

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairperson Bob Raney, on February 13, 1989,
at 3:00 p.m.

ROLL CALL

Members Present: All members present except:

Members Excused: Rep. Cohen

Members Absent: None

Staff Present: Claudia Montagne, Secretary; Hugh Zackheim,
Staff Researcher, Environmental Quality Council

Announcements/Discussion: None

HEARING ON HB 608

Presentation and Opening Statement by Sponsor:

REP. TIM WHALEN, House District 93, presented HB 608, a bill which would require industries in Montana that emit more than a thousand tons of sulfur dioxide annually to either have in-stack monitors, commonly known as continuous emission monitors or CEM's, or to install equipment or a process to enable them to clean up these emissions to the latest standards available in the industry. He said that with Rep. Hannah's legislation passed last session to relax the state standard in Yellowstone County, the monitors placed in Yellowstone County from Rep. Addy's bill and the formation of BLAQTC (Billing Laurel Air Quality Technical Committee), difficulties had developed in producing data that was relevant. He said that in essence, a license to emit more sulfur dioxide, especially in Billings, had been created.

REP. WHALEN said that HB 608 had arisen in response to these difficulties, and that members of the Yellowstone Valley Citizens Council, a group that had been following the issue for the past two years, were present to testify. He also said that Wayne Mahan, Chief Development Engineer at Cenex, would be available as a resource person on the economics of stack scrubbing.

Testifying Proponents and Who They Represent:

Eileen Morris, Yellowstone Valley Citizens Council (YVCC)
Ron Fenex, Northern Plains Resource Council and YVCC
Chris Kaufmann, Montana Environmental Information Center
Kim Wilson, Montana Chapter, Sierra Club
Wayne Mahan, self and YVCC
Jeff Chaffee, Montana Department of Health and Environmental
Sciences

Proponent Testimony:

EILEEN MORRIS testified as set forth in EXHIBIT 1.

RON FENEX testified as set forth in EXHIBIT 2.

CHRIS KAUFMANN testified, stating that last session, the legislature had created Pittsburgh, Montana. She said that it was only fair to hold industries accountable for the emissions they create and to require the best available technology to monitor the emissions as well as the scrubbers to clean the emissions.

KIM WILSON urged support for the legislation.

WAYNE MAHAN, former Chief Development Engineer for Cenex for 20 years, and employee within the Engineering Department for 30 years, stated that as part of his job, he had studied the economics and feasibility of systems, schemes and processes for Cenex. He had investigated the economic feasibility of stack scrubber installation and had found that it was feasible. With the scrubbers, he discovered, a pay back for the initial investment was possible because the industry would be able to purchase heavier, higher sulfur, lower priced crude oil. Moreover, he said that there was a byproduct material from the systems that he investigated that could be marketed. He expected that the payback costs for Cenex would be similar today.

JEFF CHAFFEE, Chief, Air Quality Bureau, testified as set forth in EXHIBIT 3.

Additional Proponent Testimony:

Yellowstone Valley Citizens Council (EXHIBIT 9)
Jerry Anderberg, Jerry Anderberg and Associates, Billings
(EXHIBIT 10)

Testifying Opponents and Who They Represent:

John MacFarlane, Exxon
Bob Holtsmith, Conoco Billings Refinery
Alan Hobbs, Montana Refining Company
Harold Ude, Cenex Refinery

James Scott, BLAQTC
Dr. Carlton Grimm, Montana Power Company
Kay Foster, Billings Chamber of Commerce

Opponent Testimony:

JOHN MACFARLANE, refinery manager at Exxon refinery in Billings, testified as set forth in EXHIBIT 4.

BOB HOLTSMITH testified as set forth in EXHIBIT 5.

ALAN HOBBS said that he worked for a small independent refinery in Great Falls, and opposed this bill as unnecessary and expensive to the industry. He said that the costs would be high, and that the data generated was already being collected. He said that HB 608 would produce volumes of the same data. He quoted the accuracy rate of the calculations used in the current fuel system monitoring method, considered to be accurate to within 1 or 2%. The CEM devices provided data which needed frequent calibration, which resulted in the accuracy ratio of +/- 20%. The accuracy would be questionable, and the increased costs would be passed on to the customers. He said that the first year cost to his refinery, the smallest refinery in Montana, would be \$500,000.

HAROLD UDE testified as set forth in EXHIBIT 6.

JAMES SCOTT opposed the bill as set forth in EXHIBIT 7.

DR. CARLTON GRIMM stated that his expertise was in environmental controls for thermal power plants. He said that he had reviewed HB 608, and did not support it because its intent was unclear. He said that in the case of the Montana Power Company, it might require an emission monitor on a thermoelectric generating unit, the Frank Byrd Plant in Billings, which was used infrequently. He said that they had two units in Billings, the Frank Byrd plant which is oil and gas fired, and the Corette plant, which is coal fired. He said that MPC had continuous emissions monitors on their coal fired plants in Billings and Colstrip and knew the true costs of these instruments. He said that these CEM's were not necessary for the refineries because the sulfur content of liquid fuels was of known constant quality and quantity, and thus the emissions could be calculated effectively. Coal did not lend itself to this type of treatment, he said. He said that the installation and monitoring of the equipment would be costly. He said that there were other cost effective means of obtaining timely emissions information.

KAY FOSTER testified in concurrence with Eileen Morris and Ron Fenex, stating that the Chamber's goal was cleaner, healthier air. However, she cited the downward trend in SO₂ emissions in the Billings area that had occurred, and introduced the Status of Total Suspended Particulate, Sulfation Rate and Carbon Monoxide in the Billings-Laurel Area, EXHIBIT 8.

Questions From Committee Members:

REP. ROTH asked Ms Morris about her statement that the data available on emissions were not correct, and how she could state that 100 tons of SO₂ were being dumped on Billings every day. Ms Morris said that she got the information from industry in their production data. He asked if the death of the woman mentioned in her testimony was considered to be due to SO₂ emissions in the air, and Ms Morris said that it was a result of the air pollution, which included SO₂ emissions.

REP. GILBERT asked Mr. Chaffee how the CEM's would result in cleaner air, and what new information they would bring. Mr. Chaffee said that the CEM's merely monitor the stack gas. He said the Air Quality Bureau was getting data from engineering process calculations, but that they had questions about the parameters and methods of calculation. REP GILBERT asked if these questions would warrant installation of this equipment when the department would have definite answers within a few weeks or months as referenced by Mr. Chaffee. Mr. Chaffee said that once they evaluated the data they would be receiving, they would be able to give a recommendation in the next few months about CEM's versus engineering calculations.

REP. GILBERT asked Mr. MacFarlane if CEM's would result in cleaner air, and Mr. MacFarlane said no. REP. GILBERT asked if the information was available now, and Mr. MacFarlane said that CEM's would provide estimates of emissions from three of their stacks now, instead of total emissions from the refinery. REP. GILBERT asked if he felt that DHES's questions were grounds for investing in the equipment, and Mr. MacFarlane said that he felt that the data Exxon provided was sufficient.

REP. GILBERT asked Mr. Chaffee if the CEM's, installed and operated by the refinery, would provide information that was any more credible. Mr. Chaffee said that CEM's were actual monitors and were an easier method to monitor and follow than a total emissions figure derived from engineering data. He said that the CEM's were the method accepted both by state and the EPA as the reference method for measuring emissions from

stacks for all new industries. REP. GILBERT asked if in supporting CEM's, the department had considered the cost to industry, and Mr. Chaffee said that the department did not take a position one way or the other on HB 608, but was there to provide factual information on the BLAQTC process and the CEM issue.

REP. GILBERT asked Mr. MacFarlane if, in looking at the cost of the CEM method, they had found any other cost effective alternatives, and Mr. MacFarlane replied yes, and that in his testimony he had described the engineering and measuring calculations to arrive at total emissions.

REP. O'KEEFE asked Mr. Chaffee if the department had authorization to require CEM's to be utilized, and Mr. Chaffee answered yes, under the Montana Clean Air Act.

REP. OWENS asked about the Federal Ambient Air Quality Standards, and how many violations Exxon had, and Mr. Chaffee said that there had been no violations of the Federal Ambient Air Quality Standards, but that there had been 2 documented violations last year of the Billings area SO₂ Ambient Air Quality Standard, one at the Lockwood Park monitoring site, and the other at the Laurel monitoring site. Exxon was one of the industries at the Lockwood Park site.

REP. BROOKE asked how the YVCC interacted with the BLAQTC process, and Ms Morris said that they sat in at the meetings, but were not members. They refused membership because they would have had to agree to a gag order and to sign a contract. She said that their group had not initiated the BLAQTC group, and that it was open to the public, but did not know if any other citizens group had been invited to participate in the process.

REP. HARPER asked Mr. Scott about the other methods that he had suggested the money could be better spent on, and asked if they were just better weather forecasting systems. Mr. Scott said that they were looking at other processes in addition to meteorological equipment, including one that would allow better monitoring of the mix of gasses in the refining process.

REP. CLARK asked if the NPRC was supporting the chromite ore refinery. Mr. Fenex said yes, they were definitely supporting it, provided that room were to be made for it in the Billings-Laurel airshed.

Closing by Sponsor:

REP. WHALEN closed, stating that in evaluating HB 608, it would be necessary for the committee to consider the historical perspective in which it was being presented. REP. WHALEN noted that it was at industry's, not consumers', request that the standard was raised to the federal level two years ago. In fact, he said, consumers and residents testified that they were having a hard time breathing at that time. He stated that despite the raising of the SO₂ standard by almost 50%, industry had broken the state standard twice in the past year. Moreover, additional industry could not move into the area because of the quality of the air in the airshed. He said Mr. MacFarlane had said that the air quality on average had been good, when the fact of the matter was that when the 24-hour standards were considered together with how the emissions occurred, sometimes in the middle of the night, there were many times when people were not comfortable.

Regarding Mr. MacFarlane's statement that it would cost \$400,000 to install this equipment on the Exxon refinery and that this was burdensome and oppressive, REP. WHALEN stated that while Mr. MacFarlane had not reported their production, Conoco was refining 50,000 barrels a day. Based upon this production level, the expenditure of \$400,00 would represent a \$.02 cost per barrel. He questioned the refineries' civic responsibility, and in light of industries' request to have the standard raised, he stated that the people of Yellowstone County were entitled to some independent, emission monitoring, rather than data developed in house. REP. WHALEN suggested that the committee look at civic responsibility another way, stating that there were approximately 100,000 people in the Billings area, and that industry was not willing to spend \$4.00 per person per year on their its responsibility.

Regarding the testimony of the Billings Chamber of Commerce regarding their support of clean air, their opposition to HB 608, and their support of Rep. Addy's bill, REP. WHALEN said that the Addy bill provided for the monitoring of SO₂ emissions out in the community at 3 or 4 sites, hardly enough to find out what's going on with 100,000 people in the valley. Moreover, when the standard would be violated, each industry could blame the other. CEM's and stack monitors would be needed, he said, to identify the source of the violation. REP. WHALEN suggested that CEM's would reduce the level of SO₂ in Billings, because with continuous monitoring, violations of the federal standard would be found much more than was admitted at present, and the industry would be required to reduce its emissions.

DISPOSITION OF HB 608

Motion: REP. OWENS moved DO NOT PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Substitute Motion: REP. HARPER moved to TABLE HB 608.

Vote: The substitute motion CARRIED on a recorded vote, 13 - 3.

HEARING ON HB 581

Presentation and Opening Statement by Sponsor:

REP. DENNIS IVERSON, House District 12, opened on HB 581, stating that it dealt with hard rock mining and the Metal Mines Reclamation Act. He said that under current law, if you were hard rock mining, you were operating under a mining permit from the Department of State Lands (DSL). As a condition of that permit, you would also have a number of other permits and you would post a bond, set at 100% of the estimated cost of reclamation. He said that the problem was with this bonding requirement, and that occasionally an operator fouled up and had his bond revoked. DSL then would go in and do the clean-up, but the person guilty of the bad mining practices would not be prohibited from coming back in and doing that again.

REP. IVERSON said HB 581 would address this issue in establishing that for persons whose bonds had been revoked, several options would no longer be open to them. They would no longer be eligible for a Small Miner's Exemption, an Exploration Permit, or an Operating Permit. REP. IVERSON said that there was an escape in that the person could come in and pay back all the costs with interest and thus reinstate eligibility. DSL would also have the ability to waive penalties in situations where the penalty (minimum \$200) exceeded the infraction, and a provision was included to allow due process, a contested case hearing.

Testifying Proponents and Who They Represent:

Jim Jensen, Montana Environmental Information Center
Dennis Casey, Commissioner Designate, Department of State
Lands (DSL)
John North, Legal Counsel, DSL
Stan Bradshaw, Montana Council, Trout Unlimited
John Fitzpatrick, Pegasus Gold Corporation

Gary Langley, Montana Mining Association
Kim Wilson, Montana Chapter, Sierra Club

Proponent Testimony:

JIM JENSEN stated support for the bill, and offered an amendment. The amendment would expand the language on page 16 to include any bonds forfeited outside Montana within the United States. He said that the provision would be similar to that in the Coal Mine Reclamation Act. He said that this would enable the state to determine whether an individual or mining company coming in from out of state had obeyed the laws in other states.

DENNIS CASEY introduced himself to the committee and turned the DSL testimony over to Mr. John North.

JOHN NORTH testified for the bill as set forth in EXHIBIT 11.

STAN BRADSHAW testified in support of the bill.

JOHN FITZPATRICK spoke for Pegasus Gold Corporation and for Gary Langley of the Montana Mining Association. He said Pegasus had three operating mines in Montana, and their investment exceeded \$150,000,000. He said they were foursquare behind the notion of good development, and had no tolerance for people who abused the reclamation laws of Montana. He encouraged the passing the bill to provide additional burdens for those who had broken the reclamation laws if they wished to come back to Montana.

MR. FITZPATRICK spoke for Mr. Langley. He said the Board of Directors of the Montana Mining Association had voted to support HB 581.

KIM WILSON testified in support of the bill. He said it addressed several problems in the current law by preventing repeat offenders from coming back in to work the land. It also would promote responsible development of natural resources.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

REP. IVERSON addressed the suggested amendment offered by MEIC. He said he had no problem with the concept, but was concerned that an unfair burden might be placed on a person wanting to work in Montana, depending on the laws of his/her state of origin. He said that unless we were certain that other state laws were compatible with ours, we not include that amendment.

DISPOSITION OF HB 581

Motion: REP. GIACOMETTO moved the bill DO PASS.

Discussion: REP. SMITH said the sponsor indicated to him that the amendment would cause problems when we started dealing with other states, because their laws would possibly not be compatible with Montana's.

REP. GIACOMETTO said we would have to check with other states, which could be an extensive review.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED with no opposition.

HEARING ON HB 552

Presentation and Opening Statement by Sponsor:

REP. TOM NELSON, House District 95 in Billings, said the bill would require individuals who install or remove underground storage tanks to be licensed by the state of Montana. He continued as set forth in EXHIBIT 12. He also distributed the fiscal note, EXHIBIT 13.

Testifying Proponents and Who They Represent:

Larry Mitchell, Solid and Hazardous Waste Bureau, DHES
Ronna Alexander, Montana Petroleum Marketers Association
Chris Kaufmann, Montana Environmental Information Center
Tom Hudson, Shaeffer and Associates, Bozeman
Janelle Fallan, Montana Petroleum Association
Ted Neuman, Montana Council of Cooperatives
Doug Abelin, Montana Oil and Gas Association and Black
Diamond Coating
Ray Kenik, Petroleum Equipment Installers
Ray Blehm, State Fire Marshall

Additional Proponent Testimony:

Dick Swingley, Fire Marshall, Great Falls (EXHIBIT 16)

Proponent Testimony:

LARRY MITCHELL presented testimony in support of the bill, as well as a briefing (EXHIBITS 14 and 15).

RONNA ALEXANDER said the bill was the result of an issue worked on during the interim with the department and the industry. She said her organization supported the legislation since it allowed them another vehicle for the installation and replacement of tanks, an important issue in rural areas.

CHRIS KAUFMANN testified that leaking tanks were a critical environmental issue, causing contamination of ground and surface water, soil saturation, as well as fire hazard. She said there were 18,000 tanks registered in the state, but 12,000 were not. She said it was estimated that 10-35% of all tanks nationwide were leaking. Therefore, the number leaking in the state could be from 3,000 to 10,000 tanks. She said the bill addressed the incorrect installation, which was part of the problem in addition to corrosion.

TOM HUDSON, representing the firm that drafted the initial statute and rules for the underground storage tanks bill for DHES, went over the areas of deficiency identified by the EPA: the design and selection of materials, the lack of monitoring systems, and improper installations of tanks. He said all three of these areas contributed to leaking. He supported the legislation, saying it provided the mechanism for qualifying and licensing installers and repairers. He said it also provided for a mechanism for inspection of the work as it was done.

JANELLE FALLAN testified in support of the bill.

TED NEUMAN spoke in support of the bill.

DOUG ABELIN spoke in favor of HB 552.

RAY KENIK spoke as a proponent of HB 552.

RAY BLEHM said the bill was well intentioned and had merit, as there was obviously a problem with leaking underground storage tanks. He said standards had been developed in the Uniform and National Fire Code detailing the installation of underground tanks to prevent fire and leaking. He said he hoped the bill would be compatible with those fire codes. He mentioned another bill, SB 321, which also dealt with tanks, and would also be appropriate for the amendments he was proposing. He suggested that the bills be required to be compatible, and the actions of the department be coordinated with the actions of the State Fire Marshall. Regarding inspections, he proposed an amendment to allow the Fire Marshall to inspect the tanks.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members:

REP. RANEY asked Mr. Mitchell what his view was on the amendments offered by the State Fire Marshall, specifically the inclusion of the Fire Marshall in rule making. MR. MITCHELL said he had no problem with that suggestion.

REP. GILBERT asked why there were both civil and criminal penalties, both of which were severe. MR. MITCHELL said the bill had been patterned after the federal underground tank legislation which included both civil and criminal penalties. He said "knowingly" violating the act would be a criminal penalty. He acknowledged that one or the other penalty would be sufficient.

REP. CLARK asked how much competence or experience would be required of an installer. MR. MITCHELL said there was a provision for an interim license. He said there would be no requirement for apprenticeship, such as journeyman status.

Closing by Sponsor: REP. NELSON closed, saying he was approached by a supplier of materials to get involved in this issue.

HEARING ON HB 601

Presentation and Opening Statement by Sponsor:

REP. MARK O'KEEFE, House District 45, said he introduced the bill at the request of DNRC and DHES for the creation of a new financial program to fund waste water treatment facilities. He said it would enable the state to offer low interest loans to communities to reduce costs for construction of sewers and treatment plants. The state would be authorized to match general obligation bonds (\$8,000,000) to federal funds (\$40,000,000), available through EPA. The projected fiscal impact for the coming biennium would be \$2,900,000 in bond proceeds to match federal funds in the amount of \$14,200,000.

REP. O'KEEFE said there would be no cost to the state, because the federal government allowed 4% of their funds to be used for the administration of the program. The program would be jointly administered by DHES and DNRC. He said the bill

allowed for funding of administrative costs in the future through charges to the loan recipients.

Testifying Proponents and Who They Represent:

Scott Anderson, Montana Department of Health and
Environmental Sciences

Jim Jensen, Montana Environmental Information Center

Barry Damschen, Montana Water Pollution Control Association

Bill Leonard, Midwest Assistance Program (MAP)

Proponent Testimony:

SCOTT ANDERSON testified as set forth in EXHIBIT 17. He also distributed a fact sheet with figures explaining how the revolving loan program would work (EXHIBIT 18). He said Caralee Cheney from the Water Development Bureau of DNRC was there, available for questions.

JIM JENSEN stood in support of the bill. He reminded the committee that this environmental bill, like the Clean Water Act passed in 1972, would create long-term, well-paying jobs. He said that one of Montana's most prominent construction firms, Sletten Construction from Great Falls, had specialized in the installation of water and sewer treatment systems. He said a clean environment was good for jobs, and that this bill was good for the environment and jobs.

BARRY DAMSCHEN said his organization had 200 members in Montana, most of whom were public works directors, consultants, city engineers, agencies, and waste water plant operators. He said they were involved in the design, planning, operation and construction of waste water treatment systems in Montana, and were all proponents of this bill. He read a letter from Tim Hunter, president of the association, which expressed support of the HB 601.

BILL LEONARD, Field Representative with a non-profit organization, said MAP's mission was to work with small, rural communities throughout the midwest, a nine state region including Montana. He said he was working with 28 communities in Montana, and projected there would be many more in the future with waste water problems needing assistance. He said the common problem of these communities was that they were broke. He said that without the underpinning of the EPA Construction Grant Fund, few if any waste water project would have been started in recent years. He said there would be no more of these grant funds as of September 1990. MR. LEONARD said it was critical to provide this incentive for moving forward with this type of project.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor: REP. O'KEEFE closed, referring the committee of page 3 of EXHIBIT 18, for a list of communities in need of this type of loan. He said the interest rate would vary between 0% to market value.

DISPOSITION OF HB 601

Motion: REP. O'KEEFE moved DO PASS.

Discussion: None

Amendments, Discussion, and Votes: REP. O'KEEFE moved amendments consisting of changing "revolving fund" to "special revenue account" as necessary throughout the bill.

The motion on the amendment CARRIED unanimously.

Recommendation and Vote: REP. O'KEEFE moved the bill DO PASS AS AMENDED. The motion CARRIED unanimously.

DISPOSITION OF HB 486

Hearing 2/6/89

Motion: REP. O'KEEFE moved DO PASS on HB 486.

Discussion: REP. O'KEEFE said there had been a debate on actual costs of putting in and monitoring the wells. Numbers from Lewis and Clark County indicated that the initial cost for installing three groundwater monitoring wells was \$5,000, with an additional \$2,600 for first year monitoring.

REP. GILBERT said it was a good idea, but bad legislation. He said there was no funding mechanism.

Amendments, Discussion, and Votes: REP. HARPER moved an amendment limiting the depth (100 feet) and number of wells (4), unless site specific information indicated otherwise.

REP. O'KEEFE said he had no problem with the amendment if the committee felt it was necessary. REP. HARPER said this

amendment might give the bill a chance in the Senate. He said he would rather have some bill with limits to raise the awareness level than have no bill at all.

REP. BROOKE asked for the amendment to be repeated, and REP. HARPER repeated the amendment with some additional words: "unless site specific information indicates otherwise, the department may not require monitoring wells if the groundwater level is greater than 100 feet from the lowest level of waste, and may not require more than 4 monitoring wells."

The motion CARRIED, with Rep. Clark, Rep. Cohen, Rep. Raney and Rep. Gilbert voting no.

REP. RANEY said the department recommended an effective date of October 1 in order to give the impacted individuals some lead time. He offered an amendment to make an effective date of October 1, 1989.

REP. HARPER moved the amendment. The motion CARRIED.

Recommendation and Vote: REP. O'KEEFE moved the bill DO PASS AS AMENDED. The motion CARRIED on a roll call vote 12 to 4.

DISPOSITION OF HB 413

Motion: REP. GIACOMETTO moved the bill DO PASS.

Discussion: None

Amendments, Discussion, and Votes: REP. HARPER moved the amendments. He referred to the amendments in EXHIBIT 19. He offered one change to the amendments, involving the moving of the word "both" so that it would follow the word "by". He said Rep. Westlake endorsed the amendments, and the subcommittee was unanimous in its support of the amendments. REP. HARPER explained that with the amendments, the bill allowed the Department of Natural Resources and Conservation, together with one valid right holder, to petition the District Court to appoint a water commissioner. The motion CARRIED unanimously.

Recommendation and Vote: REP. GIACOMETTO moved the bill DO PASS AS AMENDED. The motion CARRIED unanimously.

DISPOSITION OF HB 399

Hearing 2/01/89
Executive Action 2/06/89

Motion: REP. O'KEEFE moved to RECONSIDER HB 399.

Vote: The motion CARRIED unanimously.

Motion: REP. HARPER moved the bill.

Discussion: None

Amendments, Discussion, and Votes: REP. HARPER moved amendments on EXHIBIT 19, 2 through 10. He said that amendment 1 on that exhibit died in subcommittee on a 2 to 1 vote, and was therefore not under consideration. He said the next amendment would remain with the change in sub (iii) that would add ", or other events beyond the applicant's control". He said there could be the collapse of a ditch or other events beyond the control of the person applying for the permit.

REP. GIACOMETTO commented that individuals who had problems with this section before were satisfied with this new amendment. REP. HARPER clarified that individuals were comfortable with the bill as amended by 2 through 10. REP. RANEY commented that amendments 3 through 10 allowed amendment 2 to be put into the bill.

REP. O'KEEFE said the intent of the amendments, was to tighten up the "shalls" of the department in such a way that the existing permit system was not shut down. He said his concern with amendment 1 was that, while it would protect the senior water right holders, it would result in shutting the door on the issuance of new water rights due to the prohibitive expense. The bill would become essentially an instream flow bill with that amendment, which was not the intent. He said the intent was to tighten up the system, while giving the senior water right users as much protection as possible. He said amendment 2 set up a new procedure in DNRC as far as trial changes went. If the department determined that there was adverse effect, the department could require the appropriator to remove it.

REP. HARPER further clarified amendment 2, saying it arose out of concern for senior water right holders that once the three year trial period was over, the diversion structure or facility could still be removed if it produced an adverse effect.

REP. HANNAH asked if there was any retroactivity in this provision. REP. O'KEEFE said there was no retroactive provision.

The motion on the amendments 2 through 10, EXHIBIT 19, CARRIED unanimously.

Recommendation and Vote: REP. BROOKE moved the bill DO PASS AS AMENDED, and the motion CARRIED unanimously.

DISPOSITION OF HB 542

Hearing 2/8/89

Motion: REP. HARPER moved the bill DO PASS.

Discussion: None

Amendments, Discussion, and Votes: REP. HARPER moved amendments contained in EXHIBIT 19. He described the amendments, which principally substituted "substantial credible" evidence for "clear and convincing" evidence in the bill.

REP. HANNAH asked if these changes could be made when "clear and convincing" was in the title. REP. HARPER said it was a two part bill, with the amendments referring to the second part of the bill. He said Rep. Guthrie had been advised of the changes and had no objections. REP. RANEY said the researcher indicated the title was properly amended.

The motion on the amendments CARRIED with Rep. Hannah voting no.

Recommendation, Discussion, and Vote: REP. HARPER moved the bill DO PASS AS AMENDED. REP. O'KEEFE reminded the committee that "clear and convincing" evidence kicked us into an Instream Flow. He said if it did not, it would at least kick the state into such a financial burden to prove it that the average Montanan would never get another water permit. The motion CARRIED with Rep. Gilbert voting no.

DISPOSITION OF HB 498

Hearing 2/6/89

Motion: REP. HARPER moved to remove the bill from the table.

Discussion: REP. HARPER said that a letter had been received from the Board of Water Well Contractors which indicated that a tag could be used.

REP. RANEY said he and the committee members had received the same letter from Montana Board of Water Well Contractors, but no amendment had been drafted.

REP. ROTH said the bill was unnecessary because wells were already marked. He said the tag was a cumbersome requirement and recommended the bill be left on the table.

REP. KADAS asked if there were amendments to discuss, and REP. RANEY said no. He said the board felt it could best be handled by administrative rules.

REP. HANNAH suggested leaving the bill on the table until the amendment was developed and brought to the committee by the sponsor, Rep. Grady.

REP. RANEY directed the researcher to meet with Rep. Grady regarding an amendment.

REP. HARPER WITHDREW his motion.

DISPOSITION OF HB 540

Hearing 2/10/89

Motion: REP. RANEY moved a DO PASS.

Discussion: REP. RANEY said the bill merely took the intent of the law, and added the letter of the law. When the law was written, it was obvious that it was meant that an individual would have the permit in hand before commencing the construction. The department had since run into problems where a system was already constructed when they would have liked to have rejected the permit.

REP. HANNAH asked if this would include all septic tank systems. REP. RANEY said yes. He said an individual would have to go to the local sanitarian, who would conduct the percolation tests, send the results off to the department, and get the written approval. REP. HANNAH expressed his concern about an individual building a new house wanting to get septic system in before it froze, and having to wait for written approval. REP. RANEY replied that this bill did not change existing law, but stated that an individual would have the permit in hand as it was intended.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED with Rep. Giacometto and Rep. Gilbert voting no.

DISPOSITION OF HJR 18

Hearing 2/10/89

Motion: REP. GIACOMETTO moved DO PASS.

Discussion: None

Amendments, Discussion, and Votes: REP. HARPER moved an amendment, which would essentially urge EPA to consider the cost effects of its proposed regulations on rural communities. MR. ZACKHEIM stated he would amend the title to be in keeping with the Harper amendment on page 3. The motion CARRIED unanimously.

Recommendation and Vote: REP. GIACOMETTO moved HJR 18 DO PASS AS AMENDED. The motion CARRIED.

DISPOSITION OF HJR 9

Hearing 2/10/89

Motion: REP. GIACOMETTO moved the bill DO PASS.

Discussion: None

Amendments, Discussion, and Votes: REP. BROOKE moved the amendments as presented in the gray bill, and said it met the approval of the sponsor. The motion on the amendments CARRIED unanimously.

Recommendation and Vote: REP. GIACOMETTO moved the bill DO PASS AS AMENDED. The motion CARRIED with Rep. Gilbert and Rep. Owens voting no.

DISPOSITION OF HB 399

Hearing 2/01/89
Executive Action 2/06/89, 2/13/89

Motion: REP. HARPER moved that the committee RECONSIDER HB 399.

Discussion: REP. HARPER said the committee had failed to amend a section of the bill.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion to reconsider CARRIED unanimously. Further executive action would continue at a later date.

ADJOURNMENT

Adjournment At: 6:20 p.m.



REP. RANEY, Chairperson

BR/cm

3712.min

DAILY ROLL CALL

HOUSE NATURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date 2/13/89

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Raney, Chairman	✓		
Rep. Ben Cohen, Vice-Chairman			✓
Rep. Kelly Addy	✓		
Rep. Vivian Brooke	✓		
Rep. Hal Harper	✓		
Rep. Mike Kadas	✓		
Rep. Mary McDonough	✓		
Rep. Janet Moore	✓		
Rep. Mark O'Keefe	✓		
Rep. Robert Clark	✓		
Rep. Leo Giacometto	✓		
Rep. Bob Gilbert	✓		
Rep. Tom Hannah	✓		
Rep. Lum Owens	✓		
Rep. Rande Roth	✓		
Rep. Clyde Smith	✓		

STANDING COMMITTEE REPORT

2/14/89
12:45 PM
BJ

February 14, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that HOUSE BILL 581 (first reading copy -- white), with statement of intent attached, do pass.

Signed: _____

Bob Raney

Bob Raney, Chairman

BR

STANDING COMMITTEE REPORT

February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that HOUSE BILL 601 (first reading copy -- white) do pass as amended .

Signed: _____
Bob Raney, Chairman

And, that such amendments read:

1. Page 9, line 1.
Strike: "fund"
Insert: "loan"

STANDING COMMITTEE REPORT

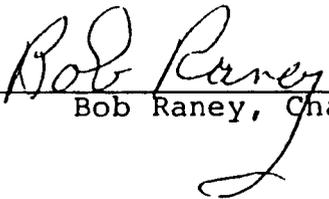
2/14/89
12:45 PM
B.D.W.

February 14, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that HOUSE BILL 486 (first reading copy -- white) do pass as amended.

Signed: _____


Bob Raney, Chairman

And, that such amendments read:

1. Title, line 6.

Following: "SITES;"

Insert: "AND"

2. Title, line 7.

Following: "MCA"

Strike: ";" through "DATE"

3. Page 4, line 22.

Following: "monitoring"

Insert: "-- exceptions"

4. Page 4, line 23.

Strike: "Owners"

Insert: "Except as provided in subsections (2) and (3), owners"

5. Page 5.

Following: line 16

Insert: "(3) Unless site-specific information developed pursuant to subsection (4) indicates a particular need for the monitoring described in subsections (3) (a) or (3) (b), the department may not require:

(a) more than four monitoring wells; or

(b) any groundwater monitoring if the depth to groundwater exceeds 100 feet from the bottom of the municipal solid waste landfill or other disposal site."

Renumber: subsequent subsections

6. Page 6, line 9.

Strike: "(3)"

Insert: "(4)"

(BU)

7. Page 6, line 14.

Strike: "(3)"

Insert: "(4)"

8. Page 7, line 14.

Strike: "[section 2(3)]"

Insert: "[section 2(4)]"

9. Page 7, line 25 through line 1, page 8.

Strike: section 5 in its entirety

STANDING COMMITTEE REPORT

February 14, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that HOUSE BILL 413 (second reading copy -- yellow), after having been rereferred to committee, do pass as amended.

Signed: Bob Raney
Bob Raney, Chairman

And, that such amendments read:

1. Page 2.

Following: line 16

Insert: " (2) When the existing rights of all appropriators from a source or in an area have been determined in a final decree issued under chapter 2 of this title, the judge of the district court ~~shall~~ may upon application by both the department of natural resources and conservation and one or more holders of valid water rights in the source appoint a water commissioner. The water commissioner shall distribute to the appropriators, from the source or in the area, the water to which they are entitled."

Renumber: subsequent subsections

2. Page 3, line 6.

Following: "compensation."

Insert: "The judge may include the department in the apportionment of costs if it applied for the appointment of a water commissioner under subsection (2)."

STANDING COMMITTEE REPORT

February 14, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that HOUSE BILL 542 (first reading copy -- white) do pass as amended .

Signed: _____
Bob Raney, Chairman

And, that such amendments read:

1. Title, lines 4 through 7.

Strike: "CHANGING" on line 4 through ";" on line 7

Following: "REQUIRING" on line 7

Strike: "THE"

Insert: "AN"

2. Title, lines 8 and 9.

Following: "APPLICANT"

Insert: "FOR A WATER USE PERMIT"

Strike: "CLEAR" on line 8 through "CONVINCING" on line 9

Insert: "SUBSTANTIAL CREDIBLE"

3. Page 1, lines 17 through 19.

Strike: "; or" on line 17 through "part," on line 19

4. Page 5, line 7.

Strike: "clear and convincing"

Insert: "substantial credible"

5. Page 5, line 9.

Following: "evidence"

Insert: ", including water supply data, field reports, and other information developed by the department, the U. S. geological survey, or the U. S. soil conservation service and other specific field studies,"

STANDING COMMITTEE REPORT

February 14, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that HOUSE BILL 540 (first reading copy -- white) do pass .

Signed: Bob Raney
Bob Raney, Chairman

STANDING COMMITTEE REPORT

February 14, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that HOUSE JOINT RESOLUTION 18 (first reading copy -- white) do pass as amended .

Signed: _____
Bob Raney, Chairman

And, that such amendments read:

1. Title, lines 6 and 7.
Strike: "RECONSIDER" on line 6 through "REVISE" on line 7
Insert: "CONSIDER THE COST EFFECTS OF"
2. Page 3, line 5.
Strike: "reconsider"
Insert: "consider the cost effects of"
3. Page 3, line 6.
Strike: "and" through "effects"
4. Page 3, line 7.
Strike: "less onerous"

STANDING COMMITTEE REPORT

February 14, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that HOUSE JOINT RESOLUTION 9 (first reading copy -- white) do pass as amended .

Signed: _____
Bob Raney, Chairman

And, that such amendments read:

1. Title, line 8.

Following: "COLUMBIA"

Insert: "; RECOGNIZING THE FINDINGS OF ADVERSE IMPACTS CONTAINED IN TECHNICAL REPORTS PREPARED FOR THE INTERNATIONAL JOINT COMMISSION; ANTICIPATING THOSE FINDINGS WILL BE SUSTAINED IN RECOMMENDATIONS OF THE INTERNATIONAL JOINT COMMISSION; AND ENDORSING THE CONCEPT OF COOPERATIVE, LONG-TERM RESOURCE MANAGEMENT AMONG THE GOVERNMENTS OF MONTANA, BRITISH COLUMBIA, THE UNITED STATES, AND CANADA FOR THE NORTH FORK OF THE FLATHEAD RIVER DRAINAGE IN MONTANA AND THE FLATHEAD RIVER DRAINAGE IN BRITISH COLUMBIA"

2. Page 2, line 17.

Strike: "."

Insert: "; and

WHEREAS, in response to testimony by the State of Montana, the Flathead Basin Commission, and others and in consideration of technical findings revealing that the coal mine would pose an unacceptable risk of environmental degradation, it is anticipated the International Joint Commission will sustain the testimony and findings through a recommendation against development of the mine; and

WHEREAS, information developed through the international reference on the mine proposal has demonstrated the need to address land management issues in the North Fork of the Flathead River drainage in Montana and the Flathead River drainage in British Columbia in the context of the long-term conservation of resource values; and

WHEREAS, the International Joint Commission is in receipt of a proposal by the State of Montana that the

February 14, 1989

Page 2 of 2

governments of Montana, British Columbia, the United States, and Canada establish a cooperative structure to achieve conservation goals in the drainage while maintaining appropriate resource development options."

3. Page 2, line 21.

Following: "Legislature"

Insert: "recognize the findings of adverse impacts contained in technical reports prepared for the International Joint Commission and"

4. Page 2.

Following: line 24

Insert: "(2) That the Legislature, anticipating that those findings will be sustained in the recommendations of the International Joint Commission, endorse the concept of cooperative, long-term resource management among the governments of Montana, the United States, British Columbia, and Canada for the North Fork of the Flathead River drainage in Montana and the Flathead River drainage in British Columbia."

Renumber: subsequent subsection

IGNORE THE UNDERSCORE

381237SC.HBV

EXHIBIT 1
DATE 2-13-89
HB 608

February 13, 1989

Testimony Presented to the House Natural Resources Committee

Good afternoon, Mr. Chairman and Committee Members:

Thank you for this opportunity to speak in favor of House Bill 608, sponsored by Representative Whalen. My name is Eileen Morris; my address is 1323 Janie Street in Billings. My immediate family has been in business in Billings since 1929.

I am speaking as a member of the Yellowstone Valley Citizens Council (YVCC), which is an affiliate of the Northern Plains Resource Council. YVCC has been involved in efforts to improve air quality in Yellowstone County for the past 10 years. Our citizens' action group has worked through the system -- the Montana State Department of Health and Environmental Sciences, the Air Quality Bureau, and the Montana State Legislature. Our goal has been to make the Billings Area a healthier place in which to live, especially for those with respiratory problems and those at risk -- the children and the elderly.

It offends me that the people of Yellowstone County were made second-class citizens in 1987 with the passage of Rep. Hannah's House Bill 534, which lowered the SO2 standard in only Yellowstone County. That bill legalized SO2 pollution in the Billings/Laurel Area at a level exceeded by only Pittsburgh, according to the United States Environmental Protection Agency. Approximately 100 tons of SO2 falls on Billings every day.

Since 1979, industry has been successful in avoiding the steps necessary to substantially reduce SO2 emissions in the Billings/Laurel Area. Industry has relied on unenforceable standards, ineffective procedures, or convoluted methods of calculation to help them dodge compliance.

It is time to end this charade. **Enough is enough!**

1
2-13-89
H1B608

We must find out -- what is really in our air?

How much is there?

What it is doing to us?

And WHO IS DOING IT?

**CONTINUOUS EMISSION MONITORING IS THE ONLY WAY TO
KNOW AND PROVE IT.**

More than three years ago our miner's canary, Nettie Lees, died (on 7-3-85). Nettie, a living monitor, died of an asthma attack triggered by air pollution. Her case has come to the attention of the U.S. Environmental Protection Agency's Office of Air Quality Planning and Standards in Research Triangle Park, North Carolina. Because I was with Nettie at the time of her attack, I have been interviewed by Henry C. Thomas, Jr. of the Ambient Standards Branch. I quote from his 10-13-88 memorandum:

"As you can see, the Exxon and Cenex refineries are the two largest sources, followed by a power plant owned by Montana Power Company. In absolute terms, none of the sources are particularly large, but the emissions are certainly great enough to affect local air quality.

I also retrieved raw ambient data for Billings for all of the criteria pollutants for the months of June and July 1985. If one were to assume a 'worst' case peak to mean ratio as high as 10:1, the estimated 5-minute peak at a monitor would still be 0.25 ppm. As you know, the average peak to mean ratio tends to be closer to 2:1. I must stress however, that, due to the spatial variability in peak SO₂ concentrations, the fact that low concentrations were measured at the monitor sites does not preclude higher (or lower) concentrations from occurring elsewhere in the Billings area at the same time.

1
2-13-89

608

Although the measured data for July 2 suggest that no peaks greater 0.5 ppm 5-minute average occurred at the monitor sites, we do know from separate analyses performed by the state that such peaks do occur routinely in the billings area. The state's analysis...shows at least 84 peaks greater than 0.5 ppm in 1986. Moreover, on at least four occasions, they went off-scale at 0.95 ppm.

On the one hand, all of the available measured data indicates very low levels of pollution at monitor sites on the evening of July 2. On the other hand, the spatial variability of SO2 levels and past analyses of peaks in the Billings area together would indicate that it is possible a peak greater than 0.5 ppm could have occurred away from the monitors.

I should note to you my concern over the frequency of short-term peaks greater than 0.5 ppm in the Billings area. ...it is a near certainty that other asthmatics in the Billings area do experience 'exposures of concern'. While I am persuaded that the SO2 air quality in Billings is probably worse than many or even most urban areas, I feel more strongly as a result of this information that the air quality and exposure work we initiated... needs to go forward."

According to the Billings Gazette (2-11-89): "In Ottawa, Prime Minister Mulroney praised President Bush's initiative on fighting acid rain -- including a promise to spend \$2.5 billion toward solving the problem and vowing to propose legislation setting new limits on smokestack emissions."

Now is the time for Yellowstone County's major industry SO2 polluters to get in step with the rest of the country and help protect human health, life, and crops from acid rain, ozone depletion, sulfur and nitrous oxides, hydrocarbons, carbon monoxide, and particulate emissions.

Exhibit 1
DATE 2-13-89
HB 608

CONTINUOUS EMISSION MONITORING IS THE ONLY WAY TO KNOW AND TO PROVE WHAT IS HAPPENING. Even better, THERE IS ANOTHER OPTION AVAILABLE UNDER HB 608: INDUSTRY CAN INSTALL SCRUBBERS -- THE NEW, LESS EXPENSIVE, FAR MORE EFFECTIVE "SYNERGISTIC REACTOR" AS DEVELOPED BY AEROLOGICAL RESEARCH SYSTEMS, REMOVES VIRTUALLY ALL SULFUR DIOXIDE FROM SMOKESTACK EMISSIONS AND THIS DEVICE IS EXPECTED TO BE MARKETED NEXT YEAR.

Please support HB 608, Cleaner, healthier air is our goal.

Thank you for this opportunity to speak.



EXHIBIT 2
DATE 2-13-89
HB HB 608

YELLOWSTONE VALLEY CITIZENS COUNCIL

419 Stapleton Building
Billings, Montana 59101

TESTIMONY OF RON FENEX,
PRESIDENT OF YELLOWSTONE VALLEY CITIZENS COUNCIL

ON HB 608 BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE

MONDAY FEBRUARY 13, 1989

My name is Ron Fenex. I am president of the Yellowstone Valley Citizens Council (YVCC), an affiliate of the Northern Plains Resource Council. I am here today in support of HB 608.

This bill requires in-stack monitoring on major sources of SO₂ emissions, specifically those who have a track record of exceedances. This monitoring equipment provides continuous, source specific, and real-time SO₂ emission data. It is data that would be utilized to enforce Montana's weakened air quality standards. It is important to note that Billings-area industries emit approximately 37,000 tons of SO₂ per year, 100 tons per day. In fact, we are second only to Pittsburgh for SO₂ levels.

As you may recall, the last Legislature lowered air-quality standards in Yellowstone County to accommodate local industry (HB 534). As part of that process, polluters agreed to take steps necessary to comply with the weakened standards. They specifically agreed to improve air quality through the Billings/Laurel Air Quality Technical Committee (BLAQTC).

Despite numerous claims of reduced emissions, air quality has not improved. The current ambient air-monitoring system, inadequate as it is, has resulted in exceedances and citations for violations of the 24-hour SO₂ standard. The track record of the last two years is clear, it is a matter of public record and speaks for itself. Those who made agreements to reduce emissions again, failed to perform.

Our position is this: the trade-off for lowered standards must be accountability. Continuous Emission Monitors (CEM's) provide the proper vehicle.

Should those affected resist installation of CEM's, the bill provides alternatives to accommodate them. It provides the opportunity to install control equipment, reduce emissions to the level of best available control technology. If they wish to bypass the CEM process, and begin cleaning up the air directly, this bill allows them that choice. It also gives them opportunity to establish credibility and accountability.

Economics has entered the debate. I would like to spend a few minutes putting this issue into perspective. Need we, at this point in time, debate the economic costs of acid rain, greenhouse effect, ozone depletion, and the destruction of life support systems? The numbers very seldom appear on a ledger sheet, but they are real, they are absolutely staggering, and they are born, not by the polluters, but by others.

HB:IT 2
DATE 2-13-89
HB 608

Need we, at this point in time, debate the profits of Exxon USA, Dupont (Conoco), and other Fortune 500 Companies) even the Cenex Refinery in Laurel set 3 production records during 1988. The company reported that its fiscal 1989 performance was already \$10 million ahead of a year ago. In view of this, the cost of monitoring equipment cannot be prohibitive, even to an operation much smaller than Fortune 500 class.

Scrubbing sulfur compounds out of stacks can be made profitable. Feasibility studies conducted at Cenex in 1983 for the installation of pollution control equipment indicated that a \$4 million investment would result in a 2.2 year payback. Remember, HB 608 allows this alternative. To date, no SO2 emitting industry in the Billings area has substantiated that investment in pollution control makes doing business unprofitable. This should lay to rest any economic blackmail they may attempt to inflict on Billings citizens.

Ironically, the Billings Area Chamber of Commerce (BACC), whose normal activities include business recruitment and expansion, and economic development, continues to actively lobby for legislation which drives industry out of the area. We are, of course, referring to HB 534 (Hannah, R-Billings) which lowered air-quality standards in Yellowstone County only. This lobbying effort was successful despite constant reminders that the Billings/Laurel Air-Shed is already too polluted to accept new SO2 emitting industry of any size or scale.

Consequently, Billings was recently rejected as a site for a Chromite Ore Refinery. This facility would have provided 165 new jobs, and increased tax base, and other economic benefits. The infrastructure is in place: roads, schools, shopping, housing, etc. We would not, therefore, absorb any detrimental impacts. The area is economically depressed, despite rhetoric that "Billings is alive and doing well". Under these conditions, does it not make sense to clean up the air shed and make room for them.

As we correctly predicted, they are now promoting location of this facility and its associated impacts, just outside the Billings/Laurel Air-Shed. The net effect of this mentality is the export of badly-needed jobs, and dirty air as well. Instead of one polluted air-shed, we get to have two. Someone still has some homework to do.

HB 608 represents the best judgement and work of many bright and talented people, those who understand the consensus need to be accountable, to eliminate assaults on our environment, and create employment. CEMs are a basic condition of any credible progress toward cleaner air, and the attainment of these goals.

Thank you for the opportunity to speak.

TESTIMONY ON HOUSE BILL 608

BEFORE THE NATURAL RESOURCES COMMITTEE OF THE MONTANA HOUSE OF REPRESENTATIVES | BY JEFFREY CHAFFEE, P.E., CHIEF OF THE AIR QUALITY BUREAU OF THE MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

The Montana Department of Health and Environmental Sciences (Department) is offering testimony on House Bill 608 to explain the involvement of the Department in assessing the need for Continuous Emission Monitors (CEMs) on Billings area industries. For your information, CEMs are in-stack monitors which measure the pollutant concentration; when combined with flow rate data, an overall emission rate is determined. The Billings-Laurel Air Quality Technical Committee (BLAQTC), which is comprised of Billings area industries, the Billings Chamber of Commerce, the Yellowstone County Air Pollution Control Agency and the Department, is presently evaluating the technical merits and feasibility of installing CEMs on major sulfur dioxide (SO₂) sources in the Billings/ Laurel area. As explained in the following paragraphs, the Department is integrally involved in this evaluation process.

During the September, 1988 Board of Health and Environmental Sciences (Board) meeting, the issue of requiring CEMs on Billings industries was discussed in detail, with the Board deciding to ask the Department and BLAQTC to develop a recommendation on the application of CEMs to Billings industries. The Department and the Billings industries (Conoco, Cenex, Exxon and Montana Sulphur and Chemical Co.) have evaluated the costs of installing CEMs on major sources and reported this information to the Board on January 6, 1989. Currently efforts are being focused on alternatives to CEMs (i.e., engineering calculations of SO₂ emissions) and the Department is working with each industry to evaluate the methodologies available to calculate SO₂ emissions. It should be noted that each BLAQTC industrial member is currently reporting calculated SO₂ emissions each month to the Department, with the exception of the Montana Power Company Corette Station which uses a CEM to document SO₂ emissions. After the

Bill 3
DATE 2-13-89
HB 608

Department has the opportunity to analyze industry emission calculation procedures, the matter will be returned to the BLAQTC committee for a final decision/ recommendation. The Board has requested that a recommendation on CEMs be available to them no later than the May, 1989 meeting.

House Bill 608 would accelerate the decision on CEM requirements for Billings industries by requesting that the Legislature determine the application of the monitors. Contained in the bill are exemptions for other SO₂ sources in Montana through their ability to comply with state ambient air standards. Further, the bill targets major SO₂ sources (greater than 500 tons/year) which is a reasonable approach, and it provides an exemption for sources applying best available control technology (BACT) or that meet federal new source performance standards (NSPS). Both BACT and NSPS requirements would have to be met by any new air pollution source locating in the Billings area.

The Department has not been convinced as of yet that real-time, accurate SO₂ emission data can be generated by means other than CEMs. We have challenged the affected industries to adequately demonstrate that emission calculations are appropriate for the Billings SO₂ study. The Department and BLAQTC will have recommendations on CEM applicability within the next several months.

EXHIBIT 4
DATE 2-13-89
HB 608

TESTIMONY CONCERNING HOUSE BILL 608 ADDRESSING
CONTINUOUS EMISSIONS MONITORS

My name is John MacFarlane, and I am the refinery manager at the Exxon refinery in Billings. I appreciate the opportunity to speak to you regarding this bill.

Exxon strongly opposes the adoption of this bill. This bill will require the very costly installation and maintenance of continuous emissions monitors on three stacks within our refinery. These monitors will be of little or no value in addressing air quality issues within the Yellowstone Valley. Further, the need to install and maintain these monitors will detract from other efforts currently underway by Exxon and other members of the Billings/Laurel Air Quality Technical Committee to understand and address the infrequent instances of elevated sulfur dioxide levels being experienced in the area.

I would first like to respond to statements made by some that the Billings industries have not reduced sulfur dioxide emissions and that the air quality in the Billings area has not improved. Such claims are simply untrue. Sulfur dioxide emissions from the Exxon refinery for the last two years have been reduced by approximately 15 percent versus the levels of previous years.

EXHIBIT 4
DATE 2-13-89
HB 608

These emissions reductions have been achieved through the modified operation of our plant gas clean-up facilities at an approximate annual cost of \$100,000 per year. In addition, we have made continuing investments in projects which improve plant efficiencies, thereby reducing fuel-fired and the associated sulfur dioxide emissions.

We believe the emissions reductions achieved by Exxon have made an important contribution to the improved average air quality experienced over the last two years. Monitoring data in the Lockwood community, in which the Exxon refinery is situated, shows that average annual sulfur dioxide concentrations in 1988 were at their lowest level in seven years.

This is not to say that problems do not exist. There have been isolated instances in which the 24-hour average readings have been above the state standard. However, of the two such incidences which occurred in the Lockwood community over the past year, neither was attributable to increased emissions at Exxon. Both of these instances were associated with unusual meteorological conditions which prevented the normal dispersion of stack plumes. Along these lines, we are currently developing procedures to allow us to measure such meteorological conditions, and make short-term operational adjustments to reduce emissions. While such adjustments will involve increased costs to Exxon, we view them as a means to positively address these infrequent but undesirable incidences of elevated sulfur dioxide levels.

I would now like to address the issue of the cost and usefulness of continuous emissions monitors.

Installation of continuous emissions monitors at Exxon would require an investment of approximately \$400,000 to install and approximately \$40,000 per year to maintain.

What will these costly continuous emissions monitors provide? They will only provide a measurement of sulfur dioxide emissions from three stacks within the Exxon refinery.

Such information is unnecessary because similar data are already available. Through alternate measurement and calculational tools, we are already able to determine total sulfur dioxide emissions from our refinery. Through the use of state-of-the-art computer control facilities, we are able to generate this emission information on an hourly basis. Our calculational procedures have been validated by periodic EPA approved and state witnessed stack tests. This data is being provided to the Department of Health now, and at a fraction of the cost of continuous emissions monitors.

It is very important to understand that continuous emission monitors will not reduce emissions, and will not significantly improve our ability to predict or avoid air quality problems. They would have been of no use in preventing the two instances of elevated sulfur dioxide levels in the Lockwood area that I referred to earlier.

EXHIBIT 4
DATE 2-13-89
HB 608

Our position on this bill does not lessen Exxon's commitment to conducting its operations in an environmentally responsible fashion and making the necessary investments to do so. Our actions demonstrate a willingness to spend resources in a cost effective fashion to address air quality issues. Over the last 24 months, we have modified our operations to reduce emissions, contributed to a \$150,000 ambient monitoring program, conducted quarterly stack testing, and provided information regarding actual sulfur dioxide emission quantities.

However, the monitors required by this bill will only produce data which is already being generated. The monitors will not result in reduced emissions or improved air quality. The expenditures represent a significant increase in our operating expense and will detract from our ability to pursue more cost effective alternatives to addressing air quality in a positive and productive fashion.

In summary, Exxon believes this bill is unnecessary and economically damaging. We strongly recommend the committee stamp this bill with a DO NOT PASS.

EXHIBIT 5
DATE 2-13-89
HB 608

NATURAL RESOURCES COMMITTEE
HOUSE BILL NO. 608

"AN ACT TO REQUIRE CONTINUOUS EMISSION MONITORS."

My name is Bob Holtsmith. I reside at 2750 Gregory Drive North, Billings, Montana. I am the Manager of the Conoco Billings Refinery and I am here to testify today, representing Conoco.

Conoco operates a 50,000 barrel per day refinery in Billings, Montana. House Bill No. 608 would require Conoco to install and maintain two continuous emission monitors, costing approximately \$200,000.

We believe that similar information can be provided with engineering calculations and have presented that concept to the Board of Health and the Montana Air Quality Bureau. In fact, Conoco voluntarily began submitting sulfur dioxide emission numbers to the Air Quality Bureau in 1986. These engineering calculations have been verified with quarterly stack testing, and we are in the process of validating our calculation procedure with the Air Quality Bureau for certification.

A copy of our December 1989 monthly report to the Air Quality Bureau has been distributed to you. Also, since there was some concern about peak excursions during the day, Conoco submitted a one hour detailed synopsis of a typical day in December. In the future, Conoco will have the capability of continuous emission predictions with its new computer based control system, which is essentially the same information obtained from a continuous emission monitor.

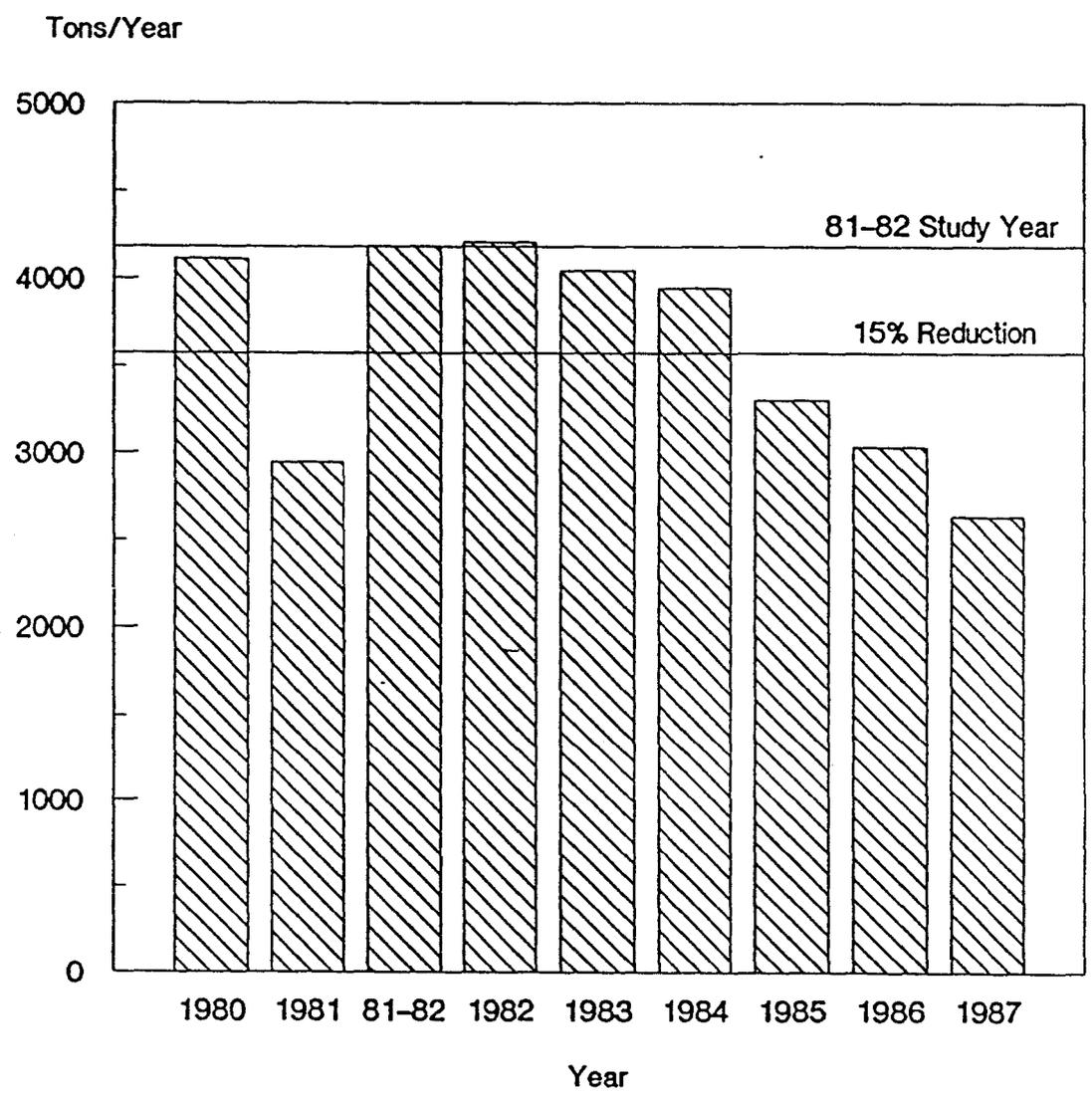
EXHIBIT 5
DATE 2-13-19
HB 608

Conoco is a participant in the Billings/Laurel Air Quality Technical Council (BLAQTC) and, as such, has been working with the Air Quality Bureau and the Board of Health to demonstrate the accuracy of engineering calculations. We would prefer to continue working in this arena and redirect our efforts and resources to identify and eliminate short term sulfur excursions in the Yellowstone Valley area. Therefore, we are opposed to House Bill No. 608.

Graph I

SULFUR DIOXIDE EMISSIONS

BILLINGS REFINERY



CONOCO INC.
BILLINGS REFINERY
SULFUR DIOXIDE EMISSIONS REPORT
For
MONTANA AIR QUALITY BUREAU

5
DATE 2-13-89
HB 608

December Fuel Data

	<u>Fuel Oil</u>	<u>Fuel Gas</u>
Quantity Burned	425 BPD	13601 MSCFD
Gravity/Molecular Weight	-2.3 API	14.5 MW
Sulfur	3.4 Wt%	6 Grains/ 100 SCF
Higher Heating Value	17345 BTU/LB	934 BTU/SCF

December SO2 Emissions Summary (31 Days)

Date	----- SO2 Emissions (TONS) -----					- Sulfur In Fuel -	
	Boiler House	Furnaces	FCC	Flare	Total	Ex Fcc(1) Lb/MMbtu	Total(2) Lb/MMbtu
01-Dec	1.2	0.2	4.3	0.0	5.7	0.02	0.24
02-Dec	0.7	0.2	4.3	0.0	5.2	0.02	0.24
03-Dec	0.7	0.2	4.3	0.0	5.2	0.02	0.26
04-Dec	0.7	0.2	4.2	0.0	5.1	0.02	0.25
05-Dec	1.5	0.1	4.1	0.0	5.7	0.07	0.27
06-Dec	2.7	0.1	4.2	0.0	7.0	0.15	0.33
07-Dec	3.8	0.1	4.3	0.0	8.2	0.22	0.40
08-Dec	6.3	0.0	4.3	0.0	10.6	0.36	0.49
09-Dec	7.1	0.0	4.3	0.0	11.4	0.36	0.49
10-Dec	7.1	0.0	4.3	0.0	11.4	0.37	0.50
11-Dec	7.4	0.0	4.3	0.0	11.7	0.38	0.51
12-Dec	7.5	0.0	3.9	0.0	11.4	0.37	0.49
13-Dec	8.9	0.0	3.8	0.0	12.7	0.45	0.56
14-Dec	7.4	0.0	3.9	0.0	11.3	0.37	0.50
15-Dec	9.3	0.0	4.1	0.0	13.4	0.48	0.59
16-Dec	9.5	0.0	3.8	0.0	13.3	0.47	0.58
17-Dec	9.9	0.0	3.6	0.0	13.5	0.49	0.59
18-Dec	10.0	0.0	3.5	0.0	13.5	0.51	0.60
19-Dec	10.1	0.1	3.9	0.0	14.1	0.53	0.62
20-Dec	9.2	0.1	3.3	11.1	23.7	0.45	0.54
21-Dec	8.8	0.1	3.3	0.0	12.2	0.47	0.56
22-Dec	10.5	0.1	3.3	0.0	13.9	0.53	0.60
23-Dec	10.5	0.1	3.3	0.0	13.9	0.54	0.61
24-Dec	9.8	0.1	3.2	0.0	13.1	0.52	0.60
25-Dec	9.3	0.1	3.3	0.0	12.7	0.47	0.56
26-Dec	9.3	0.1	3.2	0.0	12.6	0.48	0.56
27-Dec	9.4	0.1	3.2	0.0	12.7	0.49	0.57
28-Dec	7.9	0.1	3.6	0.0	11.6	0.42	0.53
29-Dec	6.7	0.1	3.8	0.0	10.6	0.33	0.46
30-Dec	6.3	0.1	3.6	0.0	10.0	0.28	0.41
31-Dec	6.9	0.1	3.7	0.0	10.7	0.32	0.45
Total	216.4	2.4	118.2	11.1	348.1	0.36	0.48

Average Stack Data

Temp, F.	388	--	402	--
ACFM	79603	--	64734	--
Ft/Sec.	40	--	153	--

1988 SO2 Emissions Summary (366 Days)

Total	1174.1	24.9	1520.2	125.3	2844.5	0.14	0.34
--------------	---------------	-------------	---------------	--------------	---------------	-------------	-------------

Average Stack Data

Temp, F.	338	--	400	--
ACFM	72473	--	65946	--
Ft/Sec.	36	--	155	--

Notes: (1) Sulfur in gas and oil fuels per MMBtu's HHV.
(2) Sulfur in gas, oil and FCC coke fuels per MMBtu's HHV.

01/04/89

5
 DATE 2-13-89
 HB 608

DATE	Time	SWS SO2(TPH)	BOILERS SO2(TPH)	HEATERS SO2(TPH)	FCC SO2(TPH)	FLARE SO2(TPH)	TOTAL SO2 Tons/Hour
21-Dec-88	05:00 AM	0.06	0.26	0.004	0.14	0.00	0.47
21-Dec-88	06:00 AM	0.06	0.28	0.004	0.14	0.00	0.49
21-Dec-88	07:00 AM	0.06	0.36	0.004	0.14	0.00	0.57
21-Dec-88	08:00 AM	0.06	0.33	0.004	0.14	0.00	0.54
21-Dec-88	09:00 AM	0.06	0.24	0.004	0.14	0.00	0.44
21-Dec-88	10:00 AM	0.06	0.31	0.004	0.14	0.00	0.51
21-Dec-88	11:00 AM	0.06	0.29	0.004	0.14	0.00	0.50
21-Dec-88	12:00 PM	0.06	0.33	0.004	0.14	0.00	0.53
21-Dec-88	01:00 PM	0.06	0.29	0.004	0.14	0.00	0.50
21-Dec-88	02:00 PM	0.06	0.28	0.004	0.14	0.00	0.48
21-Dec-88	03:00 PM	0.06	0.31	0.004	0.14	0.00	0.52
21-Dec-88	04:00 PM	0.06	0.28	0.004	0.14	0.00	0.48
21-Dec-88	05:00 PM	0.06	0.35	0.004	0.14	0.00	0.55
21-Dec-88	06:00 PM	0.06	0.30	0.004	0.14	0.00	0.50
21-Dec-88	07:00 PM	0.06	0.29	0.004	0.14	0.00	0.50
21-Dec-88	08:00 PM	0.06	0.37	0.004	0.14	0.00	0.58
21-Dec-88	09:00 PM	0.06	0.29	0.004	0.14	0.00	0.49
21-Dec-88	10:00 PM	0.06	0.32	0.004	0.14	0.00	0.53
21-Dec-88	11:00 PM	0.06	0.31	0.004	0.14	0.00	0.51
22-Dec-88	12:00 AM	0.06	0.33	0.004	0.14	0.00	0.53
22-Dec-88	01:00 AM	0.06	0.34	0.004	0.14	0.00	0.54
22-Dec-88	02:00 AM	0.06	0.25	0.004	0.14	0.00	0.45
22-Dec-88	03:00 AM	0.06	0.32	0.004	0.14	0.00	0.53
22-Dec-88	04:00 AM	0.06	0.27	0.004	0.14	0.00	0.48
TOTAL (TPD)		1.50	7.30	0.10	3.30	0.00	12.20

----- STACK SO2 EMISSIONS SUMMARY -----

	SO2 TPD	----- Temp, F.	Flue Gas ACFM	----- Ft/Sec
Boiler Stack	8.8	422	93928	47
Furnace Stacks	0.1	NA	NA	NA
FCC Stack	3.3	384	56387	133
Flare Stack	0.0	100	2107	5
Total	12.2			

HOURLY SO2 EMISSIONS

EXHIBIT 5
DATE 2-13-89
HB H18608

BILLINGS REFINERY

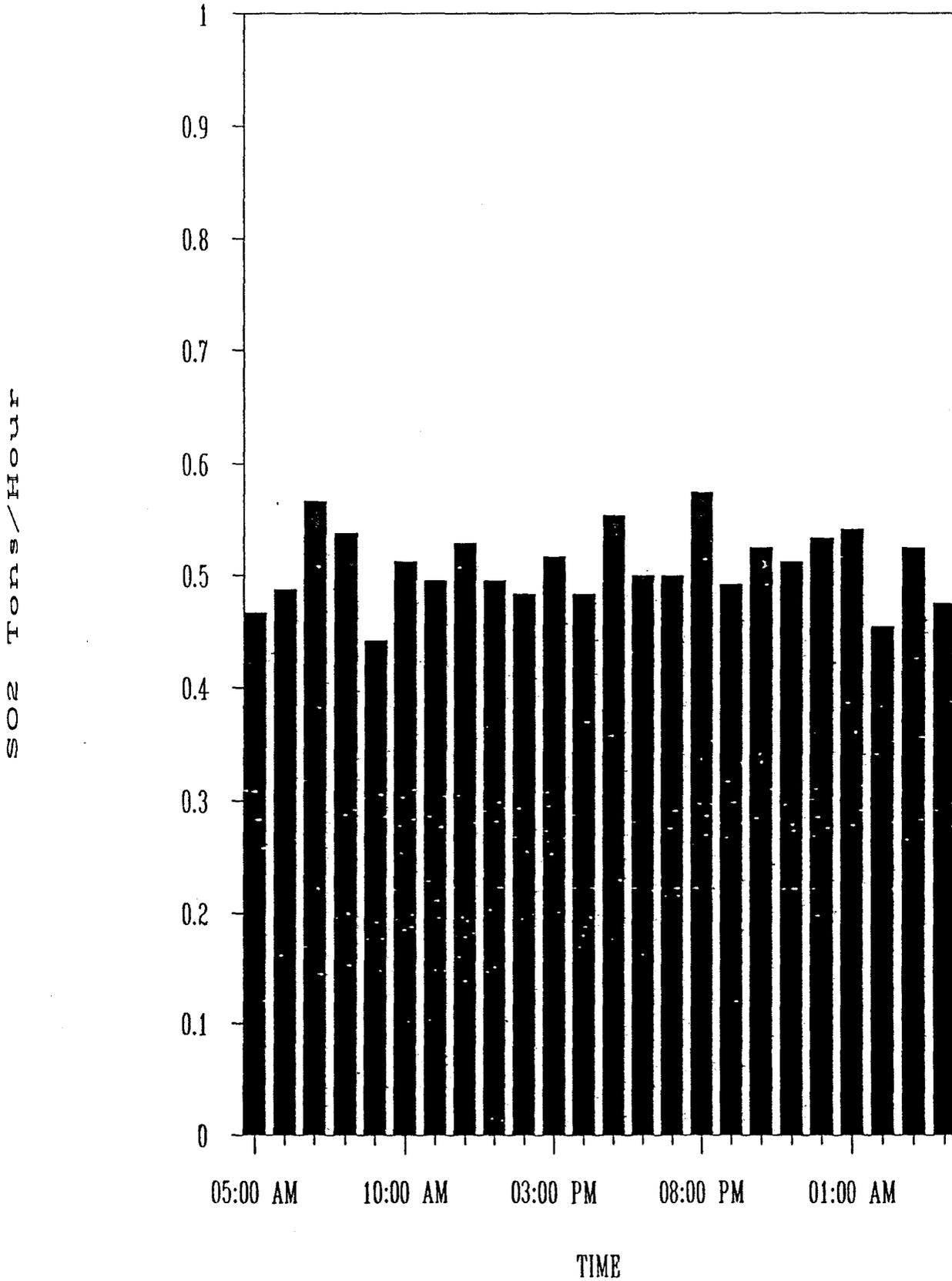


EXHIBIT 6
DATE 2-13-89
HB HB 608

I am Harold Ude representing the Cenex Refinery in Laurel, Montana.

I wish to thank you for the opportunity to speak to you today.

In the last ten years Cenex has invested over \$6,000,000 in a sulfur dioxide emissions reduction program to achieve over a 15% reduction in plant sulfur dioxide emissions. Additional investment is currently in progress to improve the process control system which will result in additional sulfur dioxide emissions reductions.

Cenex has been actively participating in the Billings - Laurel Air Quality Technical Committee, a voluntary group of Industries and the State Air Quality Bureau, for the past two years. Calculated sulfur dioxide emissions data have been reported thru this group. Actual stack testing has been done to verify the calculation method and have demonstrated agreement of better than $\pm 4\%$ on four tests where direct comparison is possible. There are current discussions in progress between industry and the Air Quality Bureau to determine if engineering calculation data can be used in place of continuous emissions monitors.

DATE 2-13-89
HB HB608

House Bill 608 would require the installation of eight monitors in the Laurel Refinery. The investment cost would be about \$1,200,000 and the annual operating cost would be approximately \$130,000. These expenditures would produce emissions data not emissions reductions.

The option to install equipment to reach best available control technology or new source performance standards would result in emissions reductions. These options are not suitable for the existing Cenex Refinery because of plot area and process limitations.

We oppose House Bill 608 because it would require major capital expenditure and operating costs on the Refinery to produce data without improving the environment.

AMOUNT 7
DATE 2-13-89
HB 608

Mr. Chairman, my name is James Scott. I am a businessman from Billings. In 1987-88, I was Chairman of the Billings Chamber of Commerce and, representing the Chamber, I became Treasurer of the Billings Laurel Air Quality Technical Committee, a position I continue to hold.

B.L.A.Q.T.C. is made up of the five industries whose processes result in SO₂ emissions, the State Department of Health, Yellowstone County Air Pollution Control, as well as the Chamber. Meetings have also been regularly attended by the Yellowstone Valley Citizens Council, who has been an active and positive participant in the process, as well as the press who have objectively reported the proceedings.

Over the past 18 plus months, members have spent many hours together in a collaborative effort to better understand the SO₂ levels in the valley; what causes periodically high readings; and what can be done to reduce the levels at times when they are most elevated.

I think that I represent the feelings of all B.L.A.Q.T.C. members in saying that, while no one is totally satisfied, we are all very pleased with the progress that has been made. While there continues much still to be done, the inertia caused by years by legal battles and adversarial obstructionism is broken. The best minds are working together to understand and improve the air quality in the Yellowstone Valley. Actions have been taken and additional steps are about to be made which will actually

EXHIBIT 7
DATE 2-13-89
HB 608

reduce the spikes or short-term elevated readings that cause legitimate concern in our communities.

I am here to speak in opposition of mandatory in-stack monitors. Currently, it is the feeling of B.L.A.Q.T.C. that the validated engineering data is sufficient to understand the amount of SO₂ the sources are emitting. Significant dollars have been spend and will continue to need to be spent to improve the air quality in the Yellowstone Valley. Let's spend them in productive ways that make a difference, not on costly measures with little value. Forced in-stack monitors are not part of effective problem solving today and will not result in a healthier climate for Yellowstone County.

Kay Foster

EXHIBIT 8

DATE 2-13-89

HB 608

**STATUS OF TOTAL SUSPENDED PARTICULATE,
SULFATION RATE AND CARBON MONOXIDE IN
THE BILLINGS-LAUREL AREA**

**PREPARED BY THE
YELLOWSTONE COUNTY AIR POLLUTION
CONTROL AGENCY**

FEBRUARY, 1989

HISTORY OF THE AIR POLLUTION CONTROL PROGRAM

Passage of the 1967 Clean Air Act of Montana, by the State Legislature, provided for the development of local air pollution control programs, with enforcement procedures as authorized by the County Commissioners of the area. In order to develop a local program, a petition signed by at least 15% of the registered voters is required, accompanied by a demonstrated need for the program, and presented to the Montana Board of Health and Environmental Sciences.

On April 22, 1969, an agreement was entered into by the Yellowstone County Commissioners, the City Council of the City of Billings, and the City Council of the City of Laurel to create an Air Pollution Control Board with the expressed purpose to, "achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people; promote economic and social development of the entire area lying within the borders of Yellowstone County, including those areas lying within the City of Billings, and City of Laurel and facilitate the enjoyment of the natural attractions of the entire area within Yellowstone County."

The State Board of Health, after public hearings, approved the program January 10, 1970. The State retained jurisdiction over the following sources:

- Cenex Oil Refinery
- Continental Oil Refinery
- Exxon Oil Refinery
- Great Western Sugar Company
- Montana Power Steam Generating Plant
- Montana Sulfur and Chemical Company

The Air Pollution Control Board is composed of eight citizens of Yellowstone County, five of whom are appointed by local political entities, and three of whom are elected at large by five appointed Board members. Every effort is made, by appointing authorities, to provide a diversified cross section of the populace. The current members, appointing authority, and dates of term expiration are listed below:

<u>NAME</u>	<u>APPOINTING AUTHORITY</u>	<u>TERM EXPIRES</u>
Tim Schug	County Commissioners	6/30/89
Dan Nebel	County Commissioners	6/30/90
Dan Turcotte	City-Co Board of Health	6/30/90
Wally Stadtfeld	City of Billings	6/30/89
L.D. Collins	City of Laurel	6/30/89
Roland Grant	Five Board Members	6/30/89
James Sindelar	Five Board Members	6/30/90
Wade Steinmetz	Five Board Members	6/30/90

AIR POLLUTION LEVELS IN YELLOWSTONE County - 1989

This narrative shall concentrate mainly on those pollutants mentioned on the attached charts: total suspended particulate (TSP), inhalable particulate (pm-10), reactive sulfur compounds (sulfation rate) and carbon monoxide. Pollutants such as sulfur dioxide, oxides of nitrogen, hydrocarbons and ozone require costly continuous monitors and are thus beyond the budgeting allowances of this Agency. Monitoring of such pollutants is conducted by the State of Montana Department of Health and Environmental Sciences. For information regarding any of the aforementioned pollutants, contact State Air Quality Bureau, Cogswell Building, Helena, MT 59620.

Total Suspended Particulate (TSP) can generally be described as the amount of dirt in particle form that will remain suspended in the air for a long period of time. A few of the suspended particulates found in Yellowstone County, and their sources, include rock (erosion), rubber (tire wear), metals (abrasion), oil, coal, wood fibers (incomplete combustion from vegetation and wood), sulfates (fuel combustion), pollen (vegetation) and others. A significant source of TSP in populated areas is the sand left on streets after snowfall has melted. Before the streets can be cleaned, much of the sand is frequently ground into smaller particles that eventually become airborne.

The first chart compares the yearly TSP concentrations at various locations throughout the County. The average shown for City Hall is that for two co-located samplers. The high-volume samples at that site run simultaneously in order to provide quality assurance and also a backup in case one sampler fails. If co-located samplers run within 10% of each other, the data is considered to be good. The City Hall hi-vols were within 3.0% of one another during 1988. As can be seen on Chart 1, the TSP levels at City Hall have been under the State standard since 1982. The slight elevation in 1986 was due to sanding of streets in November and December and allowing the sand to remain and get ground into smaller particles. Weather patterns in the fall of 1988 were such that sanding was not necessary and consequently, TSP levels in the downtown area dropped.

The Grand Avenue site was shut down in mid-September of 1987 and was moved to 14th Street West and Terry Avenue to monitor TSP and sulfur dioxide. The TSP levels at that site for 1988 are included on Chart 1. This site in a residential area is also well below the standard.

TOTAL SUSPENDED PARTICULATE
DURING YELLOWSTONE PARK FIRES - 1988

Terry Avenue Site

July 27	8:30 am - 11:30 am	220 ug/m ³
July 27	1:30 pm - 4:30 pm	150 ug/m ³
August 1	All day	130 ug/m ³
August 6	All day	170 ug/m ³
August 7	All day	39 ug/m ³
August 11	4 pm - midnight	106 ug/m ³
August 13	All day	72 ug/m ³
August 19	All day	78 ug/m ³
August 25	All day	90 ug/m ³
<u>August 30</u>	8:30 am - 11:30 am	400 ug/m ³
August 31	All day	129 ug/m ³
September 6	All day	182 ug/m ³
<u>September 7</u>	8 am - 2 pm	300 ug/m ³
September 8	midnight - 8 am	190 ug/m ³
September 8	8 am - 2 pm	190 ug/m ³
September 9	8 pm - 8 am	144 ug/m ³
September 9	8 am - 2 pm	195 ug/m ³
September 12	All day	34 ug/m ³

*Park
fires*

24 Hour State Standard - 200 ug/m³

Alert Stage - 260 ug/m³

One inch of rain on September 11

The Laurel site has been well under the standard since monitoring began in the early 1970's. Although the hi-vol could be removed because of low TSP levels, it will remain as it is the only sampler available to the community.

Chart 2 shows a seven year record of the highest 24-hour concentration in the area. As can be seen, the highest sample of the year was 144 ug/m³ recorded at City Hall. This was recorded on June 8, the same day as the highest sample at Terry Avenue, indicating a city wide problem that day. The high average in Laurel, 123 ug/m³, occurred on October 12, the same day that all TSP monitors in the area were over 100 ug/m³. The hi-vol at Sandstone School was removed in early 1987 but results for four years are shown for the readers information.

Not shown on Chart 2 are TSP results recorded during the Yellowstone Park fires of 1988. Numerous samples of different time spans were taken at Terry Avenue and five of the 24-hour samples were during the regular schedule. A table of the results is enclosed with this report. On two days, August 30 and September 7, Stage 1 Alerts were called during which school children were advised to remain indoors and outside activity was asked to be curtailed. Because the fires were an unusual event, the 18 samples taken were not included in the yearly or 24-hour averages.

Inhalable Particulate (PM-10) is that portion of TSP that is under 10 microns (10 um = 0.000394 inches) in size and can remain in the lung for extended periods. Because pm-10 is of increasing concern across the United States, the Environmental Protection Agency proposed ambient standards for pm-10 in mid-1987. Those standards were adopted in early 1988.

The current standards are 50 ug/m³ as a yearly standard and 150 ug/m³ as a 24-hour standard. This Agency monitored pm-10 from mid-1986 through mid-1987 at Grand Avenue School. The average for the 48 samples was 31 ug/m³ and the highest sample was 84 ug/m³, both well under the standards. A pm-10 sampler was obtained from EPA in late 1988 and was set up on the Terry Avenue site where it will be operating during 1989. If another sampler becomes available, a downtown site will be attempted.

A significant source of inhalable particulate in the northern United States is the burning of wood. The installation and mis-use of wood burning stoves in the area has created some minor problems. Because the Billings area generally has good ventilation and wood is not readily available, smoke from wood stoves will likely not cause a serious area-wide problem in the foreseeable future. There will likely continue to be small areas where neighbors complain about other neighbors who have wood burning devices. The offenders are mailed a pamphlet explaining how they can burn a cleaner, hotter and more efficient fire. This procedure has worked well over the past few years.

There are several items that must be remembered when discussing 48608 suspended particulate. Precipitation is a major factor in determining the yearly TSP averages in the Great Plains States. Because of large amounts of land with little ground cover, periods of dry weather can cause elevated levels of TSP that are beyond control of man. This is a contributing factor of background TSP and in the case of Laurel makes up more than half the total yearly concentrations.

The Billings-Laurel area during the summer draught experienced unusually high TSP, but it was mostly due to the Yellowstone Park fires, a direct result of the draught. As the precipitation began again in September, the TSP dropped off significantly.

* Sulfation rate is a method of determining the total available reactive sulfur compounds in the air. Measurement is achieved by exposing a reactive surface of lead peroxide for a period of approximately 30 days. The measurement of the sulfation rate is a rough indicator of the quantity of sulfur oxides present in the air. The advantage of utilizing the sulfation rate method is that numerous samples can be analyzed economically. Chart 3, 4 and 5 on sulfation rate give annual averages for the past four or five years at all sampled sites. As is evident on the Billings charts, most of the sulfur compounds in the ambient air exist in the Lockwood area and the east end of Billings near the Yellowstone River. The Lockwood area continues to be significantly higher than the rest of the City mainly because of two factors: the prevailing southwest wind carries pollutants over the Sacrifice Cliff area into Lockwood and because the area is a basin, wind frequently does not blow hard enough at ground level to clear pollutants away. The sulfation rate in Billings' area was very close to that shown in 1987. Averaging the 12 sites monitored during both years indicates a (5% drop) from 1987 to 1988, an insignificant amount considering the procedure.

The sulfation rate trend in Laurel has been similar to that of Billings. The overall trend has been down, but the 1988 average was almost identical to that found in 1987.

The monthly guidelines shown on the charts is the old standard that was dropped in 1980 because it was unenforceable according to the legal division of the State Department of Health and Environmental Sciences. It remains on the charts as a goal to be achieved.

In November 1987, through a joint State-Industry effort, five sites in Billings and Laurel began monitoring for sulfur dioxide. The four sites near Billings are Coulson Road, Lockwood Park, Coburn Road, Terry Avenue and 14th St. West and the Laurel site is at the Farm east of Cenex. By early 1989, a 12-month report of the project will be completed and available to the public.

Carbon Monoxide (CO) is a colorless, odorless, by-product of the incomplete combustion of carbon containing fuels and of some industrial processes. The most common single source is the automobile. Measurement of CO had occurred at various locations throughout Billings since 1975 by the State Air Quality Bureau. In that year there were five violations of the 8-hour standard of 9 parts per million (ppm) in downtown Billings. The same number was recorded in 1976. Then in 1977, as catalytic converters became more prevalent, there were only three CO violations. During the first half of 1978, no violations were recorded. Monitoring was suspended at that time because the Sheraton Hotel began construction at the monitoring site. The monitor was moved to a site at the Fairgrounds, but due to frequent instrument failure, little valid data was collected. During 1981, the CO monitor was located at the lower Metra parking lot. There were no violations of the one-hour or 8-hour standards recorded in the last five years.

In the Fall of 1983, this Agency began taking over the operation of the Metra site, which included the wind speed and direction monitors and the carbon monoxide monitor. The trailer was shut down at the end of March 1986 and the State asked EPA to redesignate Billings as being in compliance for carbon monoxide. That request was denied due to one quarter in 1984 not having 70% valid data collection. Monitoring was again begun in late 1987 at Sixth Avenue North and Exposition Drive. Construction of a water line in early 1988 caused the monitoring site to be moved south to the east side of Exposition Drive near 4th Avenue North. The monthly 8-hour high readings are shown on Chart 6. Barring equipment failure, 1989 should be the first full year of carbon monoxide monitoring in the Billings area since 1985.

For more specific information on any of the pollutants mentioned in this report, please contact the Yellowstone Air Pollution Control Agency at 3306 2nd Avenue North, Billings, MT 59101.

ADDITIONAL INFORMATION ABOUT THE AIR QUALITY STANDARDS

Air quality standards have been developed at the National level for six classes of air pollutants and at the State level for nine pollutants plus visibility. Below is a synopsis of each of the pollutants.

Sulfur Dioxide - Sulfur dioxide originates from the burning of fossil fuels such as coal or oil. The pollutant is known for causing significant loss in crop yield, rusting metals, reducing visibility and irritation of eyes, nose, throat and lungs.

Particulate Matter - Particulate matter may originate in nature such as forest fires and erosion, or result from automobiles, industrial processes, unpaved roads, agriculture, construction and other human activities. These tiny particles can damage paint, reduce visibility, and carry poisonous chemicals into the lungs causing cellular damage.

Carbon Monoxide - Carbon Monoxide is a by-product of the incomplete combustion of organic fuels. The most notorious source is the automobile. This odorless gas can, in small amounts, cause headaches, dizziness, fatigue and slow reactions. It can be especially dangerous for people with heart disease. In larger amounts, it can cause death.

Photochemical Oxidants (Ozone) - Photochemical oxidants are produced in the atmosphere when hydrocarbons and nitrogen oxides, combustion wastes from gasoline and other fuels, are exposed to sunlight. Oxidants irritate the eyes, nose, and throat, make breathing difficult, reduce visibility, and damage vegetation.

Hydrocarbons - Hydrocarbons are the unburned chemicals from the combustion or evaporation of organic compounds. Automobile exhaust and uncontained storage of petroleum are common sources of hydrocarbons. They have been known to cause vegetative damage and contribute to photochemical oxidants.

Nitrogen Oxides - Nitrogen oxides usually originate in high-temperature combustion processes including diesel engines. It is not only a component of photochemical oxidants, but causes an unpleasant smelling brown haze, and is irritating to the nose and throat.

Fluoride - Sources of fluorides include the aluminum, glass, brick, fertilizer and, to a small degree, the oil industries. In excessive amounts, fluorides can cause bone deformities and damage vegetation.

EXHIBIT

8

DATE

2-13-89

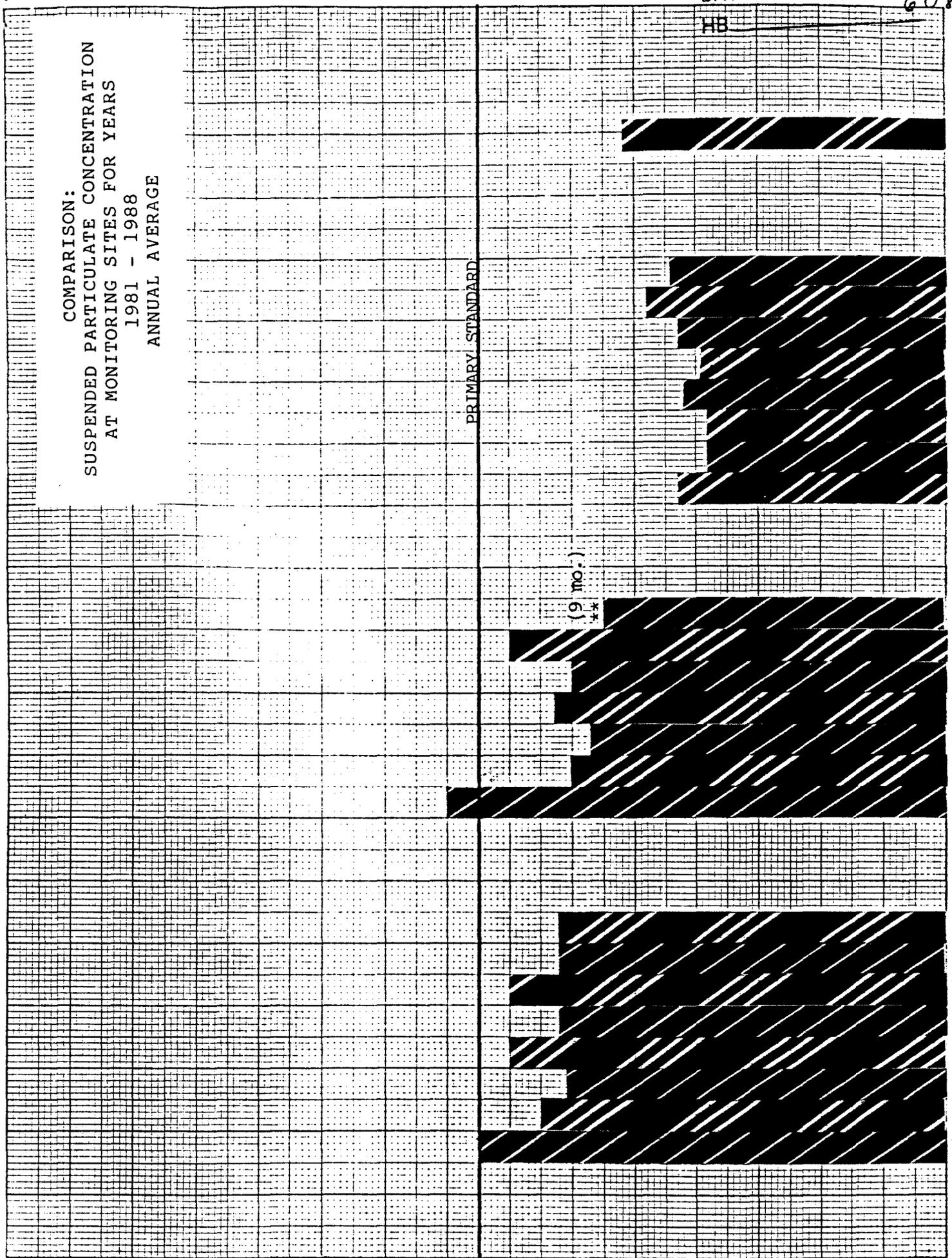
HR.

HB608

Lead - Lead in the air is generally the result of automobiles and ore smelters. Physical problems of high lead content include gastrointestinal cramps, central nervous system effects, kidney disease and anemia.

Hydrogen Sulfide - Sources of hydrogen sulfides, the "rotten egg" pollutant includes sewage treatment, kraft pulp and oil industries. The pollutant can damage paint, tarnish copper, injure vegetation, produce a loss of the sense of smell, cause severe respiratory tract irritation and in large doses, cause death.

COMPARISON:
SUSPENDED PARTICULATE CONCENTRATION
AT MONITORING SITES FOR YEARS
1981 - 1988
ANNUAL AVERAGE



88

87

86

85

84

83

82

81

FAIRVIEW HIGH SCHOOL

88

87

86

85

84

83

82

81

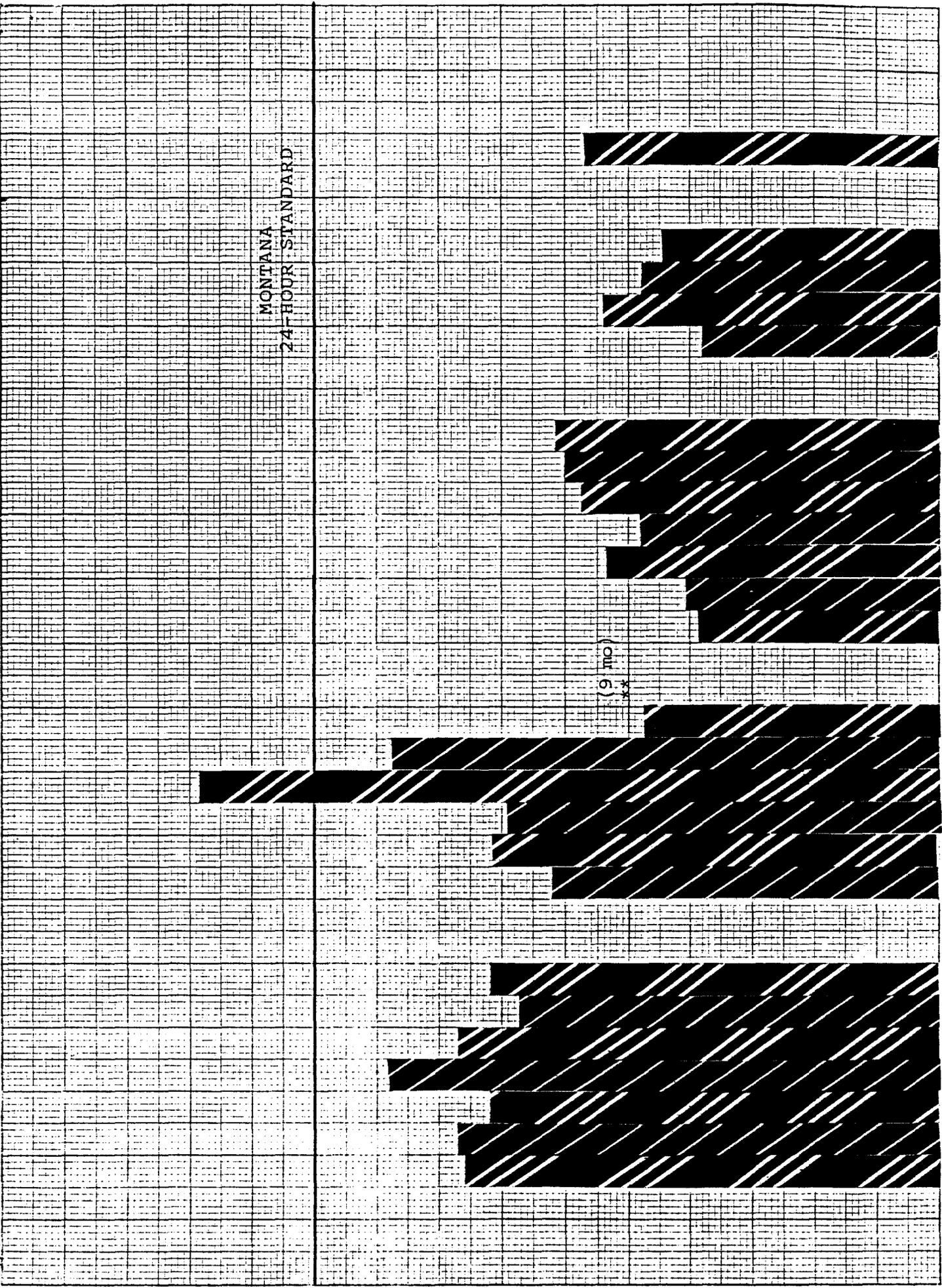
CITY HALL

GRAND AVE SCHOOL

FAIRVIEW HIGH SCHOOL

300 g/m² PAR - HES - DUR - ERA - T 2

Ex. 8 HB603 1389



82 83 84 85 86 87 88 CITY HALL

82 83 84 85 86 87* GRAND AVE.

82 83 84 85 86 87 88 LAUREL

83 84 85 86 SANDSTONE SCH.

88 TERRY AVE.

HB 608 Ex #8 CHART 3 2/13/89

100 cm²/day

COMPARISON OF SIMILAR SITES
BILLINGS, MONTANA
YEARLY AVERAGE
SULFATION RATE
1985 - 1988

1.3
1.2
1.1
1.0
0.9
0.8
0.7
0.6
0.5
0.4
0.3
0.2
0.1

MONTHLY
GUIDELINE

85 86 87 88 85 86 87 88 85 86 87 88 85 86 87 88 85 86 87 88 85 86 87 88 85 86 87 88 85 86 87 88

KCHL CITY HALL SOUTH PARK 27 S BITTROOT GF AVI H RY

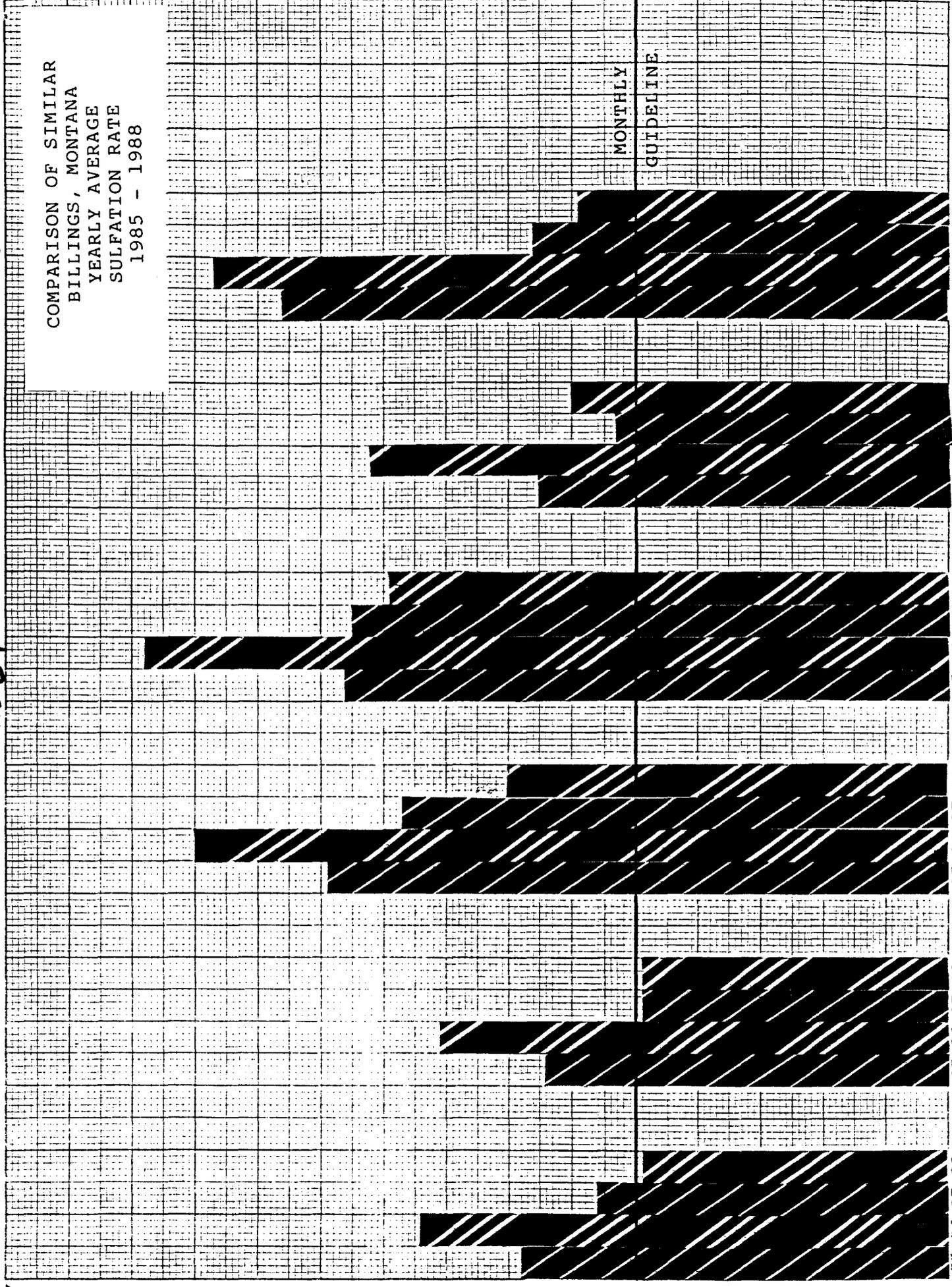
10/20/88

2/15/89

600

2/15/89

CHART 4



COMPARISON OF SIMILAR
BILLINGS, MONTANA
YEARLY AVERAGE
SULFATION RATE
1985 - 1988

85 86 87 88 LOCKWOOD SCH.
85 86 87 88 JOHNSON & OLD HARDIN ROAD
85 86 87 88 PICCOLO & N. FRONTAGE
85 86 87 88 JOHNSON LN. N.
85 86 87 88 LOCKWOOD PARK
85 86 87 88 COBURN ROAD

Ex. #8

HB608

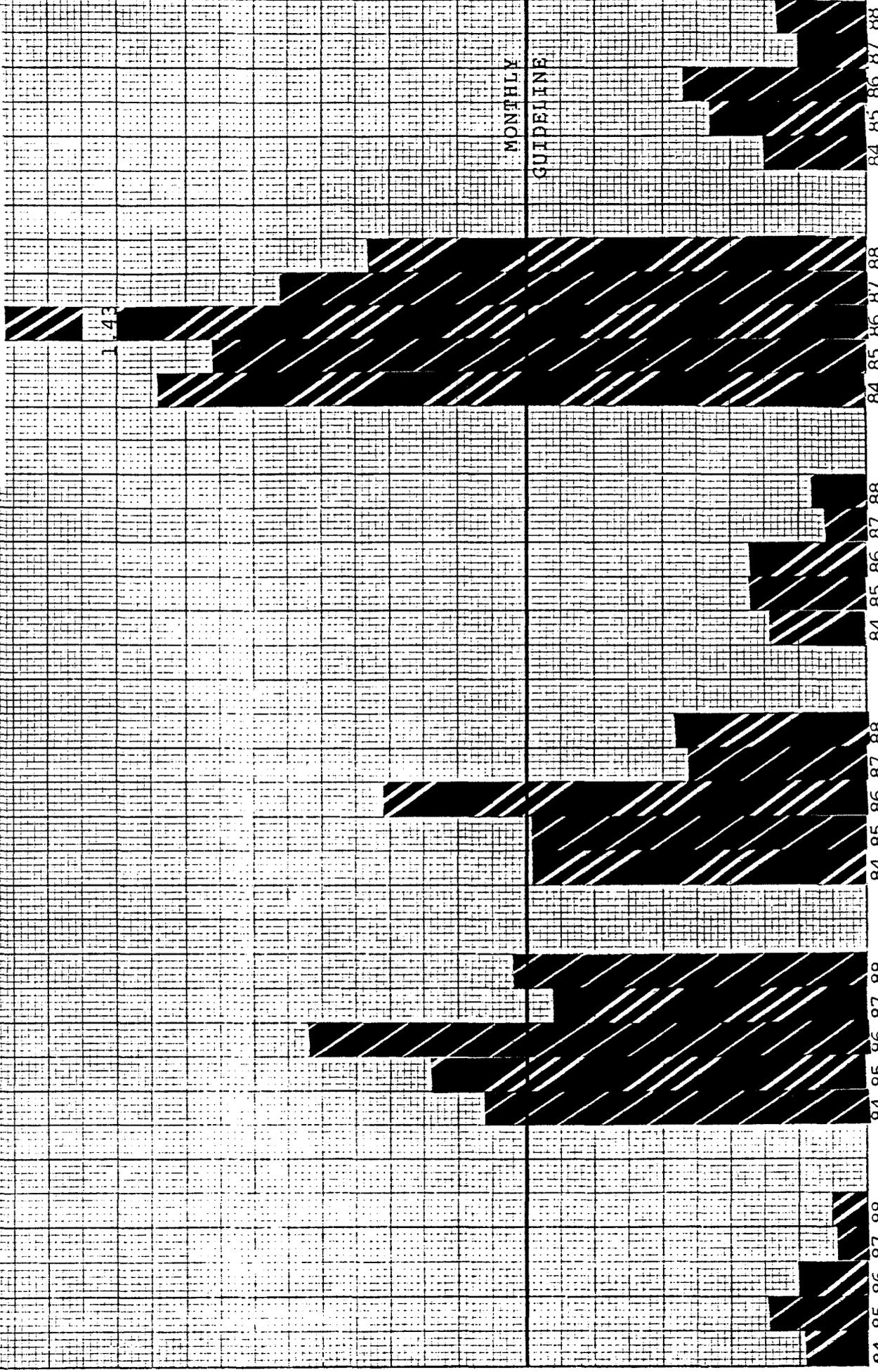
2/13/89

CHART 5

COMPARISON OF SIMILAR SITES
 LAUREL, MONTANA
 YEARLY AVERAGE
 SULFATION RATE
 1984 - 1988

µg/SO3/
100 cm²/
day

1.3
1.2
1.1
1.0
0.9
0.8
0.7
0.6
0.5
0.4
0.3
0.2
0.1



MONTHLY

GUIDELINE

84 85 86 87 88

84 85 86 87 88

84 85 86 87 88

84 85 86 87 88

84 85 86 87 88

84 85 86 87 88

AUT - PR

ROU - DUST

WA - PL

CONC - C

FARM - DUST

CE

8 HB 609 rt 2/13/86

CARBON MONOXIDE
MONTHLY 8-HOUR HIGHS
1988

8-Hour Standard

PPM

10.0

9.0

8.0

7.0

6.0

5.0

4.0

3.0

2.0

1.0

Jan. Feb. Mar. Oct. Nov. Dec.
6th & Expo. 4th & Expo.

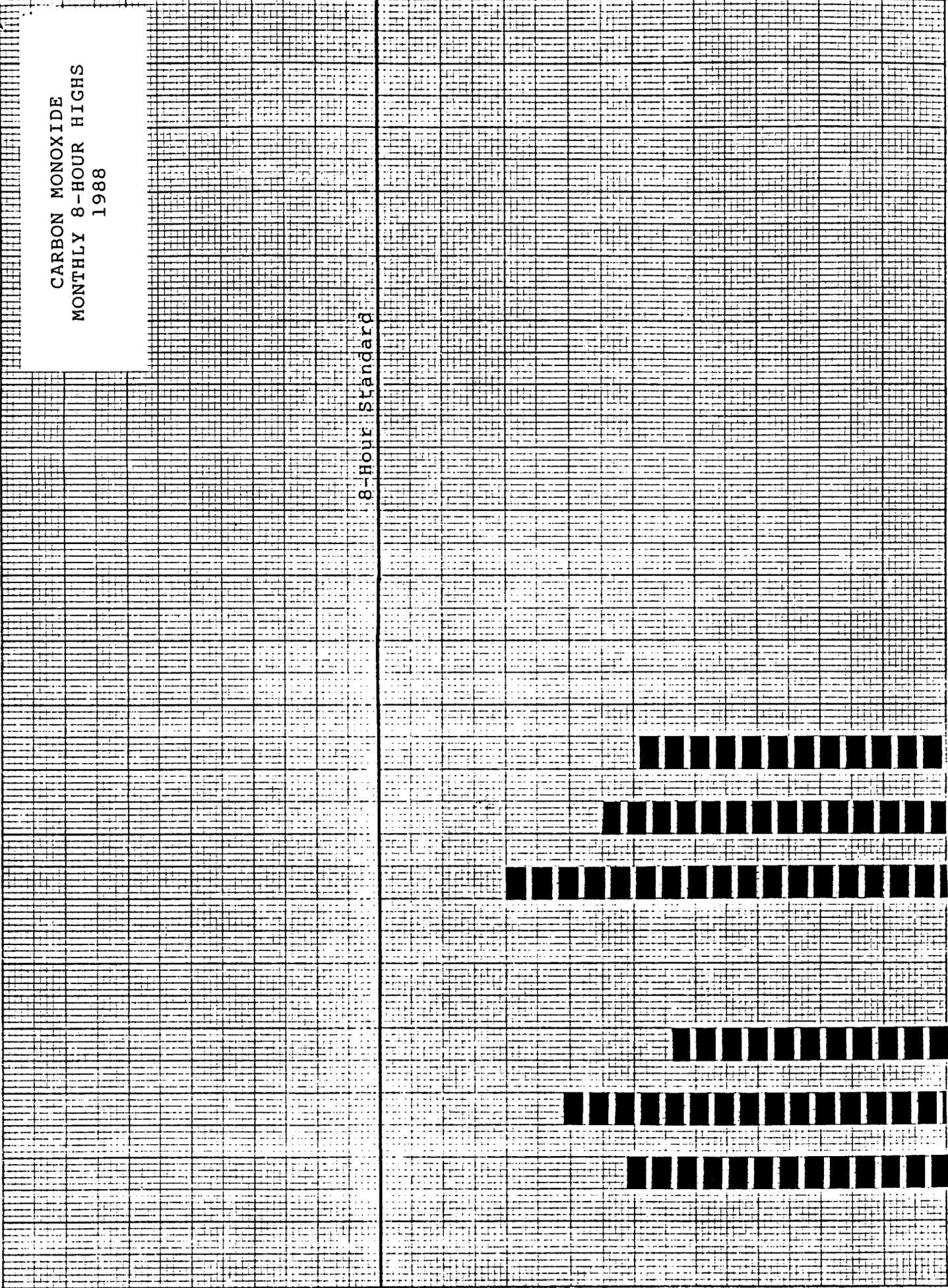




EXHIBIT 9
DATE 2-13-89
HB 608

YELLOWSTONE VALLEY CITIZENS COUNCIL

419 Stapleton Building
Billings, Montana 59101

IN-STACK MONITORING LEGISLATION

Bill Summary: This bill would require certain industries to install continuous emission monitors (CEM's) in the stacks emitting pollution. The requirement for Continuous Emission Monitoring does not apply to a stack or chimney that is equipped with pollution control equipment to achieve reductions in sulphur dioxide emissions equivalent to those attained through best available control technology. This legislation is necessary to enforce air quality standards because CEM's are virtually the only way to generate emission data sufficient to pinpoint violators.

Position of the Northern Plains Resource Council: Supports

Need For This Bill: Billings has the second highest level of sulfur dioxide of any city in the nation (only Pittsburgh has a higher concentration), but current monitoring methods do not provide the data necessary to identify the specific sources of emissions that cause violations of air quality standards. The right of Montanans to a "clean and healthful environment" provided under our Constitution is weakened because enforcement action against specific sources is nearly impossible without in-stack monitoring data.

Reasons To Support In-Stack Monitoring: In-stack monitoring is necessary to enforce existing air quality standards and identify which companies must clean up. In-stack monitoring means cleaner air.

Clean Air Means Jobs For Montanans:

* The travel industry in Montana is the second largest basic industry employer. In 1979, travelers and tourists spent \$ 1 billion in Montana, supporting an estimated 20,000 jobs. Clean Air is essential to tourism. (The Billings Gazette)

* Americans spent \$ 70 billion in 1985 to control pollution, creating 167,000 jobs in the pollution control industry. (Management Information Services, Jan. 1986)

* In Montana, pollution control resulted in 590 jobs and an expenditure of \$ 58 million in the state in 1985. (The Missoulian, Jan. 1986)

Pollution Is Bad For Business:

* The board chairman of Denver's Chamber of Commerce conceded that it was "clear ... our image as a polluted city makes convention planners, tourists and new business reconsider coming to Metro Denver." Business leaders say the "Brown Cloud" is the biggest economic problem they face in Denver. (Billings Gazette, Nov. 24, 1986)

Pollution Is Bad For Our Health:

* Studies of school children exposed to sulfur dioxide show a significant decline in lung function below the .14 parts per million, federal 24 hr. standard. Even in children exposed to sulfur dioxide levels as low as .10 ppm, the standard for all Montana counties, except Yellowstone County, sulfur dioxide levels cause significant impairment of lung function in children. (EPA Sept. 12, 1986) The Environmental Protection Agency is in the process of reviewing a 1 hour SO2 standard. According to Henry Thomas Jr., ambient standards branch, it is a near certainty that asthmatics in the Billings area experience "exposures of concern".

JERRY ANDERBERG and ASSOCIATES

Billings Landscape Associates

Complete Landscape Construction & Design
Underground Sprinkler Systems

EXHIBIT 10
DATE 2-13-89
HB 608

Box 20354

(406) 656-4288

Billings, Montana 59104

2-12-89

To: Mr. Bob Raney, Chairman and all committee members
Natural Resources Committee-Montana House of Representatives

Re: Written Testimony in Support of House Bill No. 608 concerning the
stack monitoring requirements.

I ask you on behalf of myself and my family to support HB 608 which will require that pollution monitors be put directly in the stacks of targeted industries in this area. I feel that this is a necessary requirement so as to once and for all settle the question of where and exactly how much pollution material is being put into the air in this area. The fact that the pollution exists is not in question in my mind as the cloud of smog that hangs over the Billings area is adequate testimony that pollution is an on going problem and common sense will tell you that all who live under a cloud of smog are adversely affected by the smog.

The local polluting industries, specifically the refineries, deny that they pollute the air in this area but they cannot deny the cloud which starts at their stacks and covers the local and surrounding area. I have documented this cloud to cover an area as far away as Forsyth on days with a west wind and as far as Columbus on days with an east wind. Basic chemistry equations will tell you what is in this cloud and I would ask you to have the local refineries submit to you such equations and then explain why they say that they are not polluting the air.

As a business man in this town I have often heard my out of area customers mention that they do not like the air quality nor do they think the air in Billings is healthy. They express a concern that it will be nice to be home. One such comment has come from a resident of Big Timber and one from Cody, Wyoming as well as many other comments from other areas. My parents are from western ND and they mention the smog every time they visit. You don't have to point the problem out to them.

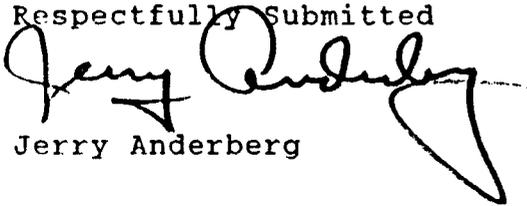
I have intentionally located my home in the north west corner of Billings so as to avoid as much pollution drift as possible. Predominately, the winds blow from the south west and the bulk of the pollution goes east of me. I still have to deal with the Laurel refinery and that still troubles me every day. The cloud from this refinery blows from the SW to the NE and covers this entire area. The smell is something that you do not get used to.

I feel that there is a definite need for accurate source of pollution monitoring in this area. The system we use to monitor now is not ac
Geo-Thermal-Watersource-Heating & Cooling Equipment

HB 10
DATE 2-13-89
HB 608

curate and not adequate. On site monitoring will answer all questions that are now in doubt and will do it quicker than continued ineffective efforts that so far have allowed the problems to go unsolved and the questions unanswered as to how much actual pollution is created and who is doing the polluting. I feel we need to get on with other business and stop spending so much time, (a dozen years or so), on a problem such as this that could be solved just by inserting stack monitors in the stacks.

Respectfully Submitted



Jerry Anderberg

EXHIBIT 11
DATE 2-
HB 581

Testimony of John F. North
Department of State Lands

House Bill 581
House Natural Resource Committee
February 13, 1989

BOND FORFEITURE

Under the Metal Mine Reclamation Act, the holder of an operating permit or exploration license must post a bond to ensure compliance with its operating and reclamation plans. If the permit or license holder does not operate and reclaim in accordance with these plans, the Department may revoke the license or permit, forfeit the bond, and reclaim the disturbed area. In addition, the permit or license holder may be required to pay civil penalties. If the bond is not sufficient to reclaim the area, the Department may use other funds for the reclamation.

Of course, the Department may file suit to collect the penalties and recoup the amounts spent on reclamation. However, it would not be unusual for such a person to leave this state or become judgment-proof. In addition, the statute of limitations may run before the Department can locate the person. The present MMRA does not, prevent such a person from applying for and receiving a small miner exclusion, operating permit or exploration license to do further exploration or mining in the state. In fact, under existing law, the Department may be required to issue a new license or permit to an applicant if his proposed operation and reclamation plans meet state reclamation and environmental protection standards. Or that person may obtain a small miner exclusion to mine an area of 5 acres or less. Thus, the Department would be placed in the somewhat strange position of granting a permit to a firm which it may be suing for violation of a previous permit.

HB 581 would eliminate this problem and provide an additional avenue by which the Department could be made whole for its expenditure and recover civil penalties. At the same time, the bill would allow those who wish to clean the slate and resume operations in the state to do so.

WAIVER OF CIVIL PENALTY

The waiver of the civil penalty provision for minor violations of the Act would allow more flexibility in the administration of the Act and eliminate civil penalties for those violations that do not represent potential harm to public health, public safety or the environment. The waiver of civil penalties provision would make the Metal Mine Reclamation Act consistent with the Strip Mine Act and the Opencut Mining Act, which already have these provisions. The types of violations to which this provision is intended to apply are minor violations. For example, a permittee may be a few days late filing a report. Or a permittee may be required by the permit to plant a certain seed mixture. He may, however, inadvertently plant another mixture that is just as good or even better environmentally. In both of these circumstances, he would be liable for a minimum penalty of \$200. The Department should, in these and similar circumstances, have the authority to waive civil penalties.

EXHIBIT 11
DATE 2-13-89
HB 581

HEARINGS

Section 6 of HB 581 amends 82-4-362 to allow a contested case hearing when the Department proposes to revoke a permit or license. The right to hearing is currently not provided for in statute. The consequences of permit revocation and bond forfeiture are quite severe under the existing laws. The previously discussed proposed changes make these consequences even more severe. Fundamental fairness requires that a person about to lose a permit or license should be accorded the right to an administrative hearing. This provision would also assure that any revocation or forfeiture is in fact justified. It would also protect the Department against charges that it had denied a person his right to due process. As an attorney for the Department, I would recommend that a hearing be granted anyway. Section 6 would simply make that hearing a statutory right.

For these reasons, the Department requests your support of HB 581.

EXHIBIT 12
2-13-89
HB 552

Date: February 9, 1989

Title: Legislator's Testimony on HB 552

This bill will require individuals who install or remove underground storage tanks which store fuels or chemicals to be licensed by the State of Montana. It requires that permits be obtained before the installation or closure of underground storage tanks, and allows for inspections. It also creates a special revenue account for the underground storage tank program.

Improper installation and closures are a leading cause of underground tank and piping failures. This bill will help extend the life of a tank system, protect groundwater resources and reduce the danger of fires and explosions which can occur when underground storage tanks leak due to improper installation or closure. It limits the installation and closure of underground storage tanks, which store regulated substances, to persons who have a demonstrated competence, training and experience in this field.

Fees would be assessed by regulation for installer licensing and renewal, examinations and installation and closure permits. These fees would defray a portion of the cost of implementing the program. Personnel costs not covered by fees would be adsorbed into the underground storage tank program.

This legislation delegates rule making authority to develop the program to the Department of Health and Environmental Sciences.

In compliance with a written request, there is hereby submitted a Fiscal Note for HB552, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This legislation, "An Act to provide for licensing of installers of underground storage tanks; for permitting of owners or operators for installations and closures of underground storage tanks and for inspection during tank installations or closures; creating an underground storage tank special revenue fund; and providing effective dates," requires individuals who install, repair, retrofit, or close underground storage tank (UST) systems to be licensed by the state with exceptions. It also allows for fees to be assessed for licensing, permits and inspections of underground storage tanks.

ASSUMPTIONS:

This program will be administered by DHES through the UST program which is 75% federally funded. There is 1/4 of a grade 14 FTE associated with this legislation. The revenue from the fees is to defray the costs for running the program.

The following assumptions are made based on other states' installer licensing programs:

1. 100 individuals taking the installer licensing test in FY90 and FY91. The expected pass rate is 90% (the people taking the test are experienced installers). The following cost breakdown for the licensing test.
 - a.) Test cost to the individual \$50.00 each.
 - b.) Study guide cost to the individual will cover the cost of printing and mailing. Assuming half of the applicants will request the study guide at \$45.00 a piece.
 - c.) License and renewal cost to the individual \$20.00 per year.
 - d.) Cost of a training session to the program \$5,000.
 - e.) Cost of printing and mailing licenses \$15.00 each.
2. 175 installation permits for UST systems issued (75 in FY90, 100 in FY91). Each installation includes three tanks taking three days for installation.
 - a.) Permit cost per installation \$200.00.
 - b.) Inspection fee for use of non-licensed installer on the installation \$100.00 per day.
 - c.) Up to 80% of the permit and inspection fee may be returned to local authorities which have been designated inspecting agencies.

NOT FOR THE FISCAL YEAR 1989-90 COST BREAKDOWN FOR THE LICENSING

Ray Shackelford

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 2/10/89

DATE 2-13-89
HB 552

DATE

THOMAS E. NELSON, PRIMARY SPONSOR

Fiscal Note for HB552, as introduced

Fund Impact:

All monies will be placed into a special revenue fund set up by this legislation. All bills for costs incurred by this legislation will be paid from the fund.

	FY90		FY91		
	Current	Proposed	Current	Proposed	Difference
	Law	Law	Law	Law	
Revenue:	\$ -0-	\$34,550	\$ -0-	\$38,650	\$38,650
Expenditures:	-0-	34,550	-0-	38,650	38,650
Net Effect:	-0-	-0-	-0-	-0-	-0-

EFFECT ON COUNTY OR LOCAL REVENUE OR EXPENDITURE:

The local authorities which have been designated inspecting agencies may receive up to 80% of the permit and inspection fee for the installations which occur in their jurisdiction. These monies will be used to defray the costs to locals for inspections and permits.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

This legislation will improve the quality of the underground storage tank installations, repairs, retrofits and closures. Individuals who perform this type of work will have a standard basic knowledge of the regulations and performance standards. Tank owners will have some assurance that the installer will know the proper way to do the work. Non-compliance penalties should help improve installation quality. Installations self-certified by licensed installers should reduce the regulatory workload on governmental inspectors.

An underground storage tank which has been properly installed and maintained is less likely to have problems. Faulty installation often results in leaks. These leaking systems may contaminate groundwater, cause vapor problems in buildings which may result in explosion and endanger public health.

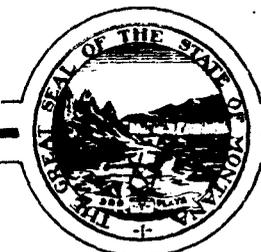
TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

There is no present state legislation in effect which governs the licensing of underground storage tank installers or requires permitting of underground storage tank work.

EXHIBIT 13
 DATE 2-13-89
 HB 552

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EX-11 14
DATE 2-13-89
552



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

Underground Storage Tank Program
(406) 444-5970

Date: February 7, 1989
Title: DHES Testimony on HB 552

The Department of Health and Environmental Sciences (DHES) is the implementing agency for the Federal EPA underground storage tank program in Montana. The Montana Underground Storage Tank Installer Licensing and Permitting Act would be an integral part of this program. This bill is designed to protect the public and the environment from improper underground storage tank installations and closures which are a significant cause of tank and piping failures. Serious failures can result in groundwater pollution, public health impacts, and concerns about fires and explosions. By one national estimate upwards of 40 percent of the leaking underground storage systems can be attributed to improper installation practices. This bill would require that tank installers be licensed and that tank installation and removal permits be obtained by the owner.

Licensed installers would be persons who have demonstrated competence, training and experience in the field of underground storage tank installations and closures. DHES would develop a licensing program similar to those in other states which includes training, testing and monitoring of underground storage tank installers. Exams will be given on a regular basis with an 80% required for passing. The study guides, which will be provided to interested persons, will cover the complete test. The test will be made up from industry and manufacturers' standards, Federal EPA regulations, and Montana regulations governing underground storage of regulated substances.

The installer licensing procedure is designed to improve the quality of tank installation in Montana by requiring that all persons in this field of endeavor have a minimum level of training.

New Federal EPA underground storage tank technical requirements state that all new tank installations must have a certification of compliance. This includes an owner certification that the installation was done correctly. Most tank owners are not able to do this. Two other EPA options for installation certification are:

- 1) the installer has been certified or licensed by the implementing agency;
- 2) the installation has been inspected and approved by the implementing agency.

EXHIBIT 14
DATE 2-13-89
HB 552

DHES Testimony on HB 552
February 7, 1989
Page 2

DHES will likely never have the resources available to inspect every tank installation and closure in Montana. However, the licensing of qualified installers appears to be a viable alternative to assure a safe and quality tank installation. EPA is not planning to license installers at a national level, but has left the option available to the states. Several states and the city of Great Falls already have installer licensing programs in place. This bill is the result of a technical advisory committee made up of installers, tank owners and state and local government officials which studied this problem in 1987.

This bill will also require that permits be obtained for tank closures and installations. The permitting process will provide the DHES with information that is currently not available until the work is completed. Under this bill, permits must be submitted for review 30 days in advance of the work, unless the work is for an emergency replacement of a leaking tank or line. This will allow the agency to review the permit application for compliance with State and Federal tank design and leak detection requirements and arrange for possible State or local inspection prior to the work being completed.

Licensed installers will not be required for the installation or closure of small farm tanks and residential heating oil tanks. However, a permit will be required to at least assure that a properly designed system is installed.

To help defray the costs of the program, this bill provides for the assessment of fees for the installer licensing process, license renewals, and permits for the installation and closure of underground storage tanks. Personnel costs which are not covered by fee assessments would be absorbed into the underground storage tank program. This bill does provide for exceptions to the use of a licensed installer. In these cases, the bill provides for additional inspection fees to cover the additional cost of conducting more thorough inspections in order to certify the installation.

All fees will be deposited into the underground storage tank special revenue account established by this bill. From this account, the DHES will pay up to 80% of a permit inspection fee to local government agents who are authorized to conduct inspections on behalf of the department. These payments may only be used to cover inspection costs.

tdheshb.552

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 15
DATE 2-13-89
HB 552

STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

Underground Storage Tank Program
(406) 444-5970

Briefing for
HB 552
February 7, 1989

In 1984, Congress established a federal program to address leaks from underground storage tanks. The 1985 Legislature authorized the Department of Health and Environmental Sciences (DHES) to establish the underground storage tank program in Montana. Congress directed the Environmental Protection Agency (EPA) to develop rules governing the installation, leak detection, corrective action, and closure of underground storage tanks. The new federal requirements concerning notification of underground storage tanks require that all new installations have a certification of compliance. The options available to the owner are:

- (1) The installer has been certified by the tank and piping manufacturer;
- (2) The installer has been certified or licensed by the implementing agency;
- (3) The installation has been inspected and certified by a registered professional engineer;
- (4) The installation has been inspected and approved by the implementing agency;
- (5) All work listed on the manufacturer's installation checklists has been completed;
- (6) Another method was used as allowed by the implementing agency.

Of these options, the most likely to be used by an owner are 2, 4 and 5. National tank and piping manufacturers are not likely to certify tank installers due to not being able to control local installations. There are not many registered professional engineers within Montana who are knowledgeable in underground tank installations. Anyone can complete a check list, but who is to say that the installation is done correctly. Underground storage tank installer licensing will protect the public from improper installations which may cause leaks or reduce the life of an underground storage tank system.

In 1987, a technical advisory committee was formed to investigate the need for an installer licensing program. The committee was composed of individuals from the regulated community, and included installers, petroleum distributors, state and local fire marshals, and petroleum equipment dealers. The committee

number 15
DATE 2-13-89
HB HB552

Briefing for HB 552
February 7, 1989
Page 2

determined that it would be in the best interest of the public if Montana regulated the installation of underground storage tanks. All individuals who installed underground storage tanks would then have the minimum knowledge of what is required by law.

Certain underground storage tanks have been exempted from the use of a licensed installer. These tanks are small farm or residential tanks of 1100 gallons or less capacity used for storing motor fuel for noncommercial purposes, or tanks used for storing heating oil for consumptive use on the premises where stored.

Permits for underground storage tank installation would be required by this bill. A few local fire departments currently require permits, otherwise there is currently no review or approval of work before it is completed.

Fees would be assessed for the testing, licensing, and license renewal of installers and for permits for underground storage tank installation and closure. The fees would be used to defray the program cost (i.e. training and publication costs). The personnel costs not covered by the fee assessment would be absorbed into the underground storage tank program.

briefhb.552

EXHIBIT 14
DATE 2-13-89
HB HB 552



P.O. Box 5021, 59403-5021

Telephone 406 / 727-5881

February 13, 1989

TO WHOM IT MAY CONCERN:

The City of Great Falls adopted Ordinance 2455, effective April 1, 1987. This Ordinance is devoted to administration and technical regulations related to petroleum tank installations.

The purpose of Ordinance 2455 is to safeguard the public health, safety and welfare, to protect the public from incompetent and unauthorized persons, to assure the highest degree of professional conduct on the part of petroleum facilities contractors and to assure the availability of petroleum facilities installations of high quality to persons in need of these services.

Areas of concern for the installation of underground petroleum storage tanks are location, protection of underground tanks, testing of tanks, requirements for and testing of piping and the abandonment of tanks.

Since the adoption of the Ordinance, the City of Great Falls has had 29 new and updated petroleum installations and approximately 65 tanks were either removed from the ground or filled with an approved substance.

This program has been very successful. It was designed to reduce the risk of fire, soil and water contamination, as well as to detect, as soon as possible, any problems that may occur; thus, minimizing the release of product to the smallest degree possible.

I strongly support the idea of the certification program proposed by the State Water Quality Bureau. With it, proper installation and safeguards will be adhered to and therefore reduce the risk of fire, soil and water contamination in the years to come.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dick Swingley".

Dick Swingley
Fire Marshal
Great Falls Fire Department

wh

EXHIBIT 17
DATE 2-13-89
HB HB601

MDHES TESTIMONY--MONTANA REVOLVING LOAN PROGRAM

The Federal Clean Water Act passed in 1972 initiated the nation's commitment to controlling water pollution by establishing minimum standards for all discharges to the nation's waterways. The Act also created the Construction Grants Program which backed this commitment to clean water by funding a grant program which has spent billions of dollars towards construction of wastewater treatment facilities. Montana has received over 170 million dollars in the last 16 years with funds spent in almost every city in the state. As with many federal subsidy programs, Congress has changed its attitude towards supporting the construction grants program by creating the new revolving loan program designed to remove the federal government from role of financing pollution control facilities. Clearly they want states to take on this responsibility.

The 1987 Amendments to the Federal Clean Water Act created the state revolving loan program. The EPA will provide states with grant funds, matched with state monies to capitalize a self-perpetuating loan program. The federal appropriations are authorized for a six year period beginning last October. The state must apply for the first appropriation by September of 1990 or the 1st round monies are lost (4.7 million). The loan program initially will be very similar to the construction grants program as many of the federal requirements carry over. As loan repayments eventually replenish the original federal seed money, most of the federal character is lost including the programmatic requirements for subsequent loans. At this point the SRF becomes a true "state" financial program.

The revolving fund can be used for direct loans, loan refinancing, insuring debt obligations, security for state bond sales, and for administrative expenses incurred by the state. Loan terms are established by the state with repayment schedules not to exceed 20 years and interest rates to vary from 0% to market rates. Water pollution control projects eligible under the program include wastewater treatment plants, sewage collectors, storm sewers, non-point source control projects and technical services. The fact sheet in your handouts lists these criteria for loans.

The "Wastewater Treatment Revolving Fund Act", requested by the DHES and DNRC, creates a state program to administer and implement this new financial assistance program. It will provide for receipt of federal funds and issuance of state bonds to generate the state match. The proposed program will be administered jointly by DHES and DNRC to optimize use of existing resources. The construction grants staff of DHES will apply to EPA for federal assistance and be primarily responsible for meeting federal program conditions. The financial aspects of the fund itself, including the review and processing of loan documents, will be handled by DNRC.

Using a schematic drawing we've prepared, I would like to explain how the revolving fund will work. A copy of this drawing is enclosed in your handouts. The fund is made up of five sub-accounts--the federal allocation account, the state allocation account, the debt service account, the administration account and investment earnings account. The monies which start up this new program are the federal grant funds and the state 20% match which is put into these two accounts. All loans will originate from these two accounts. Loan principal payments will come back into these accounts in the same proportion they were originally loaned out. Loan interest payments will go into the debt service account to pay off the state bond debt. Any excess interest earnings can go back into the state account for future loans. Interest earned by the bonds will stay within the debt service account to be used to pay off bond debt. Any investment earnings of the state or federal allocation accounts will stay within the fund to be made available for loans. Up to 4% of the

SENATE 17
DATE 2-13-89
HB HB601

federal funds can be used to administer the loan program. When federal funds are exhausted, a fee will be charged to loan applicants to cover the states cost of administration. The administrative fee account, established by this legislation outside of the revolving fund will be used for this purpose.

The high costs of new or upgrading existing wastewater treatment facilities will be an ongoing burden imposed upon Montana communities. Currently unsewered communities with failing onsite systems and rehabilitation of existing systems are the major needs in the state. A list of potential loan projects is included in your handouts. Many of the treatment plants built in the 70's with grant assistance will require major overhauls by the 90's. This new program represents the last and largest input of federal dollars for water pollution control projects. We believe that it is imperative that Montana enact this legislation and get this new loan program up and running to be in a position to utilize these remaining federal funds.

This concludes my testimony and I would glad to answer any questions you might have. Also Caralee Cheney of the DNRC is also present to address questions.

Montana Water Pollution Control Loans

Fact Sheet

ELIGIBILITY: Wastewater treatment plant improvements, interceptors, collectors, engineering studies and design, project inspection, land used for treatment purposes, non-point source control projects.

TYPE OF ASSISTANCE: Direct loans, project refinancing, bond insurance, loan guarantees, state administrative expenses.

TERMS: Interest rates can range from 0% to market rates with payment schedules not to exceed 20 years. Variable interest loans are possible.

APPLICATION: Application procedures will be developed upon enactment of enabling legislation. All loan projects must be placed on the construction grants project priority list. It is anticipated that loans will be offered on a first-come basis until demand exceeds available funds. Ultimately a ranking procedure based on financial need and water quality or public health impacts will be necessary.

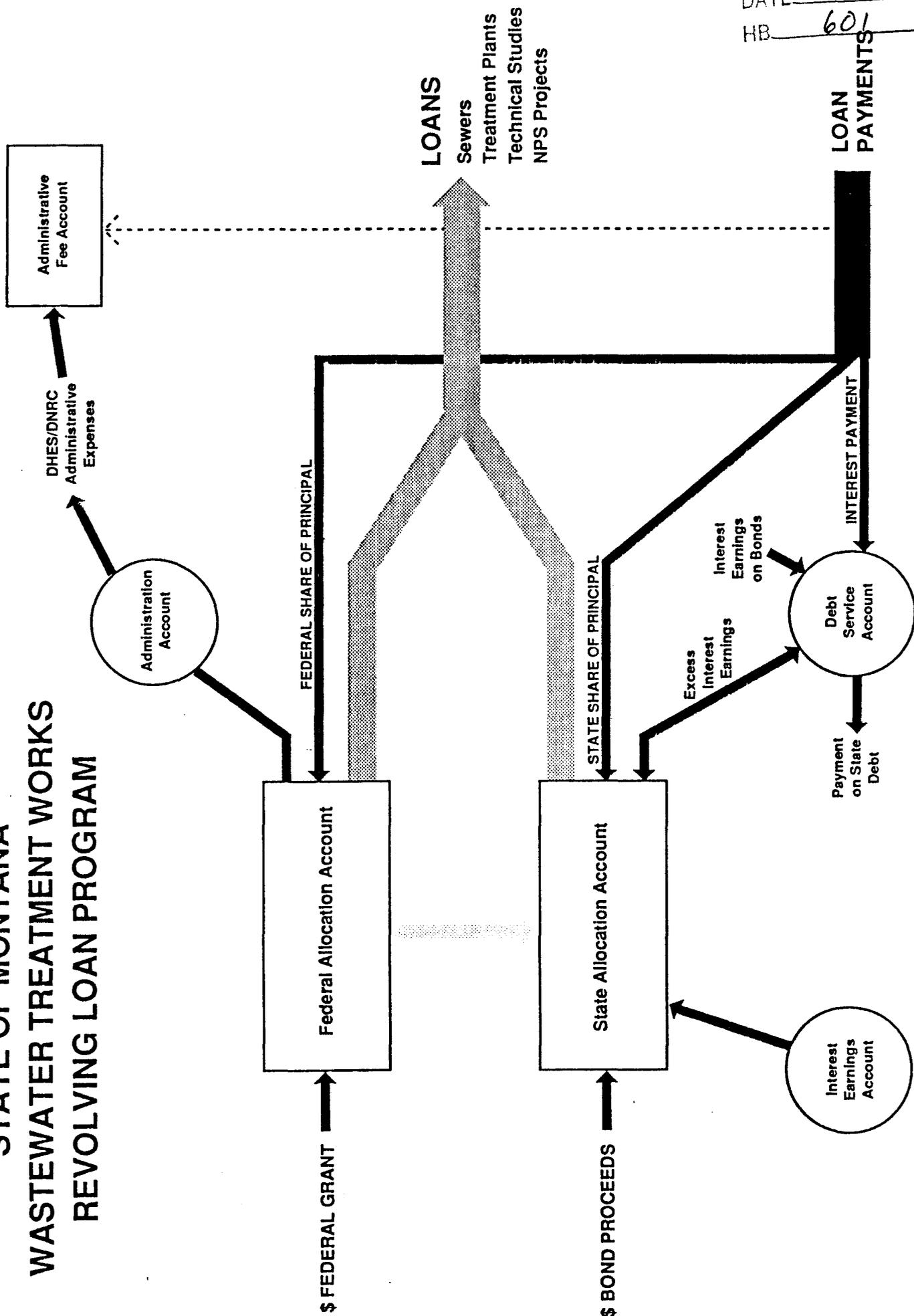
FUNDS AVAILABLE: The loan program is capitalized with federal assistance through 1996 with expected appropriations to be approximately 40 million dollars. The state must provide a 20% match which will bring total available funds to 48 million dollars. All loan principal and interest payments must be credited to the state revolving fund as well as interest earnings within the fund itself. The program will be designed to provide a perpetual source of financial assistance. Loan funds should be available in July of 1989 (depending on legislative approval).

REGULATORY REQUIREMENTS: Loan projects are subject to both federal and state laws. Initially the program will be administered similarly to the EPA Construction Grants program. Federal labor standards, environmental reviews, and minority business requirements will be essentially the same as a grant project for those loan projects funded with federal funds. Funds resulting from loan repayments, interest earnings, and the state match lose most of their federal character. An engineering report with a detailed environmental assessment of the proposed project, plans and specifications, adequate construction management, and proper startup and operation of the facilities will be a continual requirement of the program.

CONTACT PERSON: Scott Anderson, Montana Water Quality Bureau, Room A-206, Cogswell Building, Helena, MT 59620-0909. Phone (406) 444-2406.

STATE OF MONTANA WASTEWATER TREATMENT WORKS REVOLVING LOAN PROGRAM

DATE 2-13-89
HB 601



MONTANA SRF LOAN/CONSTRUCTION GRANTS CANDIDATES
 June 1988

Information taken from EPA 1988 Needs Survey
 and 1988 Annual Construction Grants Priority List

FACILITY NAME	COUNTY	FACILITY NAME	COUNTY
Dillon Interceptors	Beaverhead	Helena Coll Sys Rehab	Lewis & Clark
Lodge Grass Lagoon	Big Horn	Helena WWTP	Lewis & Clark
Hardin Sewer Rehab	Big Horn	Helena Valley Coll Sys	Lewis & Clark
Turner Lagoon	Blaine	Chester Sanitary Sewer Sys	Liberty
Townsend Lagoon	Broadwater	Troy Lagoon & Coll Sys	Lincoln
Red Lodge WWTP	Carbon	South Libby Flats Coll Sys	Lincoln
Vaughn Lagoon	Cascade	Sheridan Lagoons	Madison
*Sun Prairie RSID	Cascade	*Twin Bridges WWTP	Madison
Great Falls Comb Sewers	Cascade	Alberton Lagoons	Mineral
Cascade Lagoon	Cascade	St. Regis WWTP & Coll Sys	Mineral
Highwood STP	Chouteau	Rattlesnake Ck Coll Sys	Missoula
Loma Septic Tanks	Chouteau	Missoula WWTP Improvements	Missoula
Fort Benton Lagoon	Chouteau	Missoula Interceptors	Missoula
Glendive Water Sludge Trtmt	Dawson	Missoula Collectors	Missoula
West Glendive STP	Dawson	Seeley Lake WWTP & Coll Sys	Missoula
*Anaconda WWTP	Deer Lodge	Silver Gate WWTP	Park
Warm Springs STP	Deer Lodge	*Gardiner Lagoons	Park
Denton WWTP	Fergus	Valier WWTP	Pondera
*Bigfork Sanitary Sewer Sys	Flathead	Brady Lagoons	Pondera
Kalispell Evergreen Coll Sys	Flathead	Garrison WWTP & Coll Sys	Powell
Lakeside-Somers Coll Sys	Flathead	Hamilton Collectors	Ravalli
Whitefish Co. W & S Dist	Flathead	Savage WWTP	Richland
Whitefish Sanitary Sewer Sys	Flathead	Butte Aeration Sys	Silver Bow
Belgrade Sewers	Gallatin	*Melrose Septic Tanks	Silver Bow
*West Yellowstone WWTP Sys	Gallatin	Abasrokee WWTP	Stillwater
St. Mary	Glacier	Columbus Lagoon	Stillwater
Philipsburg Interceptor	Granite	*Shelby WWTP	Toole
Havre Sludge Improvements	Hill	Hysham WWTP	Treasure
Stanford WWTP	Judith Basin	Harlowton Lagoon/Sewer Rehab	Wheatland
Arlee WWTP & Coll Sys	Lake	Billings Hts Coll Sys (Refin)	Yellowstone
Big Arm WWTP & Coll Sys	Lake	Billings Aeration Sys	Yellowstone
Swan Lake WWTP & Coll Sys	Lake	Huntley WWTP	Yellowstone
		Lockwood WWTP & Coll Sys	Yellowstone
		Shepherd WWTP	Yellowstone

* Indicates projects likely to qualify for remaining grant funds.

Amendments to House Bill No. 143
Introduced Copy

Requested by Rep. O'Keefe

Prepared by H. Zackheim
February 10, 1989

1. Page 1.

Following: line 11

Insert: " STATEMENT OF INTENT

It is the intent of the legislature to create an oil and gas production damage mitigation account to be administered by the board of oil and gas conservation for the purpose of properly plugging and abandoning oil and gas wells when a responsible party cannot be found or when the responsible party does not have sufficient financial resources. The board shall adopt rules to help it define "sufficient financial resources", shall require a responsible party to pay the costs of plugging and abandoning to the extent of his available resources, and shall pursue full cost recovery for funds spent from the account through the procedures provided in [section 9] or other lawful means. The board may adopt rules to administer instituting a lien on the party's personal and real property to cover the cost of plugging and abandoning.

The legislature intends that the board use the account for reclamation related to land, water, or wildlife resources disturbed by abandoned oil and gas wells, injection wells, sumps, and seismographic shot holes.

It is also the intent to remove producing wells completed after June 30, 1989, from drilling bonds and to limit the liability of the bond or its equivalent to the period between issuance of the bond and either proper plugging and abandoning of a dry hole or completion of a producing well. The board shall adopt forms for the producer to indicate that a well has been completed and shall, upon receipt of the information and payment required under [section 7], release and absolve the owner of the well from the bond required under 82-11-123.

It is further the intent of the legislature that the board of oil and gas conservation respond promptly to emergency situations that may arise."

2. Page 2, line 8.

Following: "(ii)"

Insert: "beginning in fiscal year 1992,"

Strike: "\$250,000"

Insert: "\$50,000"

3. Page 5, line 24.

Strike: "list"

Insert: "record"

4. Page 6, line 3.

Strike: "the preceding"

Following: "subsection"

Insert: "(1)"

5. Page 6, line 4.

Following: "determine"

Insert: "and list"

6. Page 6, lines 12 and 13.

Strike: "under" on line 12 through "subsection" on line 13

Insert: "or when the person does not have sufficient financial resources to pay for complete reclamation"

7. Page 6, lines 17 and 18.

Strike: "established" on line 17 through "available" on line 18

Insert: "in a manner consistent with the requirements for the use of the account provided in [section 6] and [section 9]"

8. Page 9, line 8.

Strike: "as required "

Insert: "for the purposes of using the oil and gas production damage mitigation account established"

9. Page 11, line 7.

Following: "the"

Insert: "owner notifies"

Strike: "is" through "[section 7]"

10. Page 11, line 9.

Strike: "is" through "provisions"

Insert: "meets the requirements"

11. Page 12, line 6.

Strike: "1989"

Insert: "1991"

12. Page 12, line 8.

Strike: "\$250,000"

Insert: "\$50,000"

13. Page 12, line 13.

Strike: "\$500,000"

Insert: "\$200,000"

14. Page 12, line 15.

Strike: "\$500,000"

Insert: "\$200,000"

15. Page 12, line 17.

Strike: "\$500,000"

Insert: "\$200,000"

Strike: "\$250,000"

Insert: "\$50,000"

16. Page 12.

Following: line 19

Insert: "(3) In addition to the allocation provided in subsection (2), there must be deposited in the oil and gas production damage mitigation account:

(a) all funds received by the board pursuant to 82-11-136; and

(b) all fees received by the board from owners of producing wells pursuant to [section 7]."

Renumber: subsequent subsections

17. Page 12, line 25 through line 1, page 13.

Following: "abandoned"

Strike: ", " on line 25 through "quantities," on line 1

18. Page 13, line 2.

Strike: "located"

Insert: "or the responsible person does not have sufficient funds to pay the costs. The responsible person shall, however, pay costs to the extent of his available resources and is subsequently liable to fully reimburse the account or shall be subject to a lien on property as provided in [section 9] for costs expended from the account to properly plug the well and to mitigate any damage caused by the well."

19. Page 13, line 11.

Strike: "application of"

Insert: "receipt of notification by"

20. Page 13, line 12.

Strike: "in"

Insert: "on"

Following: "board"

Insert: ", payment by the owner of {\$50/\$100/\$200}, "

Strike: "upon providing"

Following: "proof"

Insert: "from the owner"

21. Page 14, line 5.

Strike: "-- priority"

22. Page 14, lines 7 and 8.

Following: "account"

Strike: ", " on line 7 through "[section 6(3)]" on line 8

Insert: "under [section 6(4)]"

23. Page 14, line 9.

Following: "year"

Insert: ", "

24. Page 14, lines 11 and 12.

Following: "person," on line 11

Strike: "as" on line 11 through "[section 4]," on line 12

19
DATE 2-13-89
HB 143

25. Page 14, lines 14 and 15.

Following: "person," on line 14

Strike: "as" on line 14 through "[section 4]," on line 15

Following: "not"

Insert: "fully"

26. Page 14, lines 19 through 21.

Strike: "has" on line 19 through "may" on line 21

Insert: "must"

Following: "to" on line 21

Strike: "the"

Insert: "all"

27. Page 14, line 22.

Following: "the"

Insert: "responsible"

Strike: "as determined under [section 4]"

28. Page 14, lines 23 through 25.

Strike: "has" on line 23 through "[section 4]" on line 25

Insert: "is valid until paid in full or otherwise discharged.

The lien must be foreclosed in accordance with applicable laws governing foreclosure of mortgages and liens."

Amendments to House Bill No. 399
Introduced (White) Copy

Requested by Rep. Harper
For the House Committee on Natural Resources

Prepared by H. Zackheim
February 10, 1989

1. Page 5, line 8.

Following: "diversion"

Insert: "and at the points of diversion of all persons holding water rights with earlier priority dates within a subbasin provided for in 85-2-231"

2. Page 10.

Following: line 3

Insert: "(3) (a) If the department approves an application for a trial change under subsection (2):

(i) the appropriator shall allow access by the department throughout the trial period to the site where the change is being implemented;

(ii) the department shall inspect the site upon the request of any person holding a valid water right in the source of supply; and

(iii) any water user may, throughout the trial period, petition the department to deny the permit because water users are experiencing actual adverse effects of the trial permit. The department shall investigate all petitions and, if it determines that there are adverse effects, the trial permit must be denied unless the trial permittee can establish by clear and convincing evidence that the adverse effects are caused by unique climatological events then being experienced that will not reoccur throughout the remainder of the trial period.

(b) If the application for change is denied after the trial period, the department shall require the appropriator to remove the diversion structures or facilities that implemented the trial change."

Renumber: subsequent subsections

3. Page 10, line 4.

Strike: "(4)"

Insert: "(5)"

4. Page 10, line 5.

Strike: "(6)"

Insert: "(7)"

5. Page 10, line 25.
Strike: "(3)"
Insert: "(4)"

6. Page 12, line 2.
Strike: "(3)"
Insert: "(4)"
Strike: "(4)"
Insert: "(5)"

7. Page 13, line 1.
Strike: "(3)"
Insert: "(4)"
Strike: "(4)"
Insert: "(5)"

8. Page 13, line 9.
Strike: "(6)(b)(ii)"
Insert: "(7)(b)(ii)"

9. Page 13, line 10.
Strike: "(6)(b)(iii)"
Insert: "(7)(b)(iii)"

10. Page 15, line 24.
Strike: "is"
Insert: "are"

EXHIBIT 19
DATE 2-13-89
HB 413

Amendments to House Bill No. 413
Third Reading (Blue) Copy

Requested by Rep. Harper

Prepared by H. Zackheim
February 13, 1989

1. Page 2.

Following: line 16

Insert: " (2) When the existing rights of all appropriators from a source or in an area have been determined in a final decree issued under chapter 2 of this title, the judge of the district court ~~shall~~ may upon both an application by the department of natural resources and conservation and a request by one or more holders of valid water rights in the source appoint a water commissioner. The water commissioner shall distribute to the appropriators, from the source or in the area, the water to which they are entitled."

Renumber: subsequent subsections

2. Page 3, line 6.

Following: "compensation."

Insert: "The judge may include the department in the apportionment of costs if it applied for the appointment of a water commissioner under subsection (2)."

19
DATE 2-13-89
HR 542

Amendments to House Bill No. 542
Introduced Copy

Requested by Rep. Harper
For the House Committee on Natural Resources

Prepared by H. Zackheim
February 10, 1989

1. Title, lines 4 through 7.
Strike: "CHANGING" on line 4 through ";" on line 7
Following: "REQUIRING" on line 7
Strike: "THE"
Insert: "AN"

2. Title, lines 8 and 9.
Following: "APPLICANT"
Insert: "FOR A WATER USE PERMIT"
Strike: "CLEAR" on line 8 through "CONVINCING" on line 9
Insert: "SUBSTANTIAL CREDIBLE"

3. Page 1, lines 17 through 19.
Strike: ", or" on line 17 through "part," on line 19

4. Page 5, line 7.
Strike: "clear and convincing"
Insert: "substantial credible"

5. Page 5, line 9.
Following: "evidence"
Insert: ", including water supply data, field reports, and other information developed by the department, the U. S. geological survey, or the U. S. soil conservation service and other specific field studies,"

VISITORS' REGISTER

Natural Resources

COMMITTEE

BILL NO. HB-608 1062DATE February 13, 1989SPONSOR Rep Whalen

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Robert Dozier	Reed Point N.P.R.C.	✓	
Eileen Morris	Billings YVCC	✓	
BOB HOLTSMITH	BILLINGS - CONOCO		✓
Janette Fallon	Helena - MPA		✓
John MacFarlane	Billings - Exxon		✓
Tim Schug	BILLINGS		✓
Dexter Bursley	Great Falls - Mand. Ref. Co.		✓
Alan Hobbs	Great Falls		✓
Donald Under-Cervix	Helena		✓
JOHN LAHR	MPC		✓
CARLTON GRIMM	MPC		✓
Dex Ingels	MT Chamber of Commerce		✓
Ken Williams	Entech		✓
RON J. FENEX	Billings, YVCC	✓	
Brent Quade	928 N 30th Billings	✓	
Kim Wilson	Helena	✓	
Chris Kaufman	MEIC	✓	
Jeff Chettle	DYES		
Steve Visocan	Montana Petroleum Matters		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Nature Resources COMMITTEE

BILL NO. HB 608 2072 DATE January 13, 1985

SPONSOR Rep Whalen

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Paul D Ringling	Helena MAPP	✓	
San Francisco	HELENA M.A.P.P	X	
Ray Foster	Billings Chamber		X
Will I. Selser	LTC City- Colhealth	✓	
GENE PIGEON	MDU Resource Inc		X
Carie L. Dawson	Helena	✓	

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

VISITORS' REGISTER

Natural Resources COMMITTEE

BILL NO. HB-552

DATE February 13, 1989

SPONSOR Rep Nelson

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Janelle Fallon	Helena	✓	
Doug ABELIN	BLACK CAT BANK	✓	
Tom HUDSON	BOZEMAN	✓	
Ray Hawk	GT Falls		
Don Ingels	Mr Chamber of Commerce	Monitor	
Larry Mitchell	DHES	✓	
Jean Riley	DHES	✓	
REP. Tom NELSON	H. R.	✓	
Chris Keutman	MEIC	✓	
Man Wilk	Serv. Club	✓	
Ray Bluhm	St Fire Marshal	✓	
Steve Viscian	Helena	✓	
TED NEUMAN	VAUGHN RD	✓	
Deana Alexander	mt. Petroleum Marketers	✓	
Carrie L. Hauber	Helena	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

HOUSE NATURAL RESOURCES

COMMITTEE

DATE 2-13-89 BILL NO. H0608 NUMBER 1

NAME	AYE	NAY
Rep. Hal Harper	✓	
Rep. Tom Hannah	✓	
Rep. Mike Kadas	✓	
Rep. Mary McDonough	✓	
Rep. Lum Owens	✓	
Rep. Vivian Brooke		✓
Rep. Robert Clark	✓	
Rep. Mark O'Keefe		✓
Rep. Leo Giacometto	✓	
Rep. Bob Gilbert	✓	
Rep. Kelly Addy	✓	
Rep. Clyde Smith	✓	
Rep. Janet Moore	✓	
Rep. Rande Roth	✓	
Rep. Ben Cohen, Vice-Chairman		✓
Rep. Bob Raney, Chairman	✓	

TALLY

13 3

Claudia M. Maguire
Secretary

Bob Raney
Chairman

MOTION: to table H0608

ROLL CALL VOTE

NATURAL RESOURCES

COMMITTEE

DATE 2/13/89

BILL NO. HB 486

NUMBER 1

NAME	AYE	NAY
Rep. Hal Harper	✓	
Rep. Tom Hannah	✓	
Rep. Mike Kadas	✓	
Rep. Mary McDonough	✓	
Rep. Lum Owens		✓
Rep. Vivian Brooke	✓	
Rep. Robert Clark		✓
Rep. Mark O'Keefe	✓	
Rep. Leo Giacometto	✓	
Rep. Bob Gilbert		✓
Rep. Kelly Addy	✓	
Rep. Clyde Smith		✓
Rep. Janet Moore	✓	
Rep. Rande Roth	✓	
Rep. Ben Cohen, Vice-Chairman	✓	
Rep. Bob Raney, Chairman	✓	

TALLY

12 4

Claudia Montagna
Secretary

Bob Raney
Chairman

Motion: Rep O'Keefe - HB 486 do Pass as
Amended