

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairperson Bob Raney, on March 8, 1989, at
3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

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

Announcements/Discussion: None

HEARING ON HB 752

Presentation and Opening Statement by Sponsor:

REP. BOB RANEY, House District 82, opened, stating that the Statement of Intent described the bill well. He said it was the intent of the Legislature that the Department of Health and Environmental Sciences (DHES) be able to use this fee on landfills and incinerators to bolster the department. Fund uses would include the hiring of adequate staff, providing of assistance to local governments in meeting the new federal solid waste rules coming down from EPA, and developing an effective and coordinated regional approach to managing solid waste in Montana, as well as imported solid waste.

REP. RANEY said it was the intent of the bill to bring about some air quality rules with regards to incineration of over 70 tons per day. Currently, he said, there were no incinerators in Montana that burn at that rate.

REP. RANEY said a fee would be put on anyone who disposed over 1,000 tons of solid waste per year, which he said would cover all landfills, and anyone who wanted to get into incineration. He said an individual would be assessed 10 cents per ton for garbage disposed within the region, and \$1 per ton for garbage disposed outside the region. REP. RANEY continued through the bill, section by section.

Testifying Proponents and Who They Represent:

Bill Good, Montana Solid Waste Contractors, Inc.
Leanne Kurtz, Montana Environmental Information Center
Jim Leiter, Department of Health and Environmental Sciences

Proponent Testimony:

BILL GOOD testified as set forth in EXHIBIT 1 and offered amendments attached to that exhibit.

LEANNE KURTZ testified that MEIC had a concern that Montana not become the solid waste depository of America. She said that the amount of solid waste generated per day in the nation was putting pressure on existing landfills in populated areas and forcing states to look elsewhere for extra space for disposal. She said Montana was an attractive option because the state lacked regulations. She said landfills in Montana were not prepared to accept additional waste due to their poor siting, and the minimal ground water monitoring. She encouraged the development of a solid waste management plan for the state before accepting garbage from other states. MS KURTZ said HB 752 would provide the means to improve Montana's landfills while discouraging the importation of out-of-state garbage.

JIM LEITER, Program Manager for the Municipal Solid Waste Program in the Solid and Hazardous Waste Bureau, said the department was at the hearing as neither proponent nor opponent, but to answer questions about the existing program and funding.

Testifying Opponents and Who They Represent:

John Lawton, City of Billings
Gene Vuckovich, Anaconda-Deer Lodge County

Opponent Testimony:

JOHN LAWTON, Assistant City Administrator, said the city did not oppose the intent of the bill or the program it proposed to fund. However, he had some problems with the funding mechanism. He said the local government would have to collect the fees, thus cutting into their revenue base. He said that Billings already had a good landfill operation which met current EPA requirements. He said the bill meant they would have to collect \$10,000 from the people of Billings to be given to the state for statewide application. He mentioned that the Governor had said he will veto any bill that would require additional duties of local governments.

GENE VUCKOVICH, City-County Manager for Anaconda-Deer Lodge County, said his objections were that the additional cost would be passed on to the local government and the tax

payers. He said his county was already looking at massive reductions in services and personnel. He said his concern was not with the intent, but the funding mechanism for the program.

Additional Opponent Testimony:

Valley County Board of County Commissioners (EXHIBIT 2)

Questions From Committee Members:

REP. ROTH asked the sponsor how the fee would be collected. REP. RANEY said the manager of the landfill and incinerator would forward it to the state of Montana on an annual basis, having worked with the department to arrive at the tonnage. REP. ROTH asked if the money would go into the state fund to be distributed around the state. REP. RANEY said the money would be put into the department to put people to work who would be implementing standards coming down from EPA. He said that, unlike Billings, most of Montana was not in compliance. He suggested significantly reducing or eliminating the fee on those landfills that meet EPA requirements.

REP. GIACOMETTO asked if this would affect the incinerator and waste disposal site in the sponsor's district. REP. RANEY said the bill would not affect it because of the tonnage limits; i.e., there was a 70 ton limit in the bill, and the Livingston incinerator burned less than 70 tons. He added that he would like to amend the bill to include his local incinerator. He said he would like to see tighter emission standards for incinerators.

REP. GIACOMETTO asked Mr. Leiter how capable the bureau would be of doing all the work that they would be required to do. MR. LEITER said with the existing staffing, they would not be able to carry out the intent of this bill. He said at the present time, Montana's standards were less stringent than federal standards, and the staff was doing a minimal job. He said when new EPA regulations come along, they would not have adequate staff.

REP. COHEN asked how much garbage a typical family of four would produce in a year. MR. LEITER said they would produce 1300 pounds per person, or approximately 2.5 tons, which under this fee schedule would translate into 25 cents per year per family.

REP. BROOKE asked if this act was necessary to come into compliance with the EPA regulations. MR. LEITER said the bill provided some supplemental funds to help support the solid waste staff. He said the 1.5 FTE they had now were supported by the general fund. REP. BROOKE asked if other states were charging fees and whether those fee programs were successful in addressing the problem. MR. LEITER said

it was an increasing trend to turn to fee systems, and that some had been in place for quite some time. He could not respond to their rate of success, and added that Montana had a rural solid waste program, while most of the other states with a fee system had larger programs. He said there could be a net savings for the state with the technical assistance availability of a larger staff.

REP. GIACOMETTO asked how many FTE's the department would need. MR. LEITER said to effectively operate the current state system, the department would need double the staff they have now. To operate the program under EPA's subtitle D requirements, which he saw as inevitable, the department would need more than that. He said this program would generate \$65,000, and more if solid waste was imported from outside of Montana. He said with this money, they would be able to add a full time staff member and a 1/2 time clerical position.

REP. GIACOMETTO asked what would have to be done to fund the program if the more stringent standards become effective. MR. LEITER said that the proposed regulations, which would probably be adopted, were far more stringent than the state's current regulations. He estimated that the tipping rates would triple or quadruple under the new EPA regulations and additional staff would be needed.

Closing by Sponsor:

REP. RANEY closed.

HEARING ON SB 385

Presentation and Opening Statement by Sponsor:

SEN. JOHN HARP, Senate District 4, said the bill revised the state law relating to remedial action at hazardous waste sites, and would conform the state law to the updated federal Superfund Act of 1986. He said it included the enforcement authority and he gave an overview of the bill. He said he felt the Department of Health and Environmental Sciences was better equipped to oversee the Superfund activities in the state, and felt that it would be desirable to get away from the national priority list. He said the bill would result in a reduction in cost to the responsible parties, and clean-up would be expedited.

SEN. HARP said that issues had arisen on the Senate floor, which he had clarified with Jim Foley of Pat Williams' office. He said that the operator of the Milltown dam would be exempted from liability for the Clark Fork pollution, which would bring the proposed legislation into conformance with the federal act. He said if that operator, Montana Power

Company, were connected with that liability, to the tune of \$1 billion, the rate payers of Montana would be affected.

SEN. HARP spoke of another issue, the exclusion of petroleum products. DHES felt this petroleum product language was needed back in the bill because of the Montana leaking underground storage tank program, and the concern that the means of enforcement to recover costs was not presently available. However, he said the industry said the crude oil section was not included in the federal act. He told the committee that if the purpose of this bill was to completely conform with the federal act, so be it. If the purpose of the act was to be broader, with the flexibility to have remedial action and enforcement in other areas, then the merits of that purpose needed to be discussed.

SEN. HARP said the bill gave the department broad authority for information gathering and response. He referred to the penalty of \$10,000 per day and also \$1,000 in administrative penalty per day. He said the intent was to indicate the importance of the clean-up and to make sure that the responsible parties were in fact held responsible. He said that the limitation of liability for remedial contractors hopefully would encourage interest in the clean-up activities.

Testifying Proponents and Who They Represent:

Rep. Dave Brown, House District 72
Gene Vuckovich, Anaconda-Deer Lodge County
Tom Eggert, Bureau of Solid and Hazardous Waste, DHES
Larry Lloyd, DHES
Bob Lane, Department of Fish, Wildlife and Parks
Ward Shanahan, Atlantic Richfield and Chevron Corporations
Jerome Anderson, Shell Western Exploration and Production Company
Don Ingels, Montana Chamber of Commerce
Leo Berry, Burlington Northern
Chris Kaufmann, Montana Environmental Information Center
Tucker Hill, Champion International
Janet Ellis, Montana Audubon Legislative Fund
Janelle Fallan, Montana Petroleum Association
George Ochenski, self, Helena

Proponent Testimony:

REP. DAVE BROWN, House District 72, said the bill would provide teeth in Montana law so that the state could comply with the federal Superfund Act. He said that without that compliance, the state could never take over and run Montana's related Superfund activities. He said the Senate amendments would cause controversy, and decisions on these were in fact policy decisions. He said the bill did need to include at least what was covered in the federal act with regards to petroleum products. If the committee chose to go

beyond that, REP. BROWN said he would defend that decision on the floor. He added that there were some purely petroleum related spills that did not have any toxic waste involvement. As the bill stood now, He said those spills could not be cleaned up until the petroleum got into the ground water.

GENE VUCKOVