emergency Management Agency's Hazard Identification, Capability Assessment, and Multi-Year Development Plan data base, updated Winter 1985.

SENATE NATURAL RESOURCES

EXHIBIT NO. 2 (p. 5)DATE 4-8-87BILL NO. HJR 44

RISK TO HAZARDOUS MATERIALS INCIDENTS
(No. of Jurisdictions, Population Affected, Frequency)

(1) Type of HAZMAT Incident	(2) No. of Juris- dictions	(3) % of Population Affected	(4) Frequency (% Distribution)						
			<u>1</u>	<u>5</u>	<u>10</u>	<u>50</u>	<u>100</u>	<u>100+</u>	Not Occ
Highway	2,959	32.7	38.6	23.5	8.9	1.7	.2	.4	25.5
Rail	2,315	30.0	16.9	26.3	16.3	4.4	.5	.3	33.5
Stationary	2,154	35.2	28.1	23.6	13.5	2.5	.6	.5	30.4
Pipeline	1,596	24.0	10.3	15.4	16.5	8.6	.8	1.1	45.6
River	617	29.4	16.9	20.4	17.0	6.2	1.0	.6	36.6

(2) No. of jurisdictions viewing hazard as significant threat (base = 3,286)

(3) Percent of total jurisdiction population potentially affected seriously by worst-case incident

(4) Frequency of major incident occurring (1 = once or more a year; 5 = once every 5 years, etc.; Not Occ = has not occurred; NA = no answer)

SOURCE: Federal Emergency Management Agency's Hazard Identification, Capability Assessment, and Multi-Year Development Plan (HICA/MYDP), updated Winter 1985.

STATE	TOTAL NO.	HWY NO.	HWY POPULATION	RAIL NO.	RAIL POPULATION	STAT NO.	STATIONARY POPULATION	PIPELINE NO.	PIPELINE POPULATION	RIVER NO.	RIVER POPULATION
Alaska	8	8	279,860	3	250,887	8	279,860	4	251,981	5	203,628
Alabama	66	63	3,731,043	57	3,631,182	42	2,904,956	40	2,845,145	22	1,302,477
Arkansas	77	74	2,189,737	59	1,908,465	52	1,822,425	38	1,288,884	19	849,352
American Samoa	1										
Arizona	15	14	2,684,189	9	2,424,532	8	2,395,322	5	768,207	2	90,554
California	138	126	20,440,195	99	19,464,541	101	19,531,271	69	16,970,884	20	2,730,661
Northern Mariana Is.	1		18,780	1		1	16,780				
Colorado	71	66	2,551,060	40	2,444,592	47	2,448,361	21	1,412,116	10	432,159
Connecticut	54	43	1,519,362	27	1,108,825	28	1,171,387	13	480,858	9	335,722
District of Columbia	1	1	638,333	1	638,333		638,333	1	638,333	1	638,333
Delaware	5	4	498,334	4	498,334	4	498,334	2	400,892	3	471,087
Florida	67	60	9,614,593	52	9,335,418	47	9,243,624	27	6,088,651	23	5,305,682
Georgia	108	96	4,493,531	86	4,325,250	51	3,448,458	38	2,138,245	2	227,721
Guam	1	1	105,979	1		1	105,979	1	105,979	1	105,979
Hawaii	4	1	92,053			1	762,585				
Iowa	65	54	1,888,561	42	1,592,328	48	1,711,673	48	1,745,282	14	650,541
Idaho	41	37	887,646	25	789,780	31	850,698	12	545,449	1	59,770
Illinois	193	172	9,520,511	163	9,419,984	122	8,324,953	99	4,477,900	40	2,185,345
Indiana	83	78	4,851,729	70	4,499,033	57	4,091,015	52	3,816,378	23	1,233,931
Kansas	60	53	1,938,513	47	1,885,812	38	1,702,620	41	1,180,135	7	387,011
Kentucky	119	109	3,387,981	78	3,017,848	83	2,843,252	74	2,469,887	33	1,455,908
Louisiana	62	59	3,855,018	53	3,849,832	36	3,434,913	50	3,304,927	33	2,753,276
Massachusetts	78	73	3,404,912	50	2,685,614	54	2,728,998	27	1,816,876	11	1,112,165
Maryland	25	21	3,970,241	15	3,213,555	16	3,579,204	12	2,287,758	7	2,073,773
Maine	117	75	907,159	52	813,552	50	715,101	10	295,973	5	180,538
Michigan	132	120	9,087,741	104	8,471,286	90	6,922,898	75	6,841,021	29	3,341,208
Minnesota	134	119	3,787,240	100	3,424,372	82	2,853,452	61	2,533,705	20	1,507,005
Missouri	110	105	3,517,477	88	3,308,570	71	3,076,784	48	1,710,287	25	2,339,635
Mississippi	41	35	1,463,132	32	1,449,864	22	1,114,230	29	1,316,990	13	625,680
Montana	57	53	756,507	44	716,185	34	542,495	22	467,128	1	76,018
North Carolina	92	86	5,493,450	68	4,957,985	71	5,194,988	38	3,238,185	9	424,842
North Dakota	55	50	801,053	35	526,113	41	557,119	37	540,228	3	35,719
Nebraska	35	30	1,109,838	28	1,114,872	29	1,075,868	16	814,617	2	483,053
New Hampshire	34	27	398,144	13	235,103	22	354,355	7	105,089	2	48,631
New Jersey	109	90	6,188,521	57	5,495,811	71	6,115,426	4	4,097,447	32	3,686,947
New Mexico	18	17	813,981	15	543,984	9	738,638	12	644,996	1	5,617
Nevada	21	17	741,150	8	513,282	6	531,737	5	499,539	2	225,645
New York	62	61	17,173,192	51	15,997,863	48	16,393,516	37	14,648,509	28	11,884,695
Ohio	52	47	8,898,069	40	8,254,027	37	8,988,783	32	6,738,582	11	2,829,949
Oklahoma	43	39	2,445,511	34	2,353,402	31	2,243,733	28	2,249,082	8	704,863
Oregon	21	21	2,210,969	17	2,025,976	17	2,074,928	9	1,327,512	10	1,111,895
Pennsylvania	75	73	11,814,662	60	10,618,776	48	9,931,519	53	9,576,634	14	5,232,067
Puerto Rico	77	74	3,113,521			75	3,120,753	15	1,496,562		
Rhode Island	39	29	868,181	18	659,916	22	699,194	8	369,485	10	354,501
South Carolina	46	38	2,842,708	38	2,815,238	29	2,428,410	25	1,971,506	8	630,663
South Dakota	43	47	608,065	25	460,569	45	583,726	15	290,925		
Tennessee	58	55	3,816,171	51	3,718,189	43	3,200,559	34	2,640,928	13	1,860,368
Texas	191	193	9,859,386	155	9,432,288	102	8,184,845	115	7,572,776	24	2,166,971
Utah	16	15	1,299,870	8	1,120,321	5	579,101	3	798,016		
Virginia	88	83	5,963,190	67	5,521,235	42	2,290,570	39	2,286,809	13	870,221
Vermont	9	9	114,702	8	104,512	9	114,702	2	14,398		
Washington	33	33	3,893,389	24	3,571,486	28	3,781,109	19	2,808,188	16	2,638,043
Wisconsin	82	70	4,263,877	63	3,706,733	65	4,013,735	54	3,471,723	22	1,772,719
West Virginia	25	24	1,291,052	21	1,238,822	15	976,983	11	669,552	8	581,682
Wyoming	23	22	460,202	17	401,730	16	349,543	17	390,056	2	113,578

SENATE NATURAL RESOURCES

EXHIBIT NO. 2 (p.6)

DATE 4-8-87

BILL NO. HJR 441

Alaska	8	8	279,860	3	250,887	8	279,860	4	251,981	5	203,628
Alabama	66	63	3,731,043	57	3,631,182	42	2,904,956	40	2,845,145	22	1,302,477
Arkansas	77	74	2,189,737	59	1,908,465	52	1,822,425	38	1,288,884	19	849,352
American Samoa	1										
Arizona	15	14	2,684,189	9	2,424,532	8	2,395,322	5	768,207	2	90,554
California	138	126	20,440,195	99	19,464,541	101	19,531,271	69	16,970,884	20	2,730,661
Northern Mariana Is.	1		18,780	1		1	16,780				
Colorado	71	66	2,551,060	40	2,444,592	47	2,448,361	21	1,412,116	10	432,159
Connecticut	54	43	1,519,362	27	1,108,825	28	1,171,387	13	480,858	9	335,722
District of Columbia	1	1	638,333	1	638,333		638,333	1	638,333	1	638,333
Delaware	5	4	498,334	4	498,334	4	498,334	2	400,892	3	471,087
Florida	67	60	9,614,593	52	9,335,418	47	9,243,624	27	6,088,651	23	5,305,682
Georgia	108	96	4,493,531	86	4,325,250	51	3,448,458	38	2,138,245	2	227,721
Guam	1	1	105,979	1		1	105,979	1	105,979	1	105,979
Hawaii	4	1	92,053			1	762,585				
Iowa	65	54	1,888,561	42	1,592,328	48	1,711,673	48	1,745,282	14	650,541
Idaho	41	37	887,646	25	789,780	31	850,698	12	545,449	1	59,770
Illinois	193	172	9,520,511	163	9,419,984	122	8,324,953	99	4,477,900	40	2,185,345
Indiana	83	78	4,851,729	70	4,499,033	57	4,091,015	52	3,816,378	23	1,233,931
Kansas	60	53	1,938,513	47	1,885,812	38	1,702,620	41	1,180,135	7	387,011
Kentucky	119	109	3,387,981	78	3,017,848	83	2,843,252	74	2,469,887	33	1,455,908
Louisiana	62	59	3,855,018	53	3,849,832	36	3,434,913	50	3,304,927	33	2,753,276
Massachusetts	78	73	3,404,912	50	2,685,614	54	2,728,998	27	1,816,876	11	1,112,165
Maryland	25	21	3,970,241	15	3,213,555	16	3,579,204	12	2,287,758	7	2,073,773
Maine	117	75	907,159	52	813,552	50	715,101	10	295,973	5	180,538
Michigan	132	120	9,087,741	104	8,471,286	90	6,922,898	75	6,841,021	29	3,341,208
Minnesota	134	119	3,787,240	100	3,424,372	82	2,853,452	61	2,533,705	20	1,507,005
Missouri	110	105	3,517,477	88	3,308,570	71	3,076,784	48	1,710,287	25	2,339,635
Mississippi	41	35	1,463,132	32	1,449,864	22	1,114,230	29	1,316,990	13	625,680
Montana	57	53	756,507	44	716,185	34	542,495	22	467,128	1	76,018
North Carolina	92	86	5,493,450	68	4,957,985	71	5,194,988	38	3,238,185	9	424,842
North Dakota	55	50	801,053	35	526,113	41	557,119	37	540,228	3	35,719
Nebraska	35	30	1,109,838	28	1,114,872	29	1,075,868	16	814,617	2	483,053
New Hampshire	34	27	398,144	13	235,103	22	354,355	7	105,089	2	48,631
New Jersey	109	90	6,188,521	57	5,495,811	71	6,115,426	4	4,097,447	32	3,686,947
New Mexico	18	17	813,981	15	543,984	9	738,638	12	644,996	1	5,617
Nevada	21	17	741,150	8	513,282	6	531,737	5	499,539	2	225,645
New York	62	61	17,173,192	51	15,997,863	48	16,393,516	37	14,648,509	28	11,884,695
Ohio	52	47	8,898,069	40	8,254,027	37	8,988,783	32	6,738,582	11	2,829,949
Oklahoma	43	39	2,445,511	34	2,353,402	31	2,243,733	28	2,249,082	8	704,863
Oregon	21	21	2,210,969	17	2,025,976	17	2,074,928	9	1,327,512	10	1,111,895
Pennsylvania	75	73	11,814,662	60	10,618,776	48	9,931,519	53	9,576,634	14	5,232,067
Puerto Rico	77	74	3,113,521			75	3,120,753	15	1,496,562		
Rhode Island	39	29	868,181	18	659,916	22	699,194	8	369,485	10	354,501
South Carolina	46	38	2,842,708	38	2,815,238	29	2,428,410	25	1,971,506	8	630,663
South Dakota	43	47	608,065	25	460,569	45	583,726	15	290,925		
Tennessee	58	55	3,816,171	51	3,718,189	43	3,200,559	34	2,640,928	13	1,860,368
Texas	191	193	9,859,386	155	9,432,288	102	8,184,845	115	7,572,776	24	2,166,971
Utah	16	15	1,299,870	8	1,120,321	5	579,101	3	798,016		
Virginia	88	83	5,963,190	67	5,521,235	42	2,290,570	39	2,286,809	13	870,221
Vermont	9	9	114,702	8	104,512	9	114,702	2	14,398		
Washington	33	33	3,893,389	24	3,571,486	28	3,781,109	19	2,808,188	16</	

BILL NO. HJR 4

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
Montana	BEAVERHEAD CO DES	8,186	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	5 YEARS 10 YEARS 5 YEARS
	BIG HORN CO. D.E.S.	11,096	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	1 YEAR 100 YEARS 50 YEARS
	BLAINE CO DES	6,999	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	5 YEARS 5 YEARS HAS NOT OCCURRED
	BROADWATER CO DES	3,287	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED 10 YEARS
	CARBON CO DES	8,099	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	HAS NOT OCCURRED HAS NOT OCCURRED NO DATA NO DATA
	CARTER CO CIVIL DEFENSE	1,799	HWY HAZ MAT INCIDENT	5 YEARS
	CASCADE CO DES	23,971	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	1 YEAR 1 YEAR HAS NOT OCCURRED
	CHOUTEAU CO CD	6,092	HWY HAZ MAT INCIDENT	5 YEARS
	CUSTER CO DES	13,109	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	5 YEARS HAS NOT OCCURRED 5 YEARS HAS NOT OCCURRED

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 (p.7)DATE 4-8-87BILL NO. HJR 44

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
	DANIELS CO DES	2,835	HWY HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	5 YEARS 1 YEAR
	DAWSON CO CIVIL DEFENSE	11,805	RAIL HAZ MAT INCIDENT	HAS NOT OCCURRED
	DEER LODGE CO DES	12,518	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	10 YEARS 10 YEARS
	FALLON CO CIVIL DEFENSE	3,763	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	5 YEARS HAS NOT OCCURRED 5 YEARS 5 YEARS
	FERGUS CO DES	13,076	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	10 YEARS HAS NOT OCCURRED HAS NOT OCCURRED
	FLATHEAD CO CIVIL DEFENS E	51,966	HWY HAZ MAT INCIDENT	NO DATA
			RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	NO DATA NO DATA
	GALLATIN CO CIVIL DEFENS E	42,865	HWY HAZ MAT INCIDENT	1 YEAR
			RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	5 YEARS 1 YEAR HAS NOT OCCURRED
	GARFIELD CO CIVIL DEFENS E	1,656	HWY HAZ MAT INCIDENT	HAS NOT OCCURRED
			HAZ MAT INC (STAINRY)	5 YEARS
	GLACIER CO DES	10,628	HWY HAZ MAT INCIDENT	1 YEAR

SENATE NATURAL RESOURCES

EXHIBIT NO. 2 (P.8)DATE 4-8-87BILL NO. HJR44

Thu Aug 7

page

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
Montana	LEWIS + CLARK CO DES	43,039	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY PIPE HAZ MAT INCIDENT	10 YEARS 5 YEARS 10 YEARS 10 YEARS
	LIBERTY CO DES	2,329	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	50 YEARS HAS NOT OCCURRED
	LINCOLN CO CIVIL DEFENSE	17,752	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	10 YEARS 10 YEARS
	MADISON CO DES	5,448	HWY HAZ MAT INCIDENT	5 YEARS
	MCCONE CO CIVIL DEFENSE	2,702	HWY HAZ MAT INCIDENT HAZ MAT INC (STAINRY	1 YEAR HAS NOT OCCURRED
	MEAGHER CO CIVIL DEFENSE	2,154	HWY HAZ MAT INCIDENT	HAS NOT OCCURRED
	MINERAL CO CIVIL DEFENSE	3,675	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY	10 YEARS 10 YEARS 10 YEARS
	MISSOULA CO CIVIL DEFENS	76,016	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY PIPE HAZ MAT INCIDENT RIVER HAZ MAT INCIDENT	5 YEARS 5 YEARS 5 YEARS 5 YEARS
	MUSSELSHELL CO CD	4,428	HWY HAZ MAT INCIDENT HAZ MAT INC (STAINRY PIPE HAZ MAT INCIDENT	5 YEARS HAS NOT OCCURRED HAS NOT OCCURRED

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 (p9)DATE 4-8-87BILL NO. HJR 44

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
	PARK CO DES	12,869	HWY HAZ HAZ MAT INCIDENT RAIL HAZ HAZ MAT INCIDENT PIPE HAZ HAZ MAT INCIDENT	1 YEAR 1 YEAR 1 YEAR
	PHILLIPS CO CIVIL DEFENS	5,367	HWY HAZ HAZ MAT INCIDENT	10 YEARS
			RAIL HAZ HAZ MAT INCIDENT	10 YEARS
	PONDERA CO DES	6,731	HWY HAZ HAZ MAT INCIDENT RAIL HAZ HAZ MAT INCIDENT HAZ MAT INC (STAINRY PIPE HAZ HAZ MAT INCIDENT	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	POWDER RIVER CO. D.E.S.	2,520	HWY HAZ HAZ MAT INCIDENT	HAS NOT OCCURRED
	POWELL COUNTY C D	6,958	HWY HAZ HAZ MAT INCIDENT RAIL HAZ HAZ MAT INCIDENT HAZ MAT INC (STAINRY	10 YEARS 5 YEARS HAS NOT OCCURRED
	PRAIRIE CO CD	1,836	HWY HAZ HAZ MAT INCIDENT RAIL HAZ HAZ MAT INCIDENT HAZ MAT INC (STAINRY	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	RAVALLI CO DES	22,493	HWY HAZ HAZ MAT INCIDENT	10 YEARS
	RICHLAND COUNTY CD	12,243	HAZ MAT INC (STAINRY	1 YEAR
	ROOSEVELT CO D.E.S.	10,467	HWY HAZ HAZ MAT INCIDENT RAIL HAZ HAZ MAT INCIDENT HAZ MAT INC (STAINRY	1 YEAR 1 YEAR 1 YEAR
	ROSEBUD CO DES	9,899	HWY HAZ HAZ MAT INCIDENT RAIL HAZ HAZ MAT INCIDENT HAZ MAT INC (STAINRY	5 YEARS HAS NOT OCCURRED 10 YEARS

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 (p.12)DATE 4-8-87BILL NO. NJR44

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
Montana	SANDERS CO C D	8,675	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	5 YEARS 5 YEARS
	SHERIDAN CO DES	5,414	HAZ MAT INC (STAINRY)	50 YEARS
	SILVER BOW CO DES	38,092	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	1 YEAR 1 YEAR 10 YEARS
	STILLWATER CO C D	5,598	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	1 YEAR HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	SWEET GRASS CO C.D.	3,216	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	5 YEARS HAS NOT OCCURRED
	TETON CO DES	6,491	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	TOOLE CO DES	5,559	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	10 YEARS 10 YEARS HAS NOT OCCURRED
	TREASURE COUNTY DES	981	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	NO DATA HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
WHEATLAND CO DES		2,359	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED

SENATE NATURAL RESOURCE

EXHIBIT NO. 1 (p.11)

DATE 4-8-87

BILL NO. HJR 44

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
Montana	WIBAUX CO CIVIL DEFENSE	1,476	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	10 YEARS 10 YEARS
	YELLOWSTONE CO DES	108,035	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	5 YEARS 5 YEARS 50 YEARS HAS NOT OCCURRED

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 (p. 12)

DATE 4-8-87

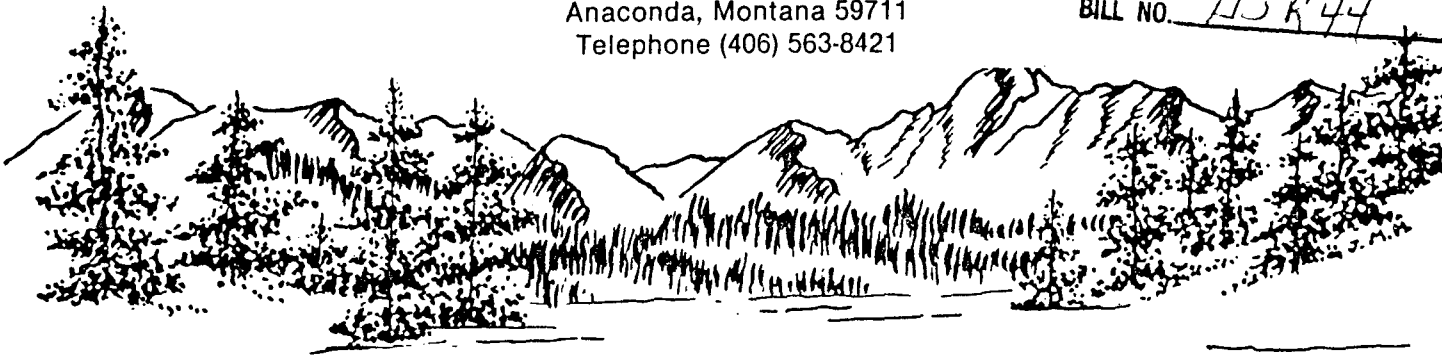
BILL NO. HJR 44

ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main

Anaconda, Montana 59711

Telephone (406) 563-8421



March 23, 1987

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

Re: Joint Resolution No. 44, Hazardous Materials

Ladies & Gentlemen:

Anaconda-Deer Lodge County supports the intent and adoption of Joint Resolution No. 44 calling for the appointment of an interim committee to address concerns regarding the control of hazardous materials incidents. With the increasing number of transports on our railroads and highways carrying hazardous materials, the question becomes when we will have a serious incident, not if we will have a serious incident.

Local government generally, and Anaconda-Deer Lodge County specifically, is ill prepared to handle a hazardous waste and/or material incident. The nature of the risk is incredibly broad as each type of hazardous material requires a carefully selected response. The requisite research to determine the appropriate response is itself a significant task; the capital outlay for appropriate equipment and material and the training for personnel combine to define this issue as one best addressed by the State government.

The interim committee could appropriately define the issues for the Legislature's attention during the next regular session. We endorse and support Resolution No. 44 to that end.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Ben Bifoss', written over a horizontal line.

R. Ben Bifoss
City-County Manager

RBB:cg

County Clerk and Recorder

BROADWATER COUNTY

P.O. BOX 489

LAUREL, MONTANA 59044

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p.1)

DATE 4-8-87

BILL NO. HJR 44

March 23, 1987

RE: House Joint Resolution No. 44

Broadwater County rises in support of House Joint Resolution No. 44. I have prepared information for you to review concerning a problem that arose in Broadwater County on September 10, 1985 which concerned a truck carrying sulphuric acid.

I would like to give you a short summary of the problems that have come up due to this accident.

The local DES Coordinator was notified of a hazardous material spill at 3:36 a.m. and the State DES was notified of the spill at 3:37. The Board of Health was also notified. The documentation that I have given you shows the sequence of events that happened during this time from the beginning of the spill to the end of the clean-up. It also shows all of the agencies involved in this event and the critique and summary. I will not go into this in detail because of the information that I have supplied.

I would like to inform you of the problems that have arose since that time.

On October 1, 1985 I notified the trucking company that a bill would be forthcoming on the accident and on November 20, 1985 I sent a copy of all of the documentation and a bill to the company. On February 4, 1986 I wrote another letter to the trucking company stating that I had not heard from them or their insurance company and stated that I thought I would have to refer the matter of the claim to the county attorney. On February 20, 1986 I received a letter from the insurance company stating that they needed additional time so that their office could collect information so that they could properly arrive at a damage decision. I referred all of this correspondence to the county attorney and a deadline of June 7, 1986 was given the insurance company of Broadwater County would undertake to file a suit on behalf of the county to collect. On June 3, 1986 I sent a letter to the Department of Health stating that it had been brought to the attention of the county that perhaps the responsibility of the clean-up operation should be with the Department of Health and a follow up letter was sent again on June 30, 1986. The Department of Health notified the county that there were no funds available for the Department for use under Title 75, Chapter 10.

An Attorney General's Opinion was requested and I have enclosed a copy of that for your information.

To date, the insurance company wants to settle with Broadwater County for \$30,873.55. The Department of Health still feels that it is not their responsibility and Broadwater County is left "holding the bag".

This is just a summary of some of the problems that have arose. In the information that I have submitted to you for review, other problems have been addressed which includes responsibility of departments.

BROADWATER COUNTY

Board of County Commissioners

TOWNSEND, MONTANA 59644

October 1, 1985

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 2)

DATE 4-8-87

BILL NO. HJR 44

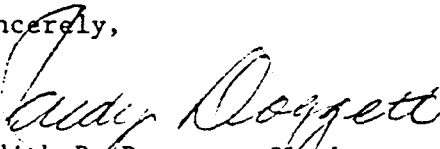
Alvin W. Munns & Sons, Inc.
Route 3, Box 356
Rexburg, Idaho 83440

Dear Sir:

Please be advised that Broadwater County will be submitting a bill to you for your insurance company on the acid spill cleanup process for the accident that your driver Dean Allen Wykle had on September 10, 1985.

The statement that we send to you will be due and payable to Broadwater County, Box 489, Townsend, Montana. If you have any questions concerning this process, please contact us.

Sincerely,



Judith R. Doggett, Clerk
to the Board of Commissioners

County Clerk and Recorder

BROADWATER COUNTY

P. O. BOX 489

TOWNSEND, MONTANA 59644

November 20, 1985

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.3)

DATE 4-8-87

BILL NO. HJR 44

Alvin W. Munns & Sons, Inc.
Route 3, Box 356
Rexburg, Idaho 83440

RE: ACID SPILL HIGHWAY 287, TOWNSEND, MONTANA

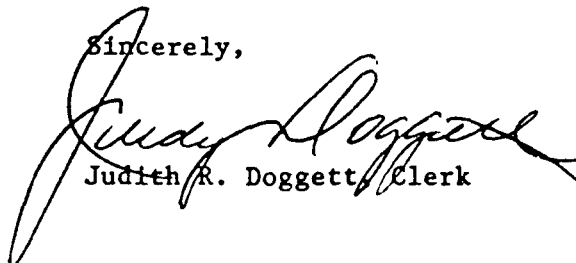
Dear Sir:

Enclosed are the bills and the supporting documentation for the clean up on the recent acid spill that was in Broadwater County on September 10, 1985.

These are the total costs to date. There may be more expense at a later date if the Department of Health decides that the site needs to be dug up and hauled to a disposal site. At the present time, the Department of Health has had the county cover the spill site and they will monitor the PH on it for several months. Hopefully, this will be all that is necessary but there is always the possibility that more work may need to be done at a later date.

If you or your insurance company has any questions on these bills, please call me at 406-266-3443 and I will try to answer.

Sincerely,



Judith R. Doggett, Clerk

County Clerk and Recorder

BROADWATER COUNTY

P. O. BOX 489

TOWNSEND, MONTANA 59644

February 4, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.4)

DATE 4-8-87

BILL NO. HJR 44

Alvin W. Munns & Sons, Inc.
Route 3, Box 356
Rexburg, Idaho 83440

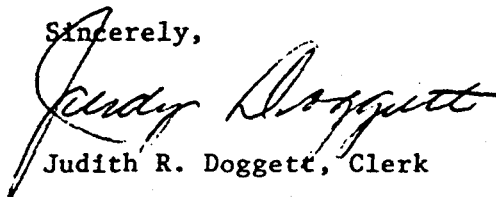
RE: ACID SPILL HIGHWAY 287, TOWNSEND, MONTANA

Dear Sir:

To date we have not received any correspondence or payment from you or your insurance company on the cleanup of the acid spill on Highway 287 near Townsend, Montana. I have sent supporting documentation and several bills to you.

I feel that I must refer this matter to the county attorney for action to be taken.

Sincerely,



Judith R. Doggett, Clerk

CC: John Flynn, County Attorney
United Agencies, Inc.

=====

EQUITABLE ADJUSTMENT COMPANY, INC.
POST OFFICE BOX 2023
BILLINGS, MONTANA 59103-2023
406-252-5178 (24 HOUR)

=====

Multiple Line Adjusters
Since 1956

~~~~~

DATE: FEBRUARY 20, 1986

TO: COUNTY CLERK AND RECORDER  
BROADWATER COUNTY  
POST OFFICE BOX 489  
TOWNSEND, MONTANA 59644

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p.5)

DATE 4-8-87

BILL NO. HSR44

ATTENTION CLAIMS DEPARTMENT: JUDITH R. DOGGETT, CLERK

|                           |                               |
|---------------------------|-------------------------------|
| RE: INSURED:              | ALVIN W. MUNNS AND SONS, INC. |
| <u>POLICY NUMBER:</u>     | <u>A5-2865</u>                |
| DATE OF LOSS:             | 9/10/85                       |
| <u>YOUR CLAIM NUMBER:</u> | <u>L198-507M</u>              |
| OUR CLAIM NUMBER:         | M552                          |
| CARRIER:                  | CANAL INSURANCE COMPANY       |

DEAR MS. DOGGETT:

THE ABOVE INSURED HAS PROVIDED YOUR CORRESPONDENCE TO HIS LIABILITY INSURANCE CARRIER AND THEY HAVE PROVIDED SAME TO OUR OFFICE FOR INVESTIGATION.

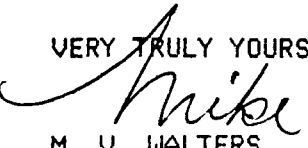
WE HAVE NOT RECEIVED A CLEAR CONFIRMATION OF COVERAGE FROM THE CARRIER, CANAL INSURANCE COMPANY. OUR INVESTIGATION IS ONGOING, HOWEVER, AS YET, INCOMPLETE.

I WOULD REQUEST THAT YOU ALLOW SOME ADDITIONAL TIME FOR OUR OFFICE TO COLLECT AND PROVIDE TO THE CARRIER SUFFICIENT INFORMATION FOR THEM TO PROPERLY ARRIVE AT A COVERAGE AND DAMAGES DECISION.

PLEASE COPY THIS OFFICE WITH ANY FURTHER CORRESPONDENCE TO OUR INSURED.

I WILL MAKE EVERY ATTEMPT TO COMPLETE MY INVESTIGATION AT THE EARLIEST POSSIBLE DATE. THANK YOU FOR YOUR PATIENCE AND COOPERATION.

VERY TRULY YOURS,

  
M. V. WALTERS  
ADJUSTER

# MISSOULA COUNTY

OFFICE OF THE ATTORNEY  
MISSOULA COUNTY COURTHOUSE  
MISSOULA, MONTANA 59802  
TELEPHONE (406) 721-5700

**ROBERT L. DESCHAMPS III**  
COUNTY ATTORNEY

April 19, 1985

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.6)

DATE 4-8-87

BILL NO. HJR 44

Orin Olsgaard  
DES Coordinator  
Courthouse Annex  
Missoula, MT 59802

Re: JURISDICTION OF STATE AND LOCAL  
HEALTH OFFICERS IN HAZARDOUS  
MATERIAL INCIDENTS

Dear Orin:

Per the request of the Disaster Planning Committee I have looked at the statutes regarding who has superior jurisdiction in hazardous material incidents as between the State Department of Health and Environmental Sciences and the local health officers. In my opinion the State has paramount jurisdiction.

Chapter 10 of Title 75, dealing with waste and litter control, including hazardous waste gives virtually complete jurisdiction of these matters to the State Department. Furthermore, Title 50, regarding Health and Safety in general, puts the State Department in primary jurisdiction over health matters, with the local health departments being essentially it's local agents.

Sincerely,

Robert L. Deschamps III  
Missoula County Attorney

RLD:hr

# Broadwater County

OFFICE OF THE COUNTY ATTORNEY

JOHN T. FLYNN

BOX 98

TOWNSEND, MONTANA 59644

(406) 266-3444

May 12, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.1)

DATE 4-8-87

BILL NO. HSR 44

M. V. Walters, Adjuster  
EQUITABLE ADJUSTMENT COMPANY, INC.  
PO Box 2023  
Billings, MT 59103-2023

RE: INSURED: Alvin W. Munns and Sons, Inc.  
POLICY NO.: A5-2865  
DATE OF LOSS: 9/10/85  
CLAIM NO.: M552  
CARRIER: Canal Insurance Co.

Dear Mr. Walters:

Your correspondence of February 20, 1986, has been referred to my office. In that letter you requested additional time to investigate this claim.

I believe that Broadwater County has been more than generous in complying with that request. We do wish to see this claim settled as quickly as possible. If such cannot be accomplished by June 7, 1986, I will undertake to file suit on behalf of Broadwater County to collect the same.

Your attention to this matter would be appreciated.

Sincerely,

John T. Flynn  
BROADWATER COUNTY ATTORNEY

JTF lba

cc: Canal Insurance  
Alvin W. Munns & Sons  
Judith Doggett, Clerk and Recorder ✓

# County Clerk and Recorder

BROADWATER COUNTY

P.O. BOX 489

TOWNSEND, MONTANA 59644

June 3, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p.8)

DATE 4-8-87

BILL NO. HJR44

Bill Potts  
Department of Health and Environmental Sciences  
Cogswell Building  
Helena, Montana 59601

Dear Mr. Potts:

It has been brought to our attention that the recent (September, 1985) chemical spill that occurred in Broadwater County should have been submitted to the state for reimbursement of expenses.

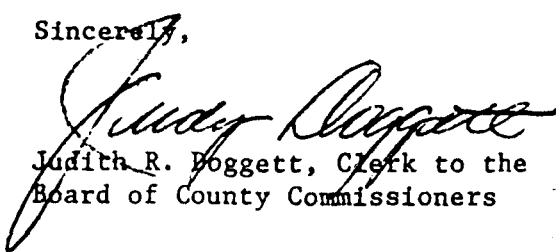
We have documentation of all the activities that occurred concerning that spill and have billed the trucking company that had the accident. (Alvin Munns & Sons) In the meantime, we find that the department of health has funds available to reimburse for the cleanup of this accident.

I am sending you all of the documentation that is available from Broadwater County. Broadwater County paid the expenses to the various persons and organizations that helped with this cleanup.

We have not heard from the insurance company after the last letter was sent by the county attorney nor have we received any compensation from the company.

Any help that you can give us on this problem would be greatly appreciated and if you have any questions concerning the documentation, please contact me.

Sincerely,

  
Judith R. Doggett, Clerk to the  
Board of County Commissioners

Enc.

*Broadwater copy*

DISASTER & EMERGENCY SERVICES DIVISION

DEPARTMENT OF MILITARY AFFAIRS



TED SCHWINDEN, GOVERNOR

P. O. BOX 4789

STATE OF MONTANA

(406) 444-6911

HELENA, MONTANA 59604

July 1, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 9)

DATE 4-8-87

BILL NO. HJR 44

MEMORANDUM

TO: George, Chris, Dan and District Representatives

FROM: Richard L. Morgan, District III Representative *RLM*

SUBJECT: Hazardous Materials Clean-up  
and Financial Responsibility

Enclosed is a letter written by Broadwater County to Dr. Drynan. This letter reflects an ongoing problem with the definition of responsibility for a hazardous material spill on State and Federal Highways.

Unfortunately, this is not the only jurisdiction to have the problem. Gallatin County and West Yellowstone are currently experiencing the same problem in recovering costs after an incident. The insurance companies either refuse to pay or stall payment for as long as possible. The Health Department fails to act, and the local jurisdiction gets stuck with the expense.

If this situation is not rectified, all involved state agencies will be explaining their actions or non-actions in court.

BROADWATER COUNTY

# Board of County Commissioners

TOWNSEND, MONTANA 59644

June 30, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(2.12)

DATE 4-8-87

BILL NO. HJR 44

John J. Drynan, M.D.

Director

Department of Health & Environmental Sciences

Cogswell Building

Helena, MT 59620

Re: Sulphuric Acid Spill, Broadwater County

Dear Dr. Drynan:

In reference to the sulphuric acid spill truck accident of September 10, 1985, Broadwater County has expended \$43,406.39 for the clean-up and mitigation of this accident. The responsibility for reimbursement of these costs rest with the truck company insurance. The truck company has been billed continuously since November, 1985. As of this date, no reimbursement has been received by Broadwater County.

Since the accident, it has come to my attention that the responsibility for the entire clean-up operation lies with the Montana Health and Environmental Sciences Department. This responsibility is clearly defined in Title 75, Chapter 10, MCA, and also in Title 50, MCA. It is the responsibility of the department to collect the money from the insurance company. If collection is not possible, the department is to reimburse the affected parties from Environmental Protection Agency Funds under its administration.

I have done everything in my power to collect the debt from the trucking company. Now, the county fiscal year is ending and the cost of the clean-up will not be able to be carried as a reimbursable item in the county accounting system. This fact has the potential for placing the county commissioners in a position of failure to budget for an expenditure that has already been made.

Your department has failed to assist Broadwater County and/or assume the responsibilities defined by the Montana Code to rectify this entire matter. Broadwater County, in good faith, assumed responsibilities for response and recovery during this incident which were later found not to be theirs. I have sent the complete documentation of this matter to Duane Robertson, Bureau Chief, but I have received no written response.

John J. Drynan, M.D.

Page 2

June 30, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 11)

DATE 4-8-87

BILL NO. HJR 44

If your agency fails to assume its responsibility, it will be necessary for Broadwater County to initiate a civil suit to recover the funds due it.

I would appreciate your immediate attention to this matter.

Sincerely,

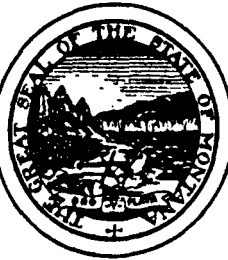


William E. Duede, Chairman  
Board of County Commissioners

WED/bj



# DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

## STATE OF MONTANA

HELENA, MONTANA 59620

July 7, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 12)

DATE 4-8-87

BILL NO. HTB 44

William E. Duede, Chairman  
Board of County Commissioners  
Broadwater County  
Townsend, MT 59644

Dear Mr. Duede:

In response to your letter of June 30, 1986 regarding the spill of sulfuric acid near Townsend, I regret to hear that Broadwater County has not yet received compensation for the clean-up costs incurred by the County. Insofar as these costs are concerned, the Department is without authority to reimburse you pursuant to the remedial action laws for release of a hazardous substance contained in Title 75, Chapter 10, Part 7, but perhaps we can provide some general advisory assistance.

For your clarification I have enclosed a copy of Title 75, Chapter 10, and a copy of the "Statement of Intent" which was attached to this legislation in its final form. Pursuant to the law, compensation from a responsible party is available only when the Department of Health and Environmental Sciences has undertaken the clean-up and upon provision of timely written notice to the responsible party of liability for damages. At this point counties are not authorized to claim against the fund for costs incurred by them, although the Department is considering proposing legislation for the next regular session that would include claims by and on behalf of counties against the environmental protection fund. It should be mentioned here as well that as a practical matter, no funds are currently available to the Department for use under Title 75, Chapter 10.

If the Board of County Commissioners or its attorney would like any further clarification or guidance insofar as available remedies against the responsible party and/or its insurance carrier, please contact Katherine J. Orr, Counsel for the Department, at 444-2630.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John J. Drynan".

John J. Drynan, M.D.,  
Director

JJD:yf

cc: Katherine J. Orr

Att.

~~444-6968~~

MEMO



DISASTER & EMERGENCY SERVICES

STATE OF MONTANA

TO Judy Doggett, Broadwater County

FROM Dick Morgan

DATE July 1, 1986

REMARKS:

Enclosed is the memo with which I forwarded your letter to the affected individuals in our agency. Hopefully, your letter will generate some action for Broadwater and all other counties who are placed in this situation.

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 13)

DATE 4-8-87

BILL NO. HJR 44

## STATEMENT OF INTENT

## HOUSE BILL 766

## House Natural Resources Committee

This bill establishes a special fund and authorizes the department of health and environmental sciences to spend money from that fund for the purpose of taking emergency, remedial action in cases of release of hazardous or deleterious substances into the environment. Rulemaking is required for the implementation of these provisions. It is the intent of the legislature that the department be authorized to adopt rules clarifying and setting forth more detailed procedures and criteria in such areas as:

(1) definition of remedial actions to include such things as cleanup and restoration of water resources, provisions of alternate sources of supply, relocation of persons and property in imminent danger of injury or damage, and investigation and monitoring of releases of hazardous and deleterious substances;

(2) procedures for identifying responsible parties and notifying them of the department's intent to take remedial action;

(3) criteria for taking emergency actions in cases where prior notification to the responsible party is not possible;

(4) procedures for retaining consultants to perform remedial actions under the department's direction;

(5) procedures for accounting for funds expended in performing remedial actions; and

(6) procedures for coordination of remedial actions with the activities of other state or local government agencies with relevant expertise or authority.

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 14)

DATE 4-8-87

BILL NO. HJR 44

REFERENCE BILL

HB 766

(c) the state of Montana will pay or assure payment of a share of the costs of the remedial action, including all future maintenance.

History: En. Sec. 3, Ch. 241, L. 1983.

**75-10-604. Cooperative agreement — when effective.** (1) If a cooperative agreement requires expenditure of state and federal funds which, together with the monetary obligation contained in any prior cooperative agreement made during the same biennium, exceeds the amount appropriated for that biennium for implementation of this part, the agreement is not effective until it is approved by the legislature and an appropriation is made providing the level of funding necessitated by the agreement.

(2) A cooperative agreement that does not require expenditure of funds exceeding the appropriation for the biennium for implementation of this part, is effective when signed by the governor and the president or their respective representatives.

History: En. Sec. 4, Ch. 241, L. 1983.

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 15)

DATE 4-8-87

BILL NO. HJR 44

## Part 7

### Remedial Action Upon Release of Hazardous Substance

**75-10-701. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(2) "Fund" means the environmental quality protection fund established in 75-10-704.

(3) "Hazardous or deleterious substance" means a substance that poses an imminent and substantial threat to public health and that is either a petroleum product or listed as a hazardous substance in volume 50, Federal Register, pages 13474 through 13513.

(4) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous or deleterious substance either directly into the environment or in a manner in which the substance can reasonably be expected to enter the environment if not contained, removed, or abated, but excludes releases confined to the indoor workplace environment, the use of pesticides as defined in 80-8-102(30) when they are applied in accordance with approved federal and state labels, and the use of commercial fertilizers as defined in 80-10-101(2) when applied as part of accepted agricultural practice.

(5) "Remedial action" includes all investigation, monitoring, cleanup, restoration, abatement, removal, replacement, and other actions necessary or appropriate to respond to a release.

History: En. Sec. 1, Ch. 711, L. 1985.

**75-10-702. Rulemaking authority.** The department is authorized to adopt rules for the implementation of this part.

History: En. Sec. 7, Ch. 711, L. 1985.

75-10-703. Actions — general provisions. (1) No action taken by any person to contain or remove a release, whether the action is taken voluntarily or at the request of the department or its designee, may be construed as an admission of liability for the discharge.

(2) Actions taken by the department pursuant to 75-10-711 and 75-10-712 are not subject to the public bidding requirements of Title 18.

History: En. Sec. 5, Ch. 711, L. 1985.

DATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 16)

TE 4-8-87

L NO. HDR 44

75-10-704. Environmental quality protection fund. (1) There is created in the state special revenue fund an environmental quality protection fund to be administered as a revolving fund by the department. The department is authorized to expend amounts from the fund necessary to carry out the purposes of this part.

(2) The fund may be used to carry out the provisions of this part and for remedial actions taken by the department pursuant to this part in response to a release of hazardous or deleterious substances.

(3) There must be deposited in the fund:

(a) all department expenditures recovered pursuant to 75-10-715;

(b) funds appropriated to the fund by the legislature; and

(c) funds received from the environmental contingency account within the state special revenue fund established pursuant to 75-1-1101.

(4) Whenever the amount of money in the fund is insufficient to carry out remedial action, the department may apply to the governor for a grant from the environmental contingency account within the state special revenue fund established pursuant to 75-1-1101.

History: En. Sec. 2, Ch. 711, L. 1985; amd. Sec. 11, Ch. 711, L. 1985.

75-10-705 through 75-10-710 reserved.

75-10-711. Remedial action. (1) The department may take remedial action necessary and appropriate to protect the public health, public welfare, or the environment whenever it determines that:

(a) there has been a release or there is a substantial threat of a release and

(b) the appropriate remedial action will not be done properly and expeditiously by the owner or operator of the vessel, vehicle, or facility from which the release emanates or by any other responsible party.

(2) Whenever the department is authorized to act pursuant to subsection (1) or has reason to believe that a release has occurred or is about to occur, the department may undertake any investigation, monitoring, survey, testing, or other information-gathering that is necessary and appropriate to identify the existence, nature, origin, and extent of the release or the threat of release and the extent and imminence of the danger to the public health, public welfare, or the environment.

(3) Any person responsible for the release must take immediate action to contain, remove, and abate the release. Except as provided in 75-10-712, the department is authorized to draw upon the fund in order to take action under subsections (1) and (2) if it has made diligent good faith efforts to determine the identity of the party or parties responsible for the release or threatened release and:

(a) is unable to determine the identity of the responsible party or parties in a manner consistent with the need to take timely remedial action; or

(b) the party or parties determined by the department to be responsible for the release or threatened release have been informed in writing of the department's determination and have been requested by the department to take appropriate remedial action but are unable or unwilling to take such action in a timely manner.

(4) The written notice to a responsible party must inform the responsible party that if that party is subsequently found liable pursuant to 75-10-715, he may be required to reimburse the fund for the costs of the remedial action taken by the department and may be subject to punitive damages.

History: En. Sec. 3, Ch. 711, L. 1985.

Cross-References

Injunctions, Title 27, ch. 19.

Nuisances, public and private, Title 27, ch. 30.

**75-10-712. Emergency action.** If the department determines that immediate response to an imminent threat to public health, public welfare, or the environment is necessary to avoid substantial injury or damage to persons, property, or resources, remedial action may be taken pursuant to 75-10-711(1) and (2) without the prior written notice required by 75-10-711(3)(b). In such a case, the department must give subsequent written notice to the responsible party within 5 days after the action is taken, describing the circumstances which required the action to be taken without prior notice.

History: En. Sec. 4, Ch. 711, L. 1985.

**75-10-713 and 75-10-714 reserved.**

**75-10-715. Reimbursement and penalties — proceedings — defenses.** (1) Subject only to the defenses set forth in subsection (4), a party responsible for a release is liable for:

(a) all costs of remedial action taken by the department pursuant to this part; and

(b) damages for injury to, destruction of, or loss of natural resources caused by the release or threatened release.

(2) If the responsible party fails, without sufficient cause, to properly provide remedial action upon notification by the department pursuant to 75-10-711(3)(b), the responsible party may be liable for punitive damages in an amount not to exceed two times the amount of any costs incurred by the department pursuant to this section.

(3) The department may initiate civil proceedings in district court to recover costs, damages, or penalties under subsections (1) and (2). Venue for any action to recover costs, damages, or penalties lies in the county where the release occurred or where the responsible party resides or has its principal place of business or in the district court of the first judicial district.

(4) No party is liable under subsection (1) or (2) if that party can establish by a preponderance of the evidence that:

(a) the department failed to follow the notice provisions of 75-10-711 when required; or

SENATE NATURAL RESOURCES  
EXHIBIT NO. 36  
DATE 4-8-87  
BILL NO. HJR 44

(b) the release did not emanate from any vessel, vehicle, or facility over which the party had any authority or control and was not caused by any action or omission of the party; or

(c) in the case of assessment of punitive damages, that factors beyond the control of the responsible party prevented the party from taking timely remedial action.

(5) (a) Costs of remedial action recovered pursuant to subsection (1)(a) must be deposited in the fund.

(b) Damages and penalties recovered pursuant to subsections (1)(b) and (2) must be deposited in the environmental contingency account within the state special revenue fund established pursuant to 75-1-1101.

History: En. Sec. 6, Ch. 711, L. 1985; amd. Sec. 11, Ch. 711, L. 1985.

## SENATE NATURAL RESOURCES

## CHAPTERS 11 THROUGH 14

EXHIBIT NO. 3 (p. 18)

RESERVED

DATE 4-8-87

BILL NO. HJR 44

## CHAPTER 15

## LANDSCAPE MANAGEMENT

### Part 1 — Outdoor Advertising

#### Section

- 75-15-101. Short title.
- 75-15-102. Policy.
- 75-15-103. Definitions.
- 75-15-104. More restrictive regulations preserved.
- 75-15-105. Relaxation of regulations if federal law changed.
- 75-15-106 through 75-15-110 reserved.
- 75-15-111. Outdoor advertising prohibited in proximity to highway — exceptions.
- 75-15-112. Unlawful advertising.
- 75-15-113. Standards for permitted advertising.
- 75-15-114 through 75-15-120 reserved.
- 75-15-121. Commission rules authorized.
- 75-15-122. Permits required — identification tags — preexisting structures.
- 75-15-123. Acquisition of outdoor advertising rights — compensation.
- 75-15-124. Agreements with secretary establishing specifications for advertising.
- 75-15-125 through 75-15-130 reserved.
- 75-15-131. Entry to inspect — notice of unlawful advertising — remedial action.
- 75-15-132. False application or disrepair of structure — remedial action.
- 75-15-133. Nonconforming advertising as nuisance.
- 75-15-134. Violation as misdemeanor.

### Part 2 — Junkyards

- 75-15-201. Purposes.
- 75-15-202. Interpretation.
- 75-15-203. Definitions.
- 75-15-204. Agreements with the United States.
- 75-15-205. Injunction.
- 75-15-206 through 75-15-210 reserved.
- 75-15-211. License required.
- 75-15-212. Repealed.
- 75-15-213. Repealed.
- 75-15-214. Highways to issue license for junkyards.

# DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

## STATE OF MONTANA

Solid & Hazardous Waste Bureau  
Telephone: 406-444-2821

HELENA, MONTANA 59620

July 10, 1986

Board of Co. Commissioners  
Broadwater Co. Courthouse  
Townsend, MT 59644

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(219)

DATE 4-8-87

BILL NO. HJR 44

Gentlemen:

Re: September, 1985 Acid Spill North of Townsend

In a recent telephone conversation with Mrs. Doggett, she indicated the insurer of the acid transporter was questioning the amount of lime that was used to neutralize the spill. The amount was arrived at by Department of Health and Environmental Sciences personnel in concert with other knowledgeable individuals at the scene. We were experiencing difficulty in getting enough lime into the acid which had soaked into the ground, and were further concerned that enough lime be applied to enable the immediate excess to leach into the ground to neutralize that acid. The conditions at the site did not allow for precise measurement of lime quantities, and it is our opinion the use of a large quantity was justified.

If you need me to testify at any court proceedings as to DHES actions, please contact Frank Crowley in our legal division or myself to make arrangements.

As I stated earlier, you were very fortunate to have help from your local businesses in helping to remedy this spill. Without their assistance, the spill remediation would surely have cost thousands more because of ground-water clean-up.

If I can be of further assistance, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Vic R. Andersen".

Vic R. Andersen  
Solid and Hazardous Waste Bureau

VRA:ao



# Broadwater County

OFFICE OF THE COUNTY ATTORNEY

JOHN T. FLYNN

BOX 96

TOWNSEND, MONTANA 59644

(406) 266-3444

July 15, 1986

M. V. Walters, Adjuster  
EQUITABLE ADJUSTMENT COMPANY, INC.  
PO Box 2023  
Billings, MT 59103-2023

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 20)

DATE 4-8-87

BILL NO. HJR 44

RE: INSURED: Alvin W. Munns and Sons, Inc.  
POLICY NO: A5-2865  
DATE OF LOSS: 9/10/85  
CLAIM NO: M552  
CARRIER: Canal Insurance Co.

Dear Mr. Walters:

In our recent telephone conversation you advised me that the insurance carrier has questioned certain items of Broadwater County's claim for damages resulting from the above-described hazardous waste spill. You enumerated four items of concern.

The first was the cost of the hydraulic crane. The position of the insurance carrier is that such cost was unnecessary because the tractor and trailer could have been moved without the crane prior to the application of the lime. However, it is my understanding that a wrecker operator from Helena, Montana, did in fact attempt to extricate the tractor and trailer from the accident site, but was unable to do so, necessitating the need for equipment of the nature of the hydraulic crane.

Another item of contention was that the amount of lime applied to the site was excessive. We would challenge that contention. Enclosed please find a copy of a letter from Vic R. Andersen of the Department of Health and Environmental Sciences explaining the details and reasons for the amount of lime that was applied at the accident site.

M. V. Walters, Adjuster  
EQUITABLE ADJUSTMENT COMPANY, INC.  
July 15, 1986  
Page 2

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 21)

DATE 4-8-87

BILL NO. HJR 44

The carrier has also challenged any costs for medical bills for injuries incurred during the cleanup. It strikes me that one of the natural and foreseeable consequences of an accident and cleanup operation of this type would be some injuries. Therefore, a claim for medical damages would be most appropriate.

The last claim which was questioned by the carrier was the replacement cost for a water pump for the fire truck. As I understand it, because of the critical need for water at the scene of the accident, this pump had to remain in service for a considerable longer period than desired, and as a result of this high level of use, the pump was irreparably damaged.

It is my understanding that of the total claim, the carrier is not questioning the amount of \$30,783.55, but is questioning the sum of \$12,967.82. I feel that we have adequately addressed the questioned portion of the claim and that the insurance carrier should pay the sum in full. At the very least, however, the carrier should forward to Broadwater County that portion of the claim which was not in dispute.

If you have any further questions concerning the disputed portion of the claim or need any further documentation, please give me a call.

Sincerely,

John T. Flynn  
BROADWATER COUNTY ATTORNEY

JTF lba  
Enclosure

BROADWATER COUNTY

# Board of County Commissioners

TOWNSEND, MONTANA 59644

July 17, 1986

John T. Flynn  
County Attorney  
Broadwater County  
Townsend, Montana 59644

RE: Acid Spill, Broadwater County

Dear John:

Several questions have been raised concerning the responsibility of the clean-up on hazardous material spills and most recently the acid spill in September, 1985.

As you are aware, we have sent a letter to the Department of Health and Environmental Sciences concerning Title 75, Chapter 10, Part 7 and we have also received a reply from that department in return claiming that the Department is without authority to reimburse the county.

We request your opinion or an Attorney General Opinion concerning the following questions:

Does the Department of Health have rules as allowed in Title 75, Chapter 10, Part 102 for remedial action. If so, does the county have access to the rules?

What is the role of the Health Department official at the scene of an accident involving hazardous materials? Is he advisory only or the commander of clean-up actions?

What agency is responsible for the clean-up on State and Federal Highway right-of-way? Who is responsible for contracting private services for clean-up?

Whose responsibility is it to collect from the insurance company when that company delays payment or refuses to pay?

What responsibility rests with the County government for clean-up actions?

Sincerely,

William E. Duede, Chairman  
Board of Commissioners

WED:jd

SENATE NATURAL RESOURCES  
EXHIBIT NO. 3 (p. 22)  
DATE 4-8-87  
BILL NO. HJR 44

=====

EQUITABLE ADJUSTMENT COMPANY, INC.  
POST OFFICE BOX 2023  
BILLINGS, MONTANA 59103-2023  
(406) 252-5178 24 HOUR

=====

Multiple Line Adjusters  
Since 1956  
~~~~~

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 23)

DATE 4-8-87

BILL NO. HJR 44

DATE: JULY 27, 1986

TO: BROADWATER COUNTY
OFFICE OF THE COUNTY ATTORNEY, JOHN T. FLYNN
POST OFFICE BOX 96
TOWNSEND, MONTANA 59644

RE: INSURED: ALVIN W. MUNNS AND SONS, INC.
POLICY NUMBER: AS-2865
CO. CLAIM NUMBER: L198-50M
OUR CLAIM NUMBER: M552
DATE OF LOSS: 9/10/85
COMPANY: CANAL INSURANCE COMPANY

DEAR MR. FLYNN:

I HAVE RECEIVED YOUR LETTER OF JULY 15, 1986, AND HAVE SENT IT FOREWARD TO THE CARRIER FOR THEIR CONSIDERATION.

REGARDING YOUR REMARKS ON FOUR OF THE ITEMS THE CARRIER WAS QUESTIONED AND THAT HAVE BEEN INCLUDED IN THE BILLS YOU HAVE PRESENTED TO THEIR INSURED, I WANT TO MAKE SOME CLARIFYING STATEMENTS.

THE INSURED AND THE CARRIER CANNOT UNDERSTAND WHY THE SUPERVISING AUTHORITY DID NOT ALLOW THE WRECKER TO GET THE UNIT UPRIGHTED AND PUMPED OUT AT THE EARLIEST TIME. INSTEAD, THE UNIT WAS ALLOWED TO LAY IN THE BARROW PIT AND CONTINUE TO LEAK ACID INTO THE AREA FOR MANY HOURS LONGER THAN NECESSARY. CERTAINLY, THE FIRST STEP IN PROTECTING THE ENVIRONMENT FROM A HAZARDOUS SUBSTANCE IS TO REDUCE OR TO STOP THE HAZARDOUS SUBSTANCE FROM FURTHER CONTAMINATING THE AREA. IN THIS CASE, UPRIGHTING THE UNIT AT AN EARLY TIME AND PUMPING OUT THE ACID (AS WAS ACCOMPLISHED WITH THE PUP TRAILER) WOULD HAVE RESULTED IN LESS CONTAMINATION AND FAR LESS EXPENSE INVOLVED IN THE RESULTING CLEANUP.

IT APPEARS THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES WAS ON THE SCENE AND IN A SUPERVISORY CAPACITY. PERHAPS THEY DIRECTED ALL ACTIVITIES AT THE SCENE, EVEN THOSE OF BROADWATER COUNTY PERSONEL.

REGARDING THE FOUR ITEMS TO WHICH YOU DIRECTED YOUR COMMENTS:

1) THE HYDROLIC CRANE WAS BROUGHT INTO USE AFTER THE LIME WAS POURED AROUND THE TRACTOR AND TRAILER AS IT LAY ON ITS SIDE AT THE SCENE. WITH 138.28 TONS OF LIME ON AND AROUND THE UNIT, THE WRECKER COULD NOT GET IT OUT AND THE CRANE WAS NECESSARY. THE TOWING FACILITY ADVISES THAT THEY WERE READY AND PREPARED TO UPRIGHT THE UNIT PRIOR TO THE APPLICATION OF THE LIME, HOWEVER, WERE ORDERED TO STOP THEIR OPERATIONS BY A STATE OR COUNTY SUPERVISOR AT THE SCENE.

2) THE AMOUNT OF LIME NECESSARY TO NEUTRALIZE THE AMOUNT OF ACID IN THE UNIT WAS EXCEEDED BY SEVERAL TIMES THE USUAL QUANTITY. WE ACKNOWLEDGE THAT THERE WOULD BE MORE LIME NECESSITATED DUE TO THE GROUND SATURATION, HOWEVER, WE ALSO REALIZE THAT IF ANY ATTEMPT HAD BEEN MADE TO "TURN OFF THE FAUCET", THE OVERALL AMOUNT OF ACID SPILLED WOULD HAVE BEEN DRASTICALLY REDUCED. A COMPARISON BETWEEN

3) IN REGARD TO THE MEDICAL BILLS, WE FIND THAT MOST, IF NOT ALL, WERE FOR PERSONEL AT THE SCENE WORKING ON THE CLEANUP. PROPERLY EQUIPPED AND SUPERVISED, THE INSURED AND CARRIER DO NOT FEEL THAT THERE SHOULD NOT HAVE BEEN ANY INJURIES, EXCEPTING THOSE AS A RESULT OF CARELESSNESS ON THE PART OF THOSE INJURED. THE INSURED AND CARRIER DO NOT FEEL THAT THEY SHOULD BE LIABLE FOR THOSE INJURIES OR THEIR TREATMENT.

4) FINALLY, IF THE FIRE TRUCK PUMP WAS USED AT A HIGH RATE AND FOR A TIME PERIOD THAT EXCEEDED ITS CAPACITY, IT WAS AT THE DIRECTION OF SOMEONE IN CHARGE OF ITS OPERATION. THE RESPONSIBILITY FOR ITS FAILURE SHOULD REST WITH HE WHO ORDERED OR ALLOWED THE EXCESSIVE USE, NOT THE OWNER OF THE TRUCK AND CARGO. FURTHER, THE INSURED ADVISES THAT HAD THE UNIT BEEN REMOVED AND PUMPED OUT, THE WATER USE WOULD HAVE BEEN SIGNIFICANTLY REDUCED.

THE INSURED HAS NUMEROUS ADDITIONAL OBJECTIONS TO THE BILL AND THE PROCEDURE THAT IT REPRESENTS WHICH WE HAVE NOT BROUGHT TO YOUR ATTENTION. HIS STATEMENT CLEARLY INDICATES THAT HE FEELS EXCESSIVE OVERREACTION AND POOR PROCEDURE DRASTICALLY INCREASED THE CLEANUP COSTS. HE HAD ALREADY ARRANGED FOR THE HANDLING OF THE SPILL WITH LOCAL AND KNOWLEDGEABLE FIRMS AND WAS DIRECTED BY A COUNTY OR STATE SUPERVISOR TO CEASE HIS ACTIVITIES. THE CLEANUP WAS THEN TAKEN INTO THE HANDS OF STATE AND COUNTY PERSONEL.

FURTHER, THE INSURED BELIEVES THAT THE HEADLAMPS ON THE UNIT MALFUNCTIONED AND THAT THE ACCIDENT WAS NOT THE FAULT OF HIS DRIVER OR HIMSELF. HE IS NOT CONVINCED THAT THE MATTER DESERVES ANY CONSIDERATION, AND BELIEVES THAT HE IS NOT NEGLIGENT.

THE CARRIER QUESTIONS ALL AMOUNTS ON THE BILL AS PRESENTED TO THE INSURED. THEY ARE, HOWEVER, ATTEMPTING TO GET THIS MATTER RESOLVED WITHOUT THE NECESSITY OF LITIGATION AND THE TIME AND COSTS IT REQUIRES. THERE IS STILL A SERIOUS QUESTION AS TO WHETHER THE INSURED WAS NEGLIGENT IN THIS MATTER AND WHETHER HE OWES ANYTHING FOR THE CLEANUP OPERATION. CERTAINLY, AND WITHOUT REGARD TO THE QUESTION OF NEGLIGENCE, THERE IS THE QUESTION OF WHETHER HE IS LIABLE FOR ANY COSTS FOR THE CLEANUP WHICH APPEAR TO BE PREDICATED OUT OF MISINFORMATION OR POOR JUDGEMENT ON THE PART OF THE SUPERVISORS WHO TOOK OVER THE CLEANUP OPERATION FROM THE INSURED.

I BELIEVE THAT THE CARRIER IS MAKING AN ATTEMPT IN GOOD FAITH TO REACH A COMPROMISED SETTLEMENT THAT WILL SATISFY ALL PARTIES INVOLVED, HOWEVER, COMPROMISES MUST BE APPROACHED BY BOTH PARTIES. I HOPE WE MAY COOPERATE TO REACH A SETTLEMENT AT THE EARLIEST DATE.

I WILL IMMEDIATELY REPORT TO YOU THE DECISION OF THE CARRIER REGARDING PREPAYMENT OF THE AMOUNT YOU HAVE REQUESTED.

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.24)

DATE 4-8-87

BILL NO. HTB44

THANK YOU.


VERY TRULY YOURS,

M. V. WALTERS
ADJUSTER

ENCLOSURES:
NONE.

County Clerk and Recorder

BROADWATER COUNTY

P. O. BOX 489

TOWNSEND, MONTANA 59644

July 31, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p. 25)

DATE 4-8-87

BILL NO. HSR 44

Andrea Bennett

State Auditor & Ex Officio Commissioner of Insurance

Room 270, Sam W. Mitchell Building

Helena, Montana 59620

Dear Mrs. Bennett:

In September, 1985, Alvin W. Munns and Sons, Inc. had a trucking accident about three miles north of Townsend. The truck was carrying sulphuric acid and ran off the right side of the road and layed on its side in the barrow pit.

Broadwater County, Disaster and Emergency Services and the Department of Health all responded to this accident and a clean-up of the hazardous material was initiated.

Broadwater County paid all of the claims for the clean-up and submitted a bill along with the documentation to the trucking company for submission to their insurance company. Broadwater County charged the company with actual expenses incurred for the clean-up but the insurance company did not respond to our billing until several months later. Now, the insurance company is making some serious allegations concerning the clean-up process.

We think that the clean-up of this hazardous material was handled very well as this was the first accident of this kind in Broadwater County. We feel that we have been very patient with the insurance company but that the claims should have been paid by now. It has been almost one year since the date of the accident.

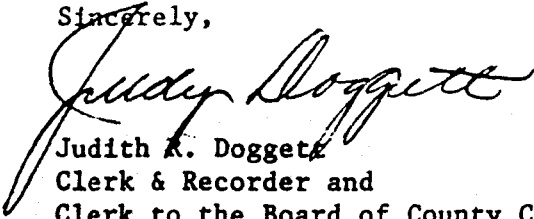
We do not feel that the allegations made by the insurance company are justified and we would like you to investigate this matter.

Bill Potts and Vic Anderson from the department of health were at the scene of the accident and can be contacted concerning this matter. Ray Dogget was the local county coordinator at the scene and he can also be contacted at 266-3443.

Any help that your office can give us in this matter will be greatly appreciated. I am available for any questions that you may have at 266-3443.

I am sending you a copy of the documentation and all correspondence that I have on this spill.

Sincerely,


Judith R. Doggett
Clerk & Recorder and
Clerk to the Board of County Commissioners

SENATE NATURAL RESOURCES

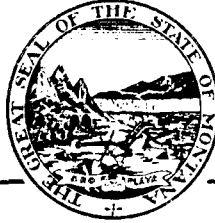
EXHIBIT NO. 3 (p. 26)

DATE 4-8-87

BILL NO. HJR 44

Enc.

STATE AUDITOR
STATE OF MONTANA



Andrea "Andy" Bennett
STATE AUDITOR

COMMISSIONER OF INSURANCE
COMMISSIONER OF SECURITIES

August 7, 1986

Judith R. Doggett
Clerk & Recorder and
Clerk to the Board of County Commissioners
Broadwater County
P. O. Box 489
Townsend, MT 59644

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 27)

DATE 4-8-87

BILL NO. HJR 44

Dear Ms. Doggett:

Thank you for your recent letter requesting assistance from my office. I have assigned Bob Post to work on your request.

I want you to know there may be a short delay while we obtain the necessary information and complete our review of the entire matter. However, we will notify you just as soon as possible.

To ensure that your request is handled efficiently and promptly, it has been given working number 8608-08. If you have any further questions, please contact Mr. Post on our toll-free number, 1-800-332-6148 unless you are in our Helena area and then please call us at 444-2040.

With best personal regards, I am

Very truly yours,

A handwritten signature in cursive script that reads "Andy Bennett".

Andrea "Andy" Bennett
State Auditor and
Commissioner of Insurance

AB/me

(GL14-1 - 83-5)



Canal Insurance Company

P. O. BOX 7 GREENVILLE, SOUTH CAROLINA 29602
August 12, 1986

JEFF. R. TRULUCK
VICE PRESIDENT
LEGAL

TELEPHONE 803-242-5365

Mr. Bob Post, Compliance Specialists
Policyholder's Services
Montana Insurance Department
P.O. Box 4009
Helena, Montana 59604

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.28)

DATE 4-8-87

BILL NO. HJR 44

RE: 8608-08
Insured: Alvin W. Munns and Sons Inc.
Accident Date: 9/10/85
Our File: L198-507-M

Dear Mr. Post:

We are replying to your August 7 letter with the attached complaint.

We have reviewed our files and would advise this loss occurred on September 10th and was reported to us the next day at which time we immediately made an assignment of investigation to a properly licensed and well qualified independent adjuster in the state of Montana. This adjuster immediately began his investigation as to damages to the insured's trucks and trailers as well as to investigate the circumstances surrounding the loss, including the area where the cargo had leaked into the soil.

During this investigation, we were in personal contact with the insured, through our adjuster, who became very upset at the beginning as to how the various governmental entities acted and reacted and attempted to direct and misdirect the actual equipment and machinery at the scene of the loss.

As a result of the collision and the subsequent application of lime onto the spilled acid which caused a chemical reaction, the insured's equipment was damaged considerably more, possibly to the extent of causing both the tractor and one of the trailers to be rendered a total loss. Under that first party coverage, a separate claim file has been initiated and we are handling that separately. There is a possibility our company will make a claim against those responsible for doing the additional damage to the equipment at the time immediately following the stoppage of the proper procedures being used to recover the tractor trailer unit before additional damages had occurred. We say that is a possibility and we recommend very strongly to advise you there is a great deal of consideration being given to pursuing that portion.

15203

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.29)

DATE 4-8-87

BILL NO. HJR 44

Mr. Bob Post
August 12, 1986

Now as to the complaint which is being handled under the above liability policy. We would advise our adjuster has been in communication with the county attorney representing the county and we believe in view of legal parties being involved, it should not burden the department with the aspects of the damages being claimed and whether or not any amounts are being offered. We believe we are in full compliance with the regulations of the department and the statutes of your state in that the necessary investigation was immediately commenced upon notification to the company and has been properly handled in a prompt manner by the adjuster who is well qualified and properly licensed.

We trust under the circumstances, in view of the attorney activity and the possibility of our subrogation claim as well as the questions concerning negligence and "thought" as to the various parties concerning all of the damages, we have sufficiently answered the complaint directed to us through your department. We find no problem with our investigation as being timely and in accordance with the rules and regulations. Further, we believe the current status of all of the claims is at a stage wherein damages are questionable and negligence is questionable and liability is questionable. We believe the department does not wish to be involved in that portion of the claim after we have satisfied you that we have properly conducted our investigation and ourselves in that investigation.

If however there is something additional you feel is necessary or would like to have to assist you in further evaluating how we handled the loss, we will be happy to advise you.

Very truly yours,


Legal Department

JRT:kc

STATE AUDITOR
STATE OF MONTANA



Andrea "Andy" Bennett
STATE AUDITOR

COMMISSIONER OF INSURANCE
COMMISSIONER OF SECURITIES

September 2, 1986

SENATE NATURAL RESOURCE

EXHIBIT NO. 3 (p. 30)

DATE 4-8-87

BILL NO. HJR 44

Broadwater County
P. O. Box 489
Townsend, MT .59644

Attn: Judith R. Doggett
County Clerk & Recorder

Re: Our File 8608-08
Canal Insurance Company

We are attaching a photocopy of correspondence we have received from the above captioned insurance company in response to the complaint which you filed with our department.

Our department is not allowed to make determinations of liability or establish damages. This is reserved for the court system.

It would be our recommendation you continue to work through your County Attorney.

We are interested in knowing if in fact the insurance company has made any type of an offer of settlement in this matter. We would appreciate your conveying this information on to us.

We do wish to thank you for the opportunity of allowing our department to check into this matter in your behalf.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Post".

Bob Post
Compliance Specialist
Policyholders Services

BP/me

(958-1)

STATE AUDITOR
STATE OF MONTANA



Andrea "Andy" Bennett
STATE AUDITOR

COMMISSIONER OF INSURANCE
COMMISSIONER OF SECURITIES

September 17, 1986

Broadwater County
P. O. Box 489
Townsend, MT 59644

Attn: Judith R. Doggett
County Clerk and Recorder

Re: Our File 8608-08
Canal Insurance Company

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 31)

DATE 4-8-87

BILL NO. HJR 44

We are attaching a photocopy of the latest correspondence we have received from the above captioned insurance company in response to the complaint which you filed with our department.

It is our understanding the company has on several occasions made you an offer of settlement in the amount of \$30,783.55.

As we indicated to you in our last letter of September 2, 1986 it would be our recommendation that you continue to work for your County Attorney concerning this matter.

We are sorry there is nothing further our department can do to assist you in this matter. We again wish to thank you for the opportunity of allowing our department to check into this matter in your behalf.

Sincerely,

A handwritten signature in cursive script that reads "Bob Post".

Bob Post
Compliance Specialist
Policyholders Services

BP/me
Attach.

(1036-3)

=====

EQUITABLE ADJUSTMENT COMPANY, INC.
POST OFFICE BOX 2023
BILLINGS, MONTANA 59103-2023
(406) 252-5178 24 HOUR

=====

Multiple Line Adjusters
Since 1956
~~~~~

DATE: AUGUST 11, 1986

TO: BROADWATER COUNTY  
OFFICE OF THE COUNTY ATTORNEY, JOHN T. FLYNN  
POST OFFICE BOX 96  
TOWNSEND, MONTANA 59644

SENATE NATURAL RESOURC  
EXHIBIT NO. 3(p.32)  
DATE 4-8-87  
BILL NO. 175R44

RE: INSURED: ALVIN W. MUNNS AND SONS, INC.  
POLICY NUMBER: A5-2865  
CO. CLAIM NUMBER: L198-50M  
OUR CLAIM NUMBER: M552  
DATE OF LOSS: 9/10/85  
COMPANY: CANAL INSURANCE COMPANY

DEAR MR. FLYNN:

I HAVE RECEIVED A RESPONSE FROM CANAL INSURANCE COMPANY TO YOUR REQUEST FOR A PRE-PAYMENT OF \$30,783.55 AGAINST YOUR DEMAND FOR DAMAGES AS A RESULT OF THE ABOVE ACCIDENT. WE UNDERSTAND THAT YOU HAVE DEMANDED FROM THE INSURED THE FOLLOWING AMOUNTS:

MONTANA DEPARTMENT OF HIGHWAYS.....\$ 4,390.88  
BROADWATER COUNTY RURAL FIRE DEPT.....\$ 6,983.00  
BROADWATER COUNTY.....\$32,377.43

TOTAL DEMAND.....\$43,751.31

THE CARRIER ADVISES THAT IT IS NOT PREPARED TO MAKE ANY PRE-PAYMENTS AGAINST THE DEMAND AND REITERATES ITS OFFER OF \$30,783.55 AS A COMPROMISED SETTLEMENT OF THE ABOVE DEMAND. IT IS THEIR BELIEF THAT THIS IS A MATTER OF QUESTIONABLE LIABILITY AND THAT THOSE IN CHARGE OF THE CLEANUP OVERREACTED IN THEIR CLEANUP ENDEAVORS.

I RESPECTFULLY REQUEST THAT YOU REVIEW THE FACTS OF THE ACCIDENT AND THE CIRCUMSTANCES OF THE RESULTING CLEANUP COSTS, AND CONSIDER THE OFFER.

PLEASE ADVISE AT THE EARLIEST DATE IF THE OFFER IS ACCEPTABLE, SO THAT WE MAY CONTACT THE CARRIER AND GET THE PAYMENT ISSUED PROMPTLY.

THANK YOU FOR YOUR COURTESY AND COOPERATION.

VERY TRULY YOURS,  
*M. H.*



# Canal Insurance Company

P. O. BOX 7 GREENVILLE, SOUTH CAROLINA 29602

September 10, 1986

JEFF. R. TRULUCK

VICE PRESIDENT  
LEGAL

TELEPHONE 803-242-5365

Mr. Bob Post, Compliance Specialists  
Policy Holder Services  
Montana Insurance Department  
P.O. Box 4009  
Helena, Montana 59604

RECEIVED  
STATE AUDITOR'S OFFICE  
SEP 15 7 31 AM '86  
HELENA, MONT.

Re: Your File No.: 8608-08  
Claimant: Bradwater County  
Acc/Date: 9/10/85  
Insured: Albin W. Munns & Sons, Inc.  
Our File No: L198-507M

Dear Mr. Post:

You requested in your letter of September 2 information as to settlement offers.

We have on numerous occasions made an offer of \$30,783.55.

This is the extent we anticipate offering in a settlement of the claim being pursued by Bradwater County.

Yours very truly,

  
Legal Department

JRT/kh

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 33)

DATE 4-8-87

BILL NO. HJR 44

5563

STATE  
OF  
MONTANA

ATTORNEY GENERAL  
MIKE GREELY

JUSTICE BUILDING, 215 N. SANDERS, HELENA, MONTANA 59620  
TELEPHONE (406) 444-2026

5 November 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 34)

DATE 4-8-87

BILL NO. HJR 44

John T. Flynn  
Broadwater County Attorney  
Broadwater County Courthouse  
Townsend MT 59644

Dear Mr. Flynn:

You have requested my opinion on questions which I have phrased as follows:

1. Who is responsible for the cleanup of a hazardous waste spill on a state or federal highway?
2. What is the role of a Department of Health official at the scene of an accident involving hazardous materials?
3. Who is responsible for pursuing claims for damages resulting from an accident involving the release of hazardous materials?

Sections 75-10-701 to 715, MCA, were enacted by the 1985 Montana Legislature to authorize the Department of Health and Environmental Sciences (the Department) to "take remedial action to prevent or alleviate release of hazardous or deleterious substances into the environment." 1985 Mont. Laws, ch. 711. "Remedial action" includes investigation, monitoring, cleanup, restoration, abatement, removal, replacement, and other actions necessary to respond to a release. § 75-10-701(5), MCA.

Your first question may be answered by reference to the statutes. The Department may take remedial action when it determines that there has been a release and "the appropriate remedial action will not be done properly and expeditiously by the owner or operator of the vessel, vehicle, or facility from which the release emanates or by any other responsible party." § 75-10-711(1), MCA. Section 75-10-711(3), MCA, provides:

Any person responsible for the release must take immediate action to contain, remove, and abate the release. Except as provided in

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(2.35)

DATE 4-8-87

BILL NO. H5R 44

75-10-712, the department is authorized to draw upon the fund in order to take action under subsections (1) and (2) if it has made diligent good faith efforts to determine the identity of the party or parties responsible for the release or threatened release and:

(a) is unable to determine the identity of the responsible party or parties in a manner consistent with the need to take timely remedial action; or

(b) the party or parties determined by the department to be responsible for the release or threatened release have been informed in writing of the department's determination and have been requested by the department to take appropriate remedial action but are unable or unwilling to take such action in a timely manner.

Thus, the persons or parties responsible for the release are primarily responsible for the cleanup. If the Department is unable to determine the identity of the responsible parties, or if the responsible parties are unwilling or unable to take appropriate remedial action following the requisite written notice by the Department, then the Department is authorized to proceed with the cleanup. Note, however, that under certain circumstances the Department may take emergency remedial action without giving the prior written notification required by the statutes. § 75-10-712, MCA.

Your next question concerns the role of a Department official at the scene of an accident involving hazardous or deleterious materials. Specifically, you inquire whether the official serves in an advisory capacity only, or whether he or she is in charge of the cleanup action. Obviously, if the Department takes remedial action, then Department officials at the scene are in charge of the cleanup. As you have pointed out in your letter, however, any cleanup action will necessarily require cooperation between state and local officials.

Your final question may also be answered by reference to the statutes. Section 75-10-715, MCA, provides:

(1) Subject only to the defenses set forth in subsection (4), a party responsible for a release is liable for:



(a) all costs of remedial action taken by the department pursuant to this part; and

(b) damages for injury to, destruction of, or loss of natural resources caused by the release or threatened release.

(2) If the responsible party fails, without sufficient cause, to properly provide remedial action upon notification by the department pursuant to 75-10-711(3)(b), the responsible party may be liable for punitive damages in an amount not to exceed two times the amount of any costs incurred by the department pursuant to this section.

(3) The department may initiate civil proceedings in district court to recover costs, damages, or penalties under subsections (1) and (2). Venue for any action to recover costs, damages, or penalties lies in the county where the release occurred or where the responsible party resides or has its principal place of business or in the district court of the first judicial district.

(4) No party is liable under subsection (1) or (2) if that party can establish by a preponderance of the evidence that:

(a) the department failed to follow the notice provisions of 75-10-711 when required; or

(b) the release did not emanate from any vessel, vehicle, or facility over which the party had any authority or control and was not caused by any action or omission of the party; or

(c) in the case of assessment of punitive damages, that factors beyond the control of the responsible party prevented the party from taking timely remedial action.

(5) (a) Costs of remedial action recovered pursuant to subsection (1)(a) must be deposited in the fund.

(b) Damages and penalties recovered pursuant to subsections (1)(b) and (2) must be

John T. Flynn  
Page 4  
5 November 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 37)

DATE 4-8-87

BILL NO. H51944

deposited in the environmental contingency  
account within the state special revenue fund  
established pursuant to 75-1-1101. .

Thus, the Department is authorized to pursue claims for  
damages for "injury to, destruction of, or loss of  
natural resources caused by the release." Other  
parties, however, are not precluded by this statute from  
seeking recovery for damages resulting from injuries  
other than to "natural resources."

Very truly yours,

  
MIKE GREELY  
Attorney General

# Broadwater County

OFFICE OF THE COUNTY ATTORNEY

JOHN T. FLYNN

BOX 96

TOWNSEND, MONTANA 59644

(406) 266-3444

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 38)

DATE 4-8-87

BILL NO. HJR 44

November 20, 1986

John Drynan, M.D., Director  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
Cogswell Building  
Helena, MT 59620

RE: HAZARDOUS WASTE SPILLS - ALVIN W. MUNNS AND SONS, INC.

Dear Dr. Drynan:

As you may be aware, Broadwater County responded to and assisted the Department in taking emergency remedial action for the clean up of a hazardous waste spill that occurred on September 10, 1985, on Highway 287. In providing this assistance, Broadwater County incurred approximately \$44,000.00 in expenses.

The insurance carrier for Alvin W. Munns and Sons, Inc., has questioned the amount of this claim. Their objections to the claim result primarily from their questioning of supervisory decisions made at the scene of the accident site. All of these supervisory decisions were made by State Department of Health and Environmental Science officials at the scene.

A recent Opinion by the Attorney General provides that if the Department takes remedial action, then Department officials are in charge of the cleanup action. This Opinion goes on to say that the Department is authorized to pursue claims for all costs of remedial action taken by the Department and damages for injury to, destruction of or loss of natural resources caused by the release. A copy of said Attorney General's Opinion is included for your reference.

It is the position of Broadwater County that the Department by taking remedial action and placing itself in charge of the situation is entirely responsible for paying the costs and

John Drynan, Director  
November 20, 1986

Page 2

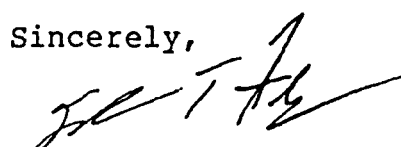
the entity which should seek reimbursement for those damages from the party responsible for the release.

This seems particularly true in light of the fact that the primary objections to the claim for reimbursement stem from decisions made by Department personnel. In effect, the Department is the entity which incurred the costs and not Broadwater County.

We would therefore request that the Department reimburse Broadwater County the sum of \$43,751.37 for remedial action ordered by Department personnel at the accident site and encourage the Department to exercise their authority under Section 75-10-711, MCA, and bring a civil action against the parties responsible for the release of the hazardous materials.

It strikes me that if the Department is going to expect and encourage cooperation from local authorities then the procedure for reimbursement that I have outlined ought to be standard operating procedure for the Department. If the Department is going to take control at a spill site and make decisions which incur costs, then the Department should stand by these decisions by defending them in any claim for damages resulting therefrom.

Sincerely,

  
John T. Flynn  
BROADWATER COUNTY ATTORNEY

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.39)

DATE 4-8-87

BILL NO. HJR 44

JTF lba  
Enclosure

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

LEGAL DIVISION



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

HELENA, MONTANA 59620

November 26, 1986

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p. 40)

DATE 4-8-87

BILL NO. HJR 44

John T. Flynn  
Broadwater County Attorney  
Box 96  
Townsend, Montana 59644

Dear Mr. Flynn:

In response to your letter of November 20, 1986 I would like to follow-up asking you for some background information.

First, what are the \$44,000.00 in expenses derived from and at whose directive from Broadwater County were these expenses incurred?

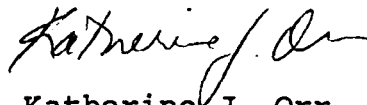
Second, has Broadwater County decided not to pursue a claim under the policy issued to Alvin W. Munns and Sons, Inc? If not, why not, especially in light of the Attorney General's Opinion that the "minisuperfund" does not preclude recovery by other injured parties?

Third, is it true that the insurance company for Alvin W. Munns and Sons, Inc. tendered a settlement offer to Broadwater County for \$30,000.00? I'd like more details about the disposition of this offer, if possible, particularly the basis for this amount, the existence of any counter-offers that the County has made, if any, and finally the specific objections to the County's claims for reimbursement put forth by the insurance company. If these are written down, I'd like to see a copy of such objections.

Fourth, I'd like to know the actual basis upon which you are claiming that the Department took the lead in conduct of the clean-up. Which on-the-scene people from the County can I talk to about this to verify your point?

I hope to be able to clarify the points that you raise in your letter as soon as possible so I would appreciate your response to my questions at your earliest convenience.

Very truly yours,



Katherine J. Orr  
DHES Counsel

SENATE NATURAL RESOUR

EXHIBIT NO. 3(p.41)

DATE 4-8-87

BILL NO. HJR 49

KJO:cu

cc: Dr. John J. Drynan  
William J. Opitz  
Vic R. Andersen

BROADWATER COUNTY SULPHURIC ACID SPILL

The following is a report on the sequence of events which occurred near Townsend on September 10, 1985. This report includes a time scenario, units involved, and a summary of problems. Hopefully, this report will awaken all DES personnel to the complexity and magnitude of activities inherent in any hazardous material spill. DATE: September 10, 1985

A tanker truck and trailer loaded with sulphuric acid traveling south on Highway 12/287 left the right side of the road and overturned in the barrow pit. The tanker began leaking sulphuric acid. The accident was located 1.9 miles North of Townsend.

DAY 1    0220 - Sheriff's Dispatch notified of accident. Deputy responded to the scene.

0224 - Montana Highway Patrol notified.

0336 - DES Coordinator notified.

0337 - State DES Notified

0424 - Continental Lime notified.

0459 - Commissioners notified.

5000 - 2 wreckers arrived at the scene.

0701 - Fire Department notified.

0811 - Doctor contacted for information on toxicity.

0815 - Pup trailer removed to side-road.

0837 - Requested positive breathing apparatus from Helena. Helena Fire Department furnished filled air bottles for fireman -- Relay was set up for bottles between Helena and accident.

0845 - Wrecker unable to upright the truck.

0956 - EOC radios used. Sheriff's dispatch has problems with their radios.

11:39 - Traffic control established at Missouri River Bridge. Houses near site being checked for exposure to toxic cloud. Railroad shut down.

11:55    Notified schools in Townsend to keep children inside school buildings.

SENATE NATURAL RESOUR

EXHIBIT NO. 3(p.42)

DATE 4-8-87

BILL NO. HJR 44

1304 - Called for 60 ton crane.

1331 - Sheriff's radios removed. All dispatch radio communications through EOC radios.

1525 - Crane began working on wreck.

2045 - Tanker removed to Continental Lime plant yard.

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 4.3)

DATE 4-8-87

BILL NO. HJR 44

DAY 2 September 11, 1985

0740 - Began working spill site to neutralize acid.

1700 - Car wreck on railroad crossing on detour used around acid spill.

2025 - Car accident on Missouri River Bridge. 2 kids racing. Ran into Highway Department Truck working on acid spill.

2035 - Highway opened for traffic.

2220 - One(1) man posted at spill site for night.

DAY 3 September 12, 1985

Continued to clean-up

DAY 4 September 13, 1985

Completed the clean-up.



COST OF CLEAN-UP

|                                 |                |
|---------------------------------|----------------|
| Lime                            | \$9,000.00     |
| Pump off acid                   | \$2,040.76     |
| Fire Truck Pump                 | \$2,897.00     |
| Trucking                        | \$8,988.20     |
| Telephone Cable                 | \$3,000.00     |
| Crane                           | \$1,500.00     |
| Labor, Equipment, Miscellaneous | -- \$15,980.43 |

TOTAL: \$43,406.39

These costs were submitted to the Insurance Company for reimbursement. They include public and private costs involved in the clean-up of the spill.

SENATE NATURAL RESOURCES  
EXHIBIT NO. 3 (p. 44)  
DATE 4-8-87  
BILL NO. HJR 44

PUBLIC & PRIVATE UNITS INVOLVED

PUBLIC UNITS:

Broadwater County Commission  
Broadwater County DES Coordinator  
Broadwater County Sheriff's Department  
Broadwater County Road Department  
Broadwater County Fire Department  
Broadwater County Ambulance Service  
Broadwater County Hospital

**SENATE NATURAL RESOURCES**

EXHIBIT NO. 3 (p. 45)

DATE 4-8-87

BILL NO. HJR 45

Townsend, City of:

Public Works  
Fire Department  
School District

STATE OF MONTANA

Disaster & Emergency Services  
Highway Patrol  
Department of Highways  
Department of Health &  
Environmental Sciences

Lewis & Clark County:

Sheriff's Department  
Fire Department

PRIVATE UNITS:

Niefer White Company  
Headwaters Ag. Inc.  
Berglinds Dept. Store  
Ray's Horseshoe Cafe  
Road & Ranch Supply  
MW GMC  
Co-op Supply  
Coast-to-Coast  
Burlington Northern RR

Dick Irvin Trucking  
Lundy's Market  
John Belt, M.D.  
Francisco Pharmacy  
Mountain Bell  
E.G. Perry, Inc.  
Continental Lime, Inc.  
Townsend Contracting  
Al Rose Wrecking

CRITIQUE & SUMMARY

The truck accident would have presented no major problem if there had not been hazardous material on board.

The removal of the truck and trailer from the accident scene would have been accomplished easily and quickly if the wrecker company had been capable. The failure to call for equipment large enough to perform the task resulted in an extreme delay for crews to clean-up the acid spill. Each hour of delay increased the chance of injury to emergency responders.

Even with the delay, the truck was removed before the end of the first day. The clean-up of the spill required three(3) more days. The length of time necessary to remove the danger in a hazardous material spill is a key element which requires detailed planning prior to such an accident.

Three(3) glaring deficiencies were evident in the response to this incident:

a) No Incident Commander.

During the entire incident, there was no designated person or group of persons who retained control of all of the actions both on-site and throughout the affected area. If the chief of one department had directed all response activities, the time for truck removal and clean-up could have been reduced considerably. Decisions could have been made quickly and response actions would have been conducted in a safer manner. Suitable resources and equipment could have been ordered to attack the situation immediately with much less delay.

b) No Responsible Jurisdiction Identified.

Broadwater County accepted responsibility for the truck removal and acid clean-up. However, many questions of where jurisdictional responsibility for both of these actions really lies. State Law seems to conflict in this area. The State Highway Department is charged with control of State and Federal Highway Right-of-Ways. The Highway Department is the only one who can close these highways for any purpose. Law enforcement can close these highways temporarily for a traffic hazard, but this authority ends when the Highway Department arrives. This law would seem to leave the overall control of a hazardous material incident on a state or federal highway to the Highway Department. This did not happen in Townsend.

Another law charges the State Health and Environmental Sciences Department with responsibility for all hazardous material clean-up anywhere in the state. Although Health Department personnel provided advice, their role was not one of command during the incident. Again the major burden of the clean-up fell to county personnel.

Throughout the incident, there were many examples of breach of site security. No law enforcement agency provided solid security on the site during the entire phase of operations. The State Highway Patrol believed its responsibility ended when the wrecked truck was removed from the site.

The County Sheriff's Department did not have the manpower to secure the site and continue normal duties throughout the rest of the county during the four (4) days of clean-up activity. Highway Department personnel and local county personnel performed flagman duties and traffic control on the detour. There was no security at the site during the clean-up operations. Personnel from various agencies wandered in and out of the area without restriction. No effort was made to identify personnel entering the site. Incidents occurred at the site and at flagman positions which could have endangered lives. The presence of law enforcement personnel could have prevented these incidents from occurring.

#### CONCLUSIONS:

The jurisdictional responsibility for Hazardous Material Incidents on State and Federal Highways must be more clearly defined in State Law.

The establishment of an inter-agency incident management system at the State level with authority to command and direct operations is imperative.

Law enforcement must be charged with the responsibility for site security. The Montana Highway Patrol and local law enforcement must work together to provide the manpower to provide traffic control and site security.

The individuals who did respond performed admirably in the absence of an organizational structure and limited resources. There was excellent cooperation between private companies and public responders.

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 47)

DATE 4-8-87

BILL NO. HJR 44

# Wreck response good

9-11-85

By ERIC WILLIAMS  
IR Staff Writer

Local and state officials gave each other a strong pat on the back today for the response to Tuesday's truck accident and sulfuric acid spill near Townsend.

Bill Potts, of the state Solid Waste Management Bureau said a network to respond to such accidents worked well, and said much of the credit should go to local Ray Doggett, disaster coordinator for the Townsend area, along with two area businesses.

Potts said quick, vital assistance was given by both Headwaters Ag Supply, a Townsend fertilizer company, and Continental Lime, a local lime plant.

A semi truck with two trailers loaded with toxic sulfuric acid went off Highway 12 about two miles north of Townsend at 2:15 Tuesday morning, and Potts was called at 3 a.m. to get the wheels rolling on the state's emergency spills response program.

Dan Lieberg, of Disaster and Emergency Services, said the response system is basically a communications network between six agencies to coordinate their efforts.

He said his office serves as a clearinghouse that takes the information on the spill and then contacts the appropriate agencies that should respond.

Lieberg said the state Department of Health and Environmental Sciences generally will handle most of the calls, but added that the Agri-

## Highway reopens

The short stretch of Highway 12 which was closed while the sulfuric acid spilled in Tuesday's accident was controlled opened late Tuesday evening, the Highway Patrol said.

Lime was dumped on the acid to neutralize it, but Dick Pederson of the Department of Health and Environmental Science, said today that his office is still looking at the spill to make sure there is no threat to surface water.

Bill Potts, of the state Solid Waste Management Bureau, said the lime will be mixed into the acid some more, and when a safe pH level is attained, the mixture will be hauled to a certified landfill.

Meanwhile, Dean Wykle, the 36-year-old driver of the truck, was released from the Broadwater Community Hospital to return to his St. Anthony, Idaho, home and the care of his own doctor.

He reportedly received a compressed vertebra in the accident, but no one was injured by the toxic acid.

culture, Fish Wildlife and Parks and the Justice departments are also often called on to help.

But it was the private, local businesses that seemed to impress officials the most in cleaning up the acid spill.

Lieberg and Potts said people from Continental Lime and Headwaters Ag supplied expertise on the proper and safe way to handle the acid, which can burn humans if touched directly or if inhaled.

He said the businesses supplied not only a "working knowledge" of handling the acid, but also chipped in with lime and heavy equipment needed in the cleanup.

Nearly 50 tons of lime was brought in by dumptrucks to neutralize the acid.

Lieberg also said he was impressed with the reaction of local officials, particularly the Broadwater Volunteer firemen and Broadwater County Sheriff's officials who were also on the scene.

Dick Pederson, of the Department of Health and Environmental Science, said the network is a big aid because no one can really plan on when and where the accidents may happen.

He added that no two spills are alike, and they take a lot of time in controlling, cleaning up and follow-up work to make sure the area is safe afterwards.

He said, "people kind of jell when this kind of thing happens," adding that officials recognize the gravity of the situations and usually "handle them in a professional and reasonable manner."

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 48)

DATE 4-8-87

BILL NO. HJR 44

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.49)

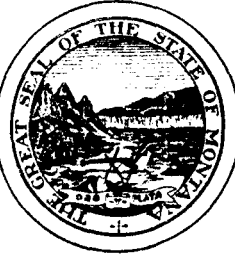
DATE 4-8-87

BILL NO. HJR44

The tractor-trailer rig lies on its side (far right), while the clean-up crews continue to pump the acid into other trucks. By noon, all the acid was out of Lane) (Staff photo by George



# DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

## STATE OF MONTANA

Solid & Hazardous Waste Bureau  
Telephone: 406-444-2821

HELENA, MONTANA 59620

September 30, 1985

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 50)

DATE 4-8-87

BILL NO. HSR 44

Board of Co. Commissioners  
Broadwater County  
County Courthouse  
Townsend, MT 59644

Dear Commissioners:

This office would like to thank you, your organization, and employees for assisting during the recent acid spill north of Townsend. Your expertise and equipment were invaluable in quickly controlling the incident. If it had not been there to help, the situation would have lasted much longer and, of course, increased the potential health risk to the public.

As far as we know, there wasn't a single illness or injury associated with the spill; and in our book that qualifies as a super success.

Thanks again.

Sincerely,

A handwritten signature in cursive script that reads "Duane L. Robertson".

DUANE L. ROBERTSON, CHIEF  
Solid and Hazardous Waste Bureau

DLR:VRA:ao

# DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

## STATE OF MONTANA

Solid & Hazardous Waste Bureau  
Telephone: 406-444-2821

HELENA, MONTANA 59620

September 30, 1985

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 51)

DATE 4-8-87

BILL NO. HJR 44

Mr. Ray Doggett  
Disaster & Emergency Services  
Coordinator  
Townsend, MT 59644

Dear Mr. Doggett:

This office would like to thank you for assisting during the recent acid spill north of Townsend. Your expertise was invaluable in quickly controlling the incident. If you had not been there to help, the situation would have lasted much longer and, of course, increased the potential health risk to the public.

As far as we know, there wasn't a single illness or injury associated with the spill; and in our book that qualifies as a super success.

Thanks again.

Sincerely,

A handwritten signature in cursive script, reading "Duane L. Robertson".

DUANE L. ROBERTSON, CHIEF  
Solid and Hazardous Waste Bureau

DLR:VRA:ao



# Acid spill shuts off Highway 12

By ERIC WILLIAMS  
IR Staff Writer

A semi truck with two trailers full of sulfuric acid went off Highway 12 about two miles north of Townsend early this morning, closing the highway until sometime this evening.

The trailer tanks spilled acid into the borrow pit. No one has been injured by the spilled acid, but the driver suffered mild injuries in the wreck.

Highway Patrolman Jim Riddle said the truck slid into the 20-foot-deep ditch at about 2:15 a.m. today. Riddle said the truck was driven by Dean Allen Wykle, 36, of St. Anthony, Idaho, who had loaded it with the acid at the ASARCO plant in

East Helena earlier in the morning. Riddle said Wykle was taken by a passing trucker to Broadwater Community Hospital in Townsend with a compressed vertebra. He is in stable condition.

## See photo on Page 1B

The patrolman said the driver claimed his headlights had gone out and he missed a corner 1.9 miles from Townsend. Several crews worked diligently to maintain control of the leaking acid this morning. Workers from Continental Lime and Headwaters Ag Supply of Townsend helped Broadwater Volunteer

firemen pump the acid — that was still in the tank trailers — into spare tanks. They also were bringing in lime by the dumptruck load to pour on the acid to neutralize it. They expected the cleanup to take until late this afternoon.

Motorists on Highway 12 were rerouted on county roads, with the detour starting about a mile to both the north and the south of the accident.

Riddle said there was no danger in simply driving by the leaking acid, but traffic was detoured to give crews space needed to clean up

(More on ACID, back page)



Fireman stands by in breathing apparatus as others empty overturned trailer.

## Acid

### Continued from Page 1A

the mess.

Broadwater County Deputy L. W. Oakley said it is "very fortunate" that the truck didn't wreck near water or a bridge, adding that it would be nearly impossible to clean up the acid if it were in water.

Elton Chorney, of Continental Lime, also said it was luck that the accident happened near Townsend, where there is a fertilizer and a lime plant which could make the lime and equipment readily available.

Workers at the site said the truck holds about 1,400 gallons of the sulfuric acid, and Chorney said it takes four parts of lime to bring one part

of the acid to a safe pH level.

No one was sure exactly how much of the acid had leaked from the tanks, but one worker said it will take about 40 to 60 tons of lime to neutralize the acid.

Each time a new load of lime was dumped on the acid, there was a strong chemical reaction, making a popping sound and sending a white cloud billowing into the air.

Chorney said the rising fumes are dangerous, but not nearly as toxic as the fumes from the sulfuric acid itself.

Broadwater firemen and workers from Headwaters Ag dressed in rubber boots and clothes to go down to the truck, where they hooked up pumps to draw out the acid remaining in the tanks. They also wore special air masks

to breathe safely.

Gary Munyan, of Headwaters Ag, said it was also fortunate that it wasn't raining, because water and sulfuric acid will react and boil, sending out more toxic fumes. Munyan said the acid is used in fertilizers, adding that this particular load was bound for Idaho, where it would have been used on potato crops.

The truck is owned by Alvin W. Munnis and Sons, Rexburg, Idaho, Riddle said.

The highway is expected to be closed until the truck is upright by wrecker trucks, probably late this afternoon or evening.

The truck and trailers will then be rinsed down before they are taken to Townsend.

# Accident Causes Alert In Townsend

SENATE NATURAL RESOURCES  
EXHIBIT NO. 3 (p. 53)  
DATE 4-8-87  
BILL NO. HJR 44

Traffic was still being re-routed on Hwy 287 north of Townsend, Wednesday morning following a traffic accident early Tuesday that caused the spill of approximately 1300 gallons of sulphuric acid. Department of Highway personnel, county crowd disaster emergency persons, health officials and local firemen worked until 9:45 Tuesday evening trying to neutralize the spill that lay in the borrow pit on the north side of the river bridge.

The accident, 1.9 miles north of Townsend, involved a 1975 International tractor pulling a trailer and pup trailer. The rig was loaded with 69,000 lbs of the acid. According to Highway patrolman Jim Riddle, the driver of the vehicle, Dean Allen Wyke, 36, St. Anthony, Md., reported his lights went out as he neared a curve in that portion of the roadway. Wyke said he braked for a short distance and then the rig went off the right side of the highway. Although he drove along the shoulder for some distance trying to bring the truck onto the highway, he reached a portion where the ditch along the highway was too steep and the semi and both trailers tipped over. Wyke was thrown from the truck. He was picked up by another trucker and taken to Broadwater Community Hospital from where he reported the accident. The mishap occurred about 2:15 a.m. Wyke was southbound at the time of the accident.

Highway patrolman Jim Riddle and Deputy Rich Thompson responded to the accident call. Riddle spoke with Wyke about the danger before heading to the scene and upon learning of the corrosive cargo, Riddle contacted the Disaster Emergency Services in Helena and local Civil Defense man Ray Doggett. Al Rose Wrecker, Helena was also summoned.

Fortunately, lime is used to neutralize sulfuric acid, and Continental Lime was called into action hauling many tons of lime to dilute the corrosive material. City and town firemen also responded with water for cleanup purposes and Headwaters Ag of Townsend came in with tankers to pump the remaining acid from the tanker. Workers were forced to wear respirator gear while working since toxic cloud formations resulted from the lime, water, acid mixture. Possible lung injuries could have resulted from inhalation of the chemicals.

Although state personnel didn't think there was any immediate danger to area residents, local authorities took the precaution of warning people living in the area of the spill to leave their homes until the spill was cleaned from the area. (Also high school kids were retained at school during the cleanup.) Although grade school children were released for the noon meal, Townsend residents per se were uninformed of dangers, other than the usual minor street stories that floated up and down the streets.

When Al Rose Wreckers were unable to right the semi, Perry's Crane Service of Townsend was called. Calver was able to right the rig to its wheels. Continental Lime crew brought down a large front end loader which was used to drag the semi and trailers toward the old frontage road south of the accident site.

Though the highway was opened at 9:35 Tuesday night, the highway department sent a security guard to watch over the scene throughout the night to insure no passersby stopped and walked over to the scene since all corrosive chemicals had not been completely neutralized. The mop-up operations Wednesday were expected to reclose the roadway for an additional four hours or more.

Wyke suffered a compressed vertebrae during the accident and was treated at Broadwater Community Hospital before being released to go home to consult his own physician. Before he left however, he had been cited by Patrolman Riddle for operating the semi without his driver's log book being current and for failure to have a valid medical certificate in possession.

Patrolman Riddle had high praise for the men from Continental Lime who were aware of chemical repercussions and knew how to handle the situation. With time, the quick response of Dave Shearer, Gary Munyan, Jim Spatz and Scott Evans of Headwaters Ag for their ability to remove the toxic chemical so efficiently; the firemen for their capable assistance; the ambulance crew who stood by in case of burns or chemical reactions; the civil defense director Doggett for his untiring efforts; the deputies for their assistance and to everyone who made what could have been a real disaster a long day with a happy ending.

Thursday, September 19, 1985-7  
THANK YOU

I would like to express my thanks to the Townsend Volunteer Fire Department, Broadwater Rural Fire Department, Sheriff's Department, EMT's, Broadwater County Road Dept., State Highway Dept., Highway Patrol, Burlington Northern Railroad, Headwaters Ag Supply, Inc., Dick Irving Trucking, Perry Construction and a special thank you to Elton Chorney and Dennis Zindell from Continental Lime for their help during the recent acid spill. Thank you also for the use of signs and supplies from B&B Wrecker Service and the Townsend Body Shop and the Horseshoe Cafe and Commercial for feeding workers and to the residents of Broadwater County for their patience and cooperation during the cleanup process.

Ray Doggett, DES Coordinator  
Broadwater County Commissioners

THANK YOU

I would like to thank my fellow firemen Tom Webb and Bill Webb who acted very quickly and fast and hosed me down with water when I was burned with sulphuric acid last Wednesday evening on my shoulder and leg. Also a big thanks to Ray Doggett who drove me very quickly to the hospital, and also thanks to the nurses at the hospital who treated me. Also thanks to everyone else who helped me that evening. All of your help was greatly appreciated.

## Official has praise for response to sulfuric acid spill by Townsend

HELENA (AP) — The network set up to respond to potentially dangerous chemical spills worked well in responding to the sulfuric acid spill Tuesday near Townsend, a state official said Wednesday.

Bill Potts of the state Solid Waste Management Bureau said much of the credit for the initial response, however, should go to Ray Doggett, disaster coordinator for the Townsend area, along with two area businesses.

Potts said quick, vital assistance was given by both Headwaters Ag Supply, a Townsend fertilizer company, and Continental Lime, a nearby lime plant.

A semi truck with two trailers loaded with toxic sulfuric acid went off U.S. 12 about two miles north of

Townsend early Tuesday. Potts was called at 3 a.m. to get the wheels rolling on the state's emergency spills response program.

Dan Lieberg, of Disaster and Emergency Services, said the response system is basically a communications network between six agencies to coordinate their efforts.

He said his office serves as a clearinghouse that takes the information on the spill and then contacts the appropriate agencies that should respond.

Lieberg and Potts said people from Continental Lime and Headwaters Ag supplied expertise on the proper and safe way to handle the acid, which can burn humans if touched directly or if inhaled.

He said the businesses supplied

not only a "working knowledge" of handling the acid, but also chipped in with lime and heavy equipment needed in the cleanup.

Nearly 50 tons of lime was brought in by dumptrucks to neutralize the acid.

The short stretch of highway closed while the sulfuric acid was cleaned up was reopened Tuesday evening, the Highway Patrol said.

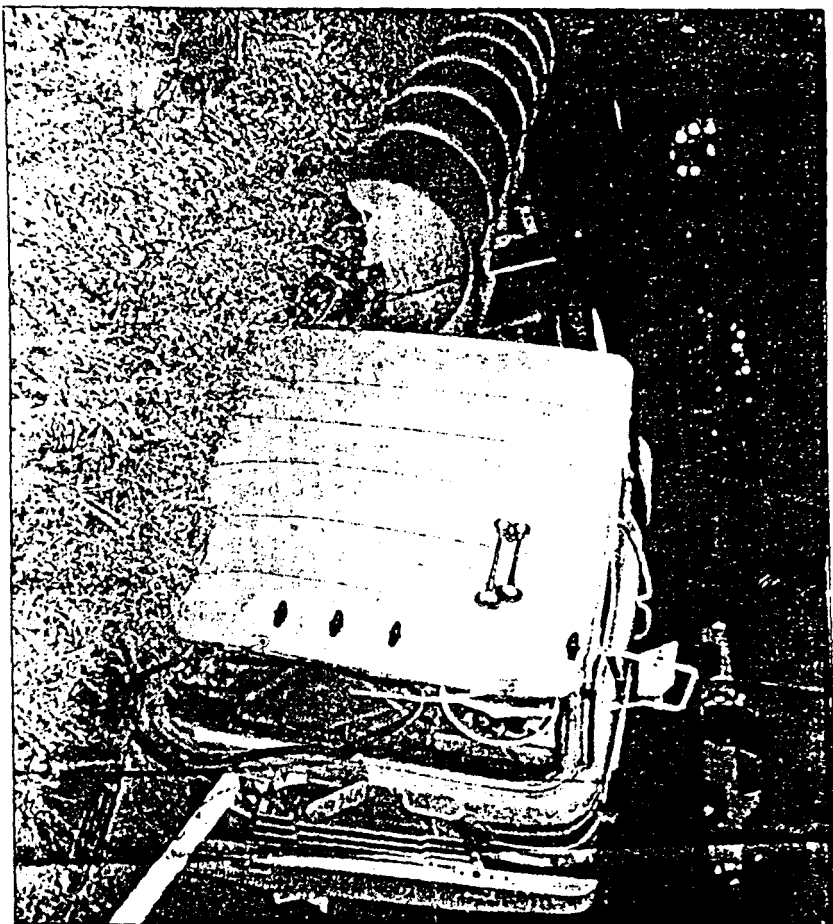
Various officials continued to monitor the spill site Wednesday making sure there was no threat to surface water.

The lime is being mixed into the acid some more, and when a safe pH level is attained, the mixture will be hauled to a certified landfill.

Toxic clouds arise from the mixture of lime, which had been shoveled onto the sulphuric acid spilled north of Townsend early Tuesday morning, the result of a semi tractor/trailer accident. Highway 287 was barricaded and traffic was detoured all day Tuesday and again Wednesday morning. About 1300 gallons of the acid was spilled and many loads of lime from Continental lime was hauled to dilute and neutralize the chemical.

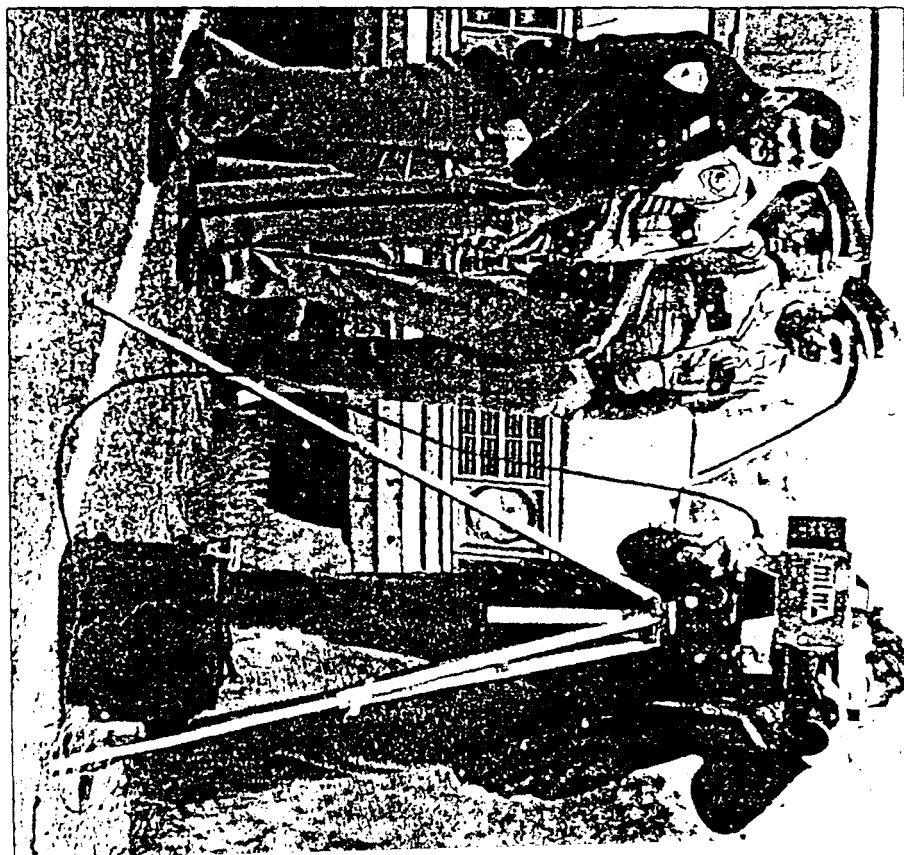
Mike Tichenor photo

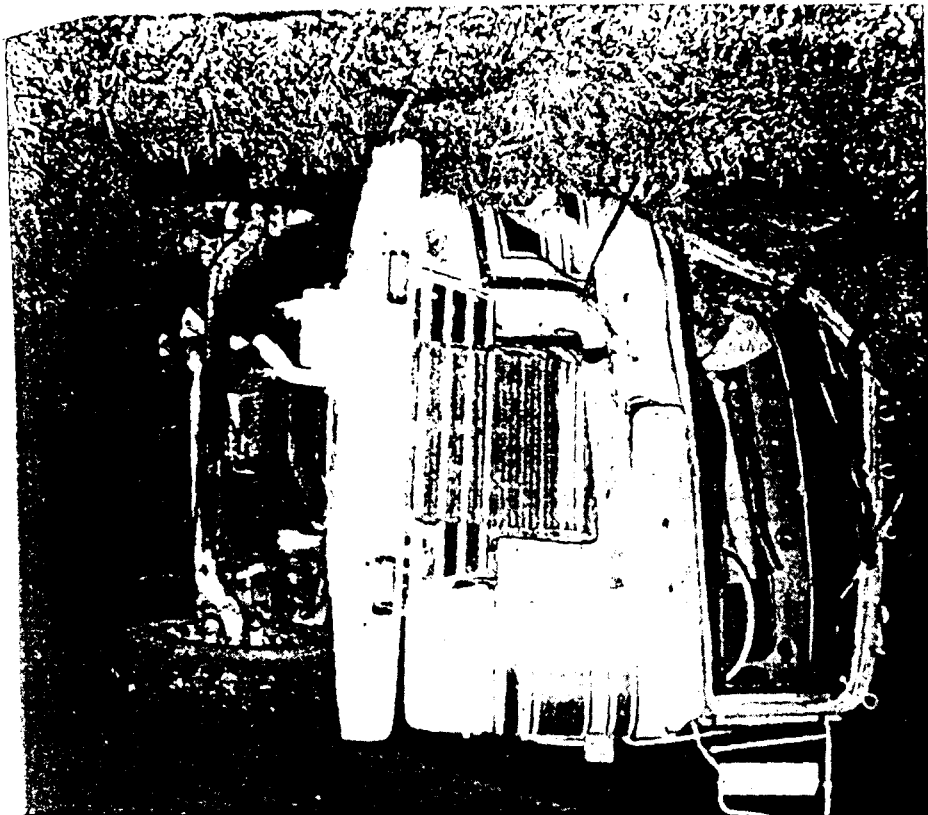




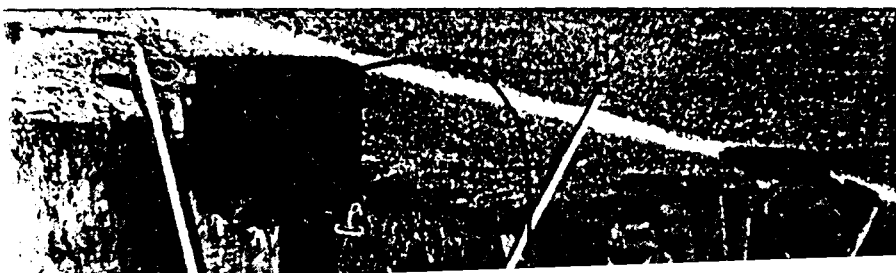
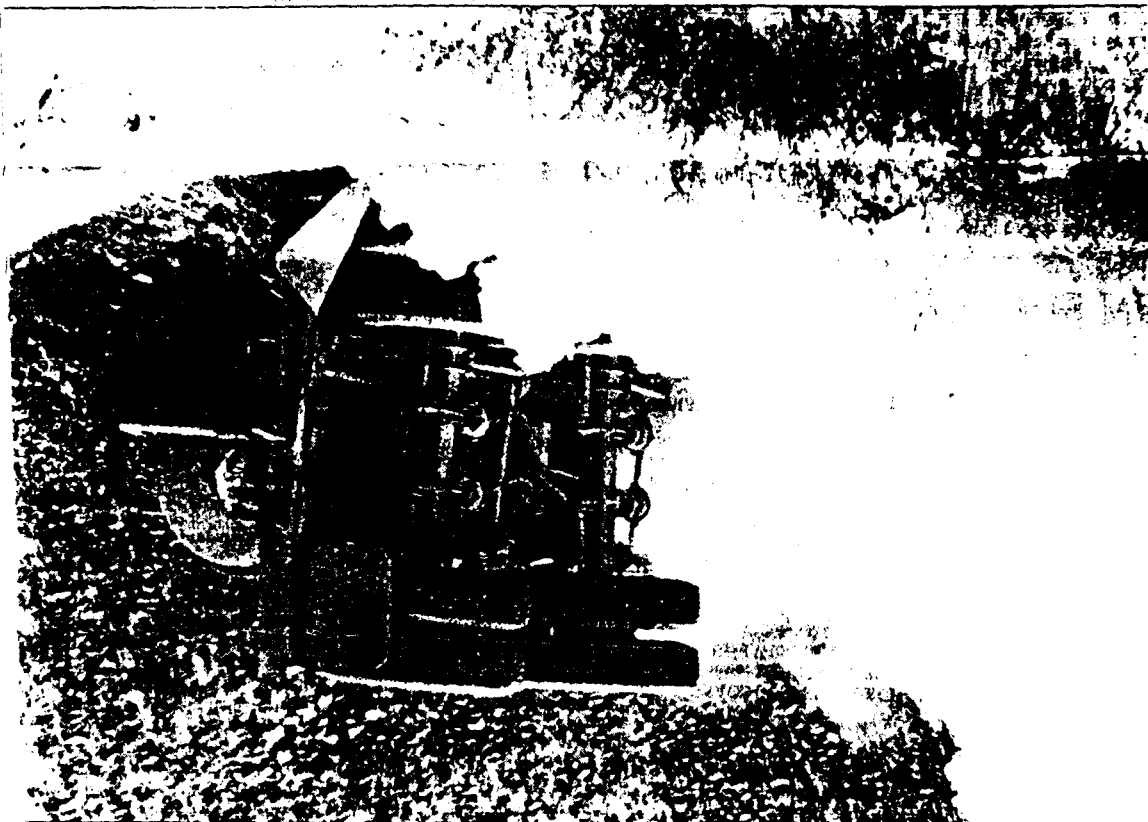
Fortunately no one was injured from the overturn of a Semi loaded with Sulphuric Acid Early Tuesday morning. A lot of manpower went into the cleanup of the area which was barricaded off 2 miles North of Townsend on HWY 287. Top, the semi lay in pools of Sulphuric Acid in the harrow pit as wreckers and state workers prepare in background for cleanup. Top right, the accident received alot of attention from the press

Mike Tiehenor Photos





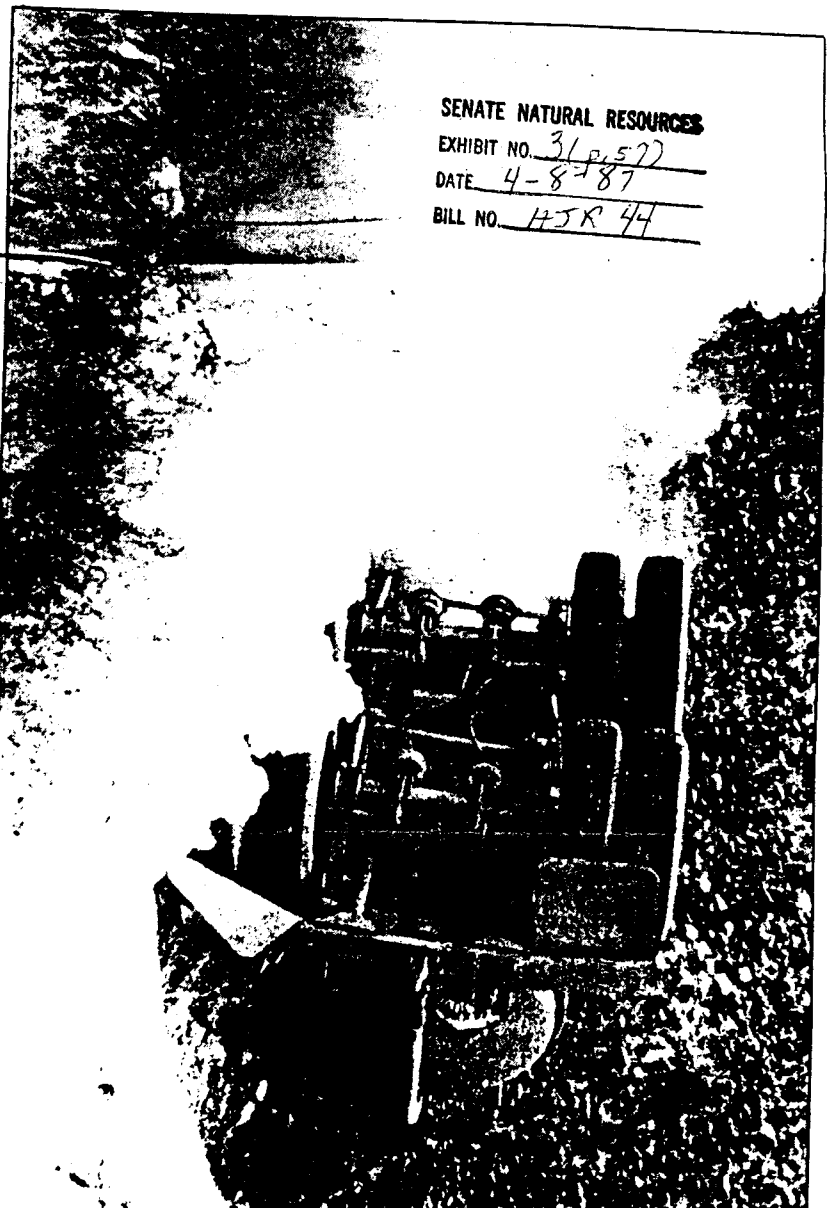
SENATE NATURAL RESOU  
EXHIBIT NO. 3(p. 56)  
DATE 4-8-87  
BILL NO. HJR44



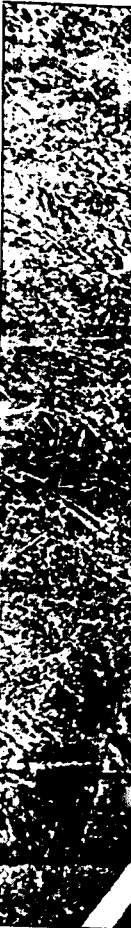
Tichenor Photos

Fortunately no one was injured from the overturn of a Semi loaded with Sulphuric Acid Early Tuesday morning. A lot of manpower went into the cleanup of the area which was barricaded off 2 miles North of Townsend on HWY 287. Top, the semi lay in pools of Sulphuric Acid in the barrow pit as wreckers and state workers prepare in background for cleanup. top right, the accident recieved alot of attention from the proper authorities as well as news media, here policemen stand by as MTN news films the wreckage. Bottom right, Lime donated by Continental Lime of Townsend was used to dilute the acid and formed toxic white clouds. Owners of Headwaters Ag Supply of Townsend also were very helpful with thier knowledge of the acid and pumped the acid from the semi's tanks into thier own fertilizer trucks before the semi could be turned over. Bottom, the driver of the semi wasn't hurt as he reported the lights shorted out on the rig to cause the accident.

Mike Tichenor Photos



SENATE NATURAL RESOURCES  
EXHIBIT NO. 318577  
DATE 4-8-87  
BILL NO. HJR 44



PAGE 1 OF        PAGES  
TIME PERIOD:        TO         
19 85

**JOB SITE NO.:** \_\_\_\_\_

INNA  
XHI  
DATE  
BILL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 10-18-96 BY SP-6 BTJ/KJS

SENATE NATURAL RES  
EXHIBIT NO. 3 (p. 3)  
DATE 4-8-85  
BILL NO. H5K

# FORCE ACCOUNT RENTED EQUIPMENT RECORD

PROJECT APPLICATION NO.:  
CATEGORY OF WORK: LINE ITEM:

LOCATION: AID SPILL HIGHWAY 287 TOWNSEND, MT JOB SITE NO.:

PAGE 1 OF 2 PAGES  
TIME PERIOD 9/10/85 TO 9/13/85

| TYPE OF EQUIPMENT        | DATE USED | HRS. USED | RATE PER HOUR |        | TOTAL COST | VENDOR                  | INVOICE NO. | DATE PAID | AMT. PAID | CHECK NUMBER |
|--------------------------|-----------|-----------|---------------|--------|------------|-------------------------|-------------|-----------|-----------|--------------|
|                          |           |           | W/OPR         | WO/OPR |            |                         |             |           |           |              |
| Unit T1                  | 9/10/85   | 18.5      | 50.00         |        | 925.00     | Headwaters Ag., Inc.    | 112         | 9/30/85   | 925.00    | 5034         |
| Unit T3                  | 9/10/85   | 17.0      | 40.00         |        | 714.00     | Headwaters Ag., Inc.    | 112         | 9/30/85   | 714.00    | 5034         |
| Unit P2                  | 9/10/85   | 18.5      | 20.00         |        | 305.00     | Headwaters Ag., Inc.    | 112         | 9/30/85   | 305.00    | 5034         |
| Unit P6                  | 9/10/85   | 6.00      | 20.00         |        | 120.00     | Headwaters Ag., Inc.    | 112         | 9/30/85   | 120.00    | 5034         |
| Clark 175 B              | 9/10/85   | 12.00     |               | 70.00  | 840.00     | Continental Lime, Inc.  | 114         | 9/30/85   | 840.00    | 5035         |
| Water Truck              | 9/11/85   | 4.0       | 30.00         |        | 120.00     | Townsend Contracting    | 83          | 9/30/85   | 120.00    | 4959         |
| Retouring Cable          | 9/10/85   |           |               |        | 3047.00    | Mountain Bell Telephone | 3           | 10/31/85  | 3047.00   | 4899         |
| Replace cable on crane   | 9/10/85   | 5.5       | 150.00        |        | 724.50     | E.G. Perry, Inc.        | 100         | 9/30/85   | 1549.50   | 5024         |
| Grove Hydraulic Crane    | 9/12/85   | 6.0       | 25.00         |        | 300.00     | E.G. Perry, Inc.        | 100         | 9/30/85   | 300.00    | 5024         |
| Insbey 1 1/2 cy Dragline | 9/13/85   |           |               |        | 150.00     | E.G. Perry, Inc.        | 100         | 9/30/85   | 150.00    | 5024         |
| Transport Truck          | 9/13/85   | 8.0       | 150.00        |        | 1200.00    | E.G. Perry, Inc.        | 100         | 9/30/85   | 1200.00   | 5024         |
| Dragline                 | 9/13/85   | 3.0       | 25.00         |        | 150.00     | E.G. Perry, Inc.        | 100         | 9/30/85   | 150.00    | 5024         |
| Teardown Time            | 9/13/85   | 6.0       | 35.00         |        | 210.00     | City of Townsend        | 4           | 11/18/85  | 210.00    | 3957         |
| City Water Tanker        | 9/10/85   |           |               |        |            |                         |             |           |           |              |

CERTIFIED BY: [Signature] TITLE: CLERK AND RECORDER

9630.50



TITLE: CLERK AND RECORDER

# **FORCE ACCOUNT SUPPLY RECORD**

SENATE NATURAL RESOURCES  
EXHIBIT NO. 3 (p. 61)  
DATE 4-8-87  
BILL NO. HJR 47

PROJECT APPLICATION NO.: \_\_\_\_\_  
CATEGORY OF WORK: \_\_\_\_\_  
LINE ITEM: \_\_\_\_\_

LOCATION: ACID SPILL HIGHWAY 287

JOB SITE NO. TOWNSEND, N

PAGE 1 OF 3 PAGES  
TIME PERIOD: 9/10/85 TO 9/13/85  
19

| VENDOR                | DESCRIPTION                                  | QUANTITY | UNIT PRICE | TOTAL PRICE | DATE BOUGHT | CHECK NUMBER | DATE USED | CHECK ONE<br>INVOICE | CHECK ONE<br>STOCK |
|-----------------------|----------------------------------------------|----------|------------|-------------|-------------|--------------|-----------|----------------------|--------------------|
| William E. Duede      | Reimburse gas                                |          | 1.199      | 21.95       | 9/11/85     | 4923         | 9/11/85   | 7                    |                    |
| William E. Duede      | Reimburse gas                                |          | 1.199      | 20.15       | 9/13/85     | 4923         | 9/12/85   | 7                    |                    |
| William E. Duede      | Reimburse gas                                | 11ml     | 20.5       | 2.26        | 10/8/85     | 5084         | 10/8/85   | 105                  |                    |
| Jeffert White Co.     | Replace water cooler used at acid spill site | 1        | 27.49      | 27.49       | 9/19/85     | 4900         | 9/13/85   | 9                    |                    |
| Leadwater Ag. Inc.    | replace 30' of 2" hose                       | 1        | 1.39       | 41.70       | 9/10/85     | 5034         | 9/10/85   | 112                  |                    |
| Leadwater Ag. Inc.    | replace 2" female quick coupler              | 2        | 6.40       | 12.80       | 9/10/85     | 5034         | 9/10/85   | 112                  |                    |
| Leadwater Ag. Inc.    | replace 2" male quick coupler                | 2        | 4.38       | 8.76        | 9/10/85     | 5034         | 9/10/85   | 112                  |                    |
| Leadwater Ag. Inc.    | Fire Extinguisher Refill DES                 | 2        | 15.00      | 30.00       | 9/10/85     | 5034         | 9/10/85   | 112                  |                    |
| Raymond Doggett       | Reimburse mileage Coordinator                | 300      | 22.5       | 67.50       | 9/13/85     | 4948         | 9/13/85   | 81                   |                    |
| Judy Doggett          | Reimburse mileage Delivery of Meals          | 50       | 20.5       | 10.25       | 9/13/85     | 4972         | 9/13/85   | 85                   |                    |
| Raymond Doggett       | Reimburse Meals                              |          | 8.45       | 8.45        | 9/10/85     | 4948         | 9/10/85   | 80                   |                    |
| Berglund's Dept Store | Replace overshoes (eaten by acid)            | 1        | 16.98      | 16.98       | 9/20/85     | 4949         | 9/11/85   | 8                    |                    |
| TOTAL PRICE           |                                              |          |            | 268.29      |             |              |           |                      |                    |

I certify that the above information was transcribed from vendor invoices, stock cards or other documents which are available for audit.

CERTIFIED BY: [Signature]

TITLE CLERK AND RECORDER

# **FORCE ACCOUNT SUPPLY RECORD**

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 61)

DATE 4-8-87

BILL NO. HJR 44

ACID SPILL HIGHWAY 287 Townsend, Montana 19

TIME PERIOD: \_\_\_\_\_ TO \_\_\_\_\_

PAGE 2 OF 3 PAGES

PROJECT APPLICATION NO.: \_\_\_\_\_  
CATEGORY OF WORK: \_\_\_\_\_

LINE ITEM: \_\_\_\_\_

LOCATION: \_\_\_\_\_

JOB SITE NO.: \_\_\_\_\_

| VENDOR                    | DESCRIPTION                           | QUANTITY | UNIT PRICE | TOTAL PRICE | DATE BOUGHT | CHECK NUMBER | DATE USED | CHECK ONE |       |
|---------------------------|---------------------------------------|----------|------------|-------------|-------------|--------------|-----------|-----------|-------|
|                           |                                       |          |            |             |             |              |           | INVOICE   | STOCK |
| Ray's Horseshoe Cafe      | Meals for workers                     |          | 116.55     | 116.55      | 9/10/85     | 5094         | 9/10/85   | 129       |       |
| Lewis & Clark Co.         | 02                                    | 52 gal   | 1.0305     | 53.57       | 9/12/85     | 3950         | 9/12/85   | 108       |       |
| Road & Ranch Supply       | Emergency Warning Lights              | 3        | 40.24      | 120.72      | 9/13/85     | 5120         | 9/13/85   | 50        |       |
| MM GMC                    | Replace H20 pump in county fire truck |          | 2897.00    | 2897.00     | 9/19/85     | 5124         | 9/12/85   | 164       |       |
| Co-Op Supply              | Replace rain pants, coat & gloves     |          | 32.12      | 32.12       | 9/12/85     | 5050         | 9/12/85   | 13        |       |
| Coast to Coast            | Oil                                   | 12       | 0.65       | 7.80        | 9/11/85     | 5049         | 9/11/85   | 7         |       |
| Coast to Coast            | Oil                                   | 6        | 0.65       | 3.90        | 9/13/85     | 5049         | 9/13/85   | 7         |       |
| <del>Irvin Trucking</del> | Lime                                  | 138.28   | 65.00      | 8988.20     | 9/13/85     | 5029         | 9/13/85   | 107       |       |
| Lundy's Market            | Food and supplies for workers         |          | 45.56      | 45.56       | 9/10/85     | 4895         | 9/10/85   | 208       |       |
| John A. Belt, M.D.        | H2S04 Burn (Tom Webb)                 |          | 198.80     | 198.80      | 9/12/85     | 4970         | 8/12/85   | 210       |       |
| John A. Belt, M.D.        | H2S04 Burn (Bob Hossfeld)             |          | 36.00      | 36.00       | 9/12/85     | 4970         | 9/12/85   | 233       |       |
| Broadwater Hospital       | H2S04 Burn (Bob Hossfeld)             |          | 44.57      | 44.57       | 9/11/85     | 5006         | 9/11/85   | 229       |       |
| TOTAL PRICE               |                                       |          |            | 12544.79    |             |              |           |           |       |

I certify that the above information was transcribed from vendor invoices.  
Stock cards of other documents which are available for audit.

*Robert J. Hogg*

I certify that the above information was transcribed from vendor invoices, stock cards or other documents which are available for audit.

PROJECT APPLICATION NO.:

CATEGORY OF WORK:

LINE ITEM:

SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p. 63)

DATE 4-8-87

LOCATION 175R47

NO. 175R47

PROJECT ACID SPILL HIGHWAY 287

JOB SITE NO.:

PAGE 1 OF 1 PAGES  
TIME PERIOD: 2/10/85 TO 10/8/85

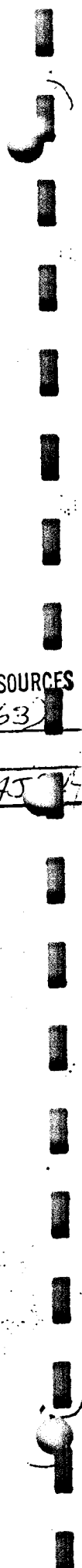
19

19

# FORCE ACCOUNT EQUIPMENT RECORD

| TYPE OF EQUIPMENT | EQUIP. NO. REFERENCE | DATE                |      |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL HRS. | RATE  | TOTAL COST |
|-------------------|----------------------|---------------------|------|----|----|----|----|----|----|----|----|----|----|----|----|----|------------|-------|------------|
|                   |                      | HOURS USED EACH DAY |      |    |    |    |    |    |    |    |    |    |    |    |    |    |            |       |            |
| Front End Loader  |                      | 10                  | 11   | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 42         | 18.00 | 756.00     |
| Dump Truck 10 cy  | #1                   | 14                  | 12   | 8  |    |    | 4  |    |    |    |    |    |    |    |    |    | 38         | 21.00 | 798.00     |
| Pickup 3/4 ton    | #1                   | 3                   | 18   | 8  | 8  |    |    |    |    |    |    |    |    |    |    |    | 37         | 6.00  | 222.00     |
| Pickup 3/4 ton    | #2                   | 14.5                | 13.5 |    | 8  |    |    |    |    |    |    |    |    |    |    |    | 36         | 6.00  | 216.00     |
| Dump Truck 10 cy  | #2                   | 12                  | 8    | 8  | 8  |    | 4  |    |    |    |    |    |    |    |    |    | 32         | 21.00 | 672.00     |
| Back Hoe          |                      | 5                   | 3    |    |    |    |    |    |    |    |    |    |    |    |    |    | 8          | 8.50  | 68.00      |
| Pickup 3/4 ton    | #3                   | 14.5                | 13.5 |    | 8  |    |    |    |    |    |    |    |    |    |    |    | 36         | 6.00  | 216.00     |
| Dump Truck 10 cy  | #3                   | 1                   |      | 5  |    |    | 4  |    |    |    |    |    |    |    |    |    | 10         | 21.00 | 210.00     |
| Pickup 3/4 ton    | #4                   | 10                  |      |    | 8  |    |    |    |    |    |    |    |    |    |    |    | 18         | 6.00  | 108.00     |
|                   |                      |                     |      |    |    |    |    |    |    |    |    |    |    |    |    |    | 257        |       | 266.00     |

CERTIFIED BY: *[Signature]* DATE: *[Date]* TITLE: *[Title]* PROJECT: *[Project Name]*



PROJECT APPLICATION NO.: \_\_\_\_\_  
CATEGORY OF WORK: \_\_\_\_\_

SENATE NATURAL RESOURCES  
EXHIBIT NO. 3 (p. 63)  
DATE 4-8-87  
LOCATION NO. 145

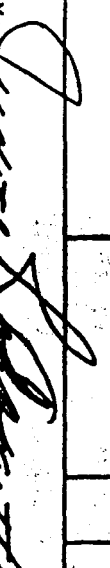
ROAD SPILL HIGHWAY 287

JOB SITE NO.: \_\_\_\_\_

PAGE 1 OF 1 PAGES  
TIME PERIOD: 2/10/85 TO 10/8/85

# FORCE ACCOUNT EQUIPMENT RECORD

| TYPE OF EQUIPMENT | EQUIP. NO. REFERENCE | DATE                |      |    |    |    |    |    |    |    |    |    |    | TOTAL HRS. | RATE       | TOTAL COST |
|-------------------|----------------------|---------------------|------|----|----|----|----|----|----|----|----|----|----|------------|------------|------------|
|                   |                      | HOURS USED EACH DAY |      |    |    |    |    |    |    |    |    |    |    |            |            |            |
| Front End Loader  |                      | 10                  | 11   | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 42         | 18.00      | 756.00     |
| Dump Truck 10 cy  | #1                   | 14                  | 12   | 8  |    |    | 4  |    |    |    |    |    |    | 38         | 21.00      | 798.00     |
| Pickup 3/4 ton    | #1                   | 3                   | 18   | 8  | 8  |    |    |    |    |    |    |    |    | 37         | 6.00       | 222.00     |
| Pickup 3/4 ton    | #2                   | 14.5                | 13.5 | 8  |    |    |    |    |    |    |    |    |    | 36         | 6.00       | 216.00     |
| Dump Truck 10 cy  | #2                   | 12                  | 8    | 8  | 8  |    | 4  |    |    |    |    |    |    | 32         | 21.00      | 672.00     |
| Back Hoe          |                      | 5                   | 3    |    |    |    |    |    |    |    |    |    |    | 8          | 8.50       | 68.00      |
| Pickup 3/4 ton    | #3                   | 14.5                | 13.5 |    | 8  |    |    |    |    |    |    |    |    | 36         | 6.00       | 216.00     |
| Dump Truck 10 cy  | #3                   | 1                   |      | 5  |    |    | 4  |    |    |    |    |    |    | 10         | 21.00      | 210.00     |
| Pickup 3/4 ton    | #4                   | 10                  |      |    | 8  |    |    |    |    |    |    |    |    | 18         | 6.00       | 108.00     |
|                   |                      | TOTAL HRS.          |      |    |    |    |    |    |    |    |    |    |    | 257        | TOTAL COST | 8266.00    |

CERTIFIED BY: 

TITLE: CLERK AND RECORDER

CERTIFIED BY: [Signature] TITLE: CLERK AND RECORDER

PROJECT APPLICATION NO.:

CATEGORY OF WORK:

SENATE NATURAL RESOURCE

EXHIBIT NO. 3 (p. 64)  
DATE 4-8-87

LOCATION: ALL NO.

ACID SPILL HIGHWAY 287

JOB SITE NO.: TOWNSEND, MONTANA

# FORCE ACCOUNT PAYROLL RECORD

PAGE 1 OF 2 PAGES  
TIME PERIOD: 9/10/85 TO 10/8/85 19

NAME

JOB  
CLS.

DATE  
HOURS WORKED EACH DAY

TOTAL  
HOURS

RATE

TOTAL  
PAY

PAYCHK.  
NUMBER

William E. Duede

Comm

9 10 9 9 9 13 10 8

1.5

46.5

7.50 348.75

2927 &  
3011

Sept.  
Oct.

Nathan Bieber

Oper.

8 12 8 8 4

4

40

16@7.75 96  
4@11.64 325.91

2964  
3050

Sept.  
Oct.

Robert Siltton

Flag

14 13 0 0

27

11@11.64 252.19

2966

Sept.

Ed Forsberg

Driver

12 8 8 4

32

32 @ 6.04 193.28

2963  
3049

Sept.  
Oct.

Henry Nance

Oper.

5 13.5 8.5 8.5

35.5

16@11.64 32@7.75 96  
11.64 300.69

2960

Sept.

Lyle G. Peters

Oper

17 14 9 8

48

434.55

2959

Sept.

Merle Sears

Flag

10 8 4

22

6.04 132.88

2961  
3047

Sept.  
Oct.

Wm. H. Deadmond

Driver

12 18 7.5

37.5

11.64 374.41

2962

Sept.

Tom Webb

Oper

14 14 9 8 4

49

36@6.04 13@9.06 335.22

2965  
3051

Sept.  
Oct.

CERTIFICATE

TITLE: Clerk and J

TOTAL HOURS 337.5 TOTAL PAY 2,697.88

EXHIBIT NO. 3 (p. 65)  
DATE 4-8-87  
BILL NO. HSR42

TIME PERIOD: 9/10/85 TO 9/13/85

**JOB SITE NO. JOHNSEND, MONTANA**

PAYCHK.  
NUMBER

5086

50337

3950

268.80



# SENATE NATURAL RESOURCES EXHIBIT NO. 8(p.66) DATE 4-8-87 BILL NO. 14JR44 **FORCE ACCOUNT** **SUPPLY** **RECORD**

PROJECT APPLICATION NO.: \_\_\_\_\_

CATEGORY OF WORK: \_\_\_\_\_ LINE ITEM: \_\_\_\_\_

LOCATION: \_\_\_\_\_

JOB SITE NO.: \_\_\_\_\_

PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

TIME PERIOD: 9-10 TO 9-13 19 85

| VENDOR          | DESCRIPTION               | QUANTITY | UNIT PRICE | TOTAL PRICE | DATE BOUGHT | CHECK NUMBER | DATE USED | CHECK ONE |       |
|-----------------|---------------------------|----------|------------|-------------|-------------|--------------|-----------|-----------|-------|
|                 |                           |          |            |             |             |              |           | INVOICE   | STOCK |
| 3CRFD inventory | Best Model 73             | 6 pr     | 5.75       | 11.50       | 5-84        |              | 9-10-85   |           | ✓     |
| "               | Gloves - Rubber           | 2        | 16.50      | 33.00       | 8-79        |              | 9-10-85   |           | ✓     |
| "               | True Temper               | 1        | 95.00      | 95.00       | 3-71        |              | 9-10-85   |           | ✓     |
| "               | Square Point Shovel       | 1        | 47.50      | 47.50       | 3-71        |              | 9-10-85   |           | ✓     |
| "               | Hose Rubber               | 1        | 117.00     | 117.00      | 3-80        |              | 9-10-85   |           | ✓     |
| "               | 50' 1/2" - 500 LBS test - | 1        | 132.00     | 132.00      | 3-81        |              | 9-10-85   |           | ✓     |
| "               | TURN OUT TROUSERS         | 1        | 67.00      | 67.00       | 8-79        |              | 9-10-85   |           | ✓     |
| "               | 56-32                     |          |            |             |             |              |           |           |       |
| "               | TURN OUT TROUSERS         |          |            |             |             |              |           |           |       |
| "               | 38-32                     |          |            |             |             |              |           |           |       |
| "               | Boots Rubber 3/4 length   | 2 pr     | 67.00      | 134         | 8-79        |              | 9-10-85   |           | ✓     |
| TOTAL PRICE     |                           |          |            | 570.04      |             |              |           |           |       |

I certify that the above information was transcribed from vendor invoices, stock cards or other documents which are available for audit.

CERTIFIED BY: William H. H. H.

TITLE: Chief Broadwater, Arno F. D.

504-18

PAGE 2 OF 3 PAGES  
TIME PERIOD: 2/0 TO     

LOCATION: 10

**JOB SITE NO.:**

| NAME            | JOB CLS. | DATE <u>9/13/11</u>   |        |       |       |   |   |   |   |   |   |   |   |   |   | TOTAL HOURS | RATE      | TOTAL PAY | PAYCHK. NUMBER |
|-----------------|----------|-----------------------|--------|-------|-------|---|---|---|---|---|---|---|---|---|---|-------------|-----------|-----------|----------------|
|                 |          | HOURS WORKED EACH DAY |        |       |       |   |   |   |   |   |   |   |   |   |   |             |           |           |                |
| Willie Lespie   | FM       | —                     | —      | 9 1/2 | —     | — | — | — | — | — | — | — | — | — | — | 5           | 10.00     | 50.00     |                |
| Edward Hensley  | FM       | —                     | 9 1/16 | —     | —     | — | — | — | — | — | — | — | — | — | — | 16          | 10.00     | 160.00    |                |
| Bob Hossfeld    | FM       | —                     | 9 1/10 | —     | —     | — | — | — | — | — | — | — | — | — | — | 10          | 10.00     | 100.00    |                |
| Willis Hossfeld | FM       | —                     | 9 1/11 | —     | —     | — | — | — | — | — | — | — | — | — | — | 3           | 10.00     | 30.00     |                |
| Martin Johansen | FM       | —                     | —      | 9 1/2 | —     | — | — | — | — | — | — | — | — | — | — | 5           | 10.00     | 50.00     |                |
| David Johnson   | FM       | —                     | —      | —     | 9 1/3 | — | — | — | — | — | — | — | — | — | — | 10          | 10.00     | 100.00    |                |
| Bill Lane       | FM       | —                     | —      | 9 1/2 | —     | — | — | — | — | — | — | — | — | — | — | 2           | 10.00     | 20.00     |                |
| Joyce Lane      | FM       | —                     | —      | 9 1/2 | —     | — | — | — | — | — | — | — | — | — | — | 2           | 10.00     | 20.00     |                |
| Charles Plymale | FM       | —                     | —      | —     | 9 1/3 | — | — | — | — | — | — | — | — | — | — | 10          | 10.00     | 100.00    |                |
| Franklin Slika  | FM       | —                     | —      | —     | 9 1/3 | — | — | — | — | — | — | — | — | — | — | 9           | 10.00     | 90.00     |                |
|                 |          | TOTAL HOURS           |        |       |       |   |   |   |   |   |   |   |   |   |   | 72          | TOTAL PAY | 720.00    |                |

PROJECT APPLICATION NO.: \_\_\_\_\_  
CATEGORY OF WORK: \_\_\_\_\_

LINE ITEM: \_\_\_\_\_

SENATE NATURAL RESOURCE  
EXHIBIT NO. 3(p.69)  
DATE 4-8-87  
BILL NO. HJR 44

# FORCE ACCOUNT PAYROLL RECORD

PAGE 1 OF 3 PAGES  
TIME PERIOD: 9-10 TO 9-13 19 85

JOB SITE NO.: \_\_\_\_\_

| NAME               | JOB CLS. | HOURS WORKED EACH DAY |      |      |      |      |   |   |   |   |   |   |   |   |   | TOTAL HOURS | RATE  | TOTAL PAY | PAYCHK. NUMBER |
|--------------------|----------|-----------------------|------|------|------|------|---|---|---|---|---|---|---|---|---|-------------|-------|-----------|----------------|
| Adrian Clark       | FM       | —                     | —    | —    | 9/13 | —    | — | — | — | — | — | — | — | — | — | 10          | 10.00 | 100.00    |                |
| Frank Ebert        | FM       | —                     | 9/11 | —    | —    | —    | — | — | — | — | — | — | — | — | — | 3           | 10.00 | 30.00     |                |
| Troy Helmick       | FM       | —                     | 9/11 | —    | —    | —    | — | — | — | — | — | — | — | — | — | 8           | 10.00 | 80.00     |                |
| William Herrington | Ch.      | 9/10                  | 9/11 | 9/12 | 9/13 | 9/14 | — | — | — | — | — | — | — | — | — | 55          | 15.00 | 825.00    |                |
| Charles Hollings   | FM       | 9/10                  | —    | —    | —    | —    | — | — | — | — | — | — | — | — | — | 5           | 10.00 | 50.00     |                |
| Virgil Lehr        | FM       | 9/10                  | —    | —    | —    | —    | — | — | — | — | — | — | — | — | — | 3           | 10.00 | 30.00     |                |
| Phil McMurdie      | ACH      | 9/10                  | 9/11 | —    | —    | —    | — | — | — | — | — | — | — | — | — | 18          | 13.00 | 234.00    |                |
| Martin McGeay      | FM       | —                     | —    | 9/12 | —    | —    | — | — | — | — | — | — | — | — | — | 16          | 10.00 | 160.00    |                |
| Marvin Meyers      | FM       | 9/10                  | —    | —    | —    | —    | — | — | — | — | — | — | — | — | — | 7           | 10.00 | 70.00     |                |
| Tim Wilson         | FM       | 9/10                  | 9/11 | —    | —    | —    | — | — | — | — | — | — | — | — | — | 16          | 10.00 | 160.00    |                |
| TOTAL              |          |                       |      |      |      |      |   |   |   |   |   |   |   |   |   | 135         |       | 1739.00   |                |

CERTIFIED BY: William M. Herrington

TITLE: Chief Broadwater Rural F.D. HOURS

SENATE NATURAL RESOURCES

NAME JAMES T. MULAR

EXHIBIT NO. 4

DATE 4-8-87

ADDRESS BUTTE MT

BILL NO. HJR 44 BILL NO. HJR-44

WHOM DO YOU REPRESENT

MONT RAIL UNIONS (IBRAE BmUE)  
UTU BME

DATE 4-8-87

SUPPORT X

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: MONT. RAIL UNIONS Support HJR 44  
AN INCREASE OF HAZARDOUS COMMODITY SHIPMENTS  
BY RAIL SUPPORTS A LEGISLATIVE INTERIM  
STUDY COMMITTEE DEALING WITH CATASTROPHIC  
EVENTS THAT COULD OCCUR RESULTING FROM  
RAILROAD ACCIDENTS OR DERAILMENTS.

RECENTLY BUTTE-SILVER BOW AREA WAS CONFRONTED  
WITH A LEAKY TANK CAR OF CAUSTIC SODA.  
POLICE AND FIRE DEPARTMENTS WERE SUMMONED  
TO THE RURAL HAMLET OF SILVER BOW.  
IN AN ATTEMPT TO CONTAIN THE LEAK, A  
RR TOLL FREE NUMBER WAS NOT IMMEDIATELY  
AVAILABLE ~~as~~ THE INCIDENT OCCURRED ON  
A SUNDAY. FIRE FIGHTERS USED SAND BAG  
CONTAINMENT.

A UNIFORM METHOD DEALING WITH HAZARDOUS  
COMMODITIES SHIPPED BY RAIL-WITHOUT  
CALLING A RR TOLL FREE NUMBER WILL  
ENHANCE PREVENTING CATASTROPHIC  
EVENTS IN RR ACCIDENTS AND DERAILMENTS.

J. Mular

# STANDING COMMITTEE REPORT

April 3

37

19.....

MR. PRESIDENT

NATURAL RESOURCES

We, your committee on.....

HOUSE JOINT RESOLUTION

44

having had under consideration..... No.....

THIRD

BLUE

reading copy ( )  
color

REQUESTING STUDY OF PROBLEMS OF HAZARDOUS MATERIALS  
INCIDENTS

PAVLOVICH (LYNCH)

HOUSE JOINT RESOLUTION

44

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

SENATOR TOM KEATING,

Chairman.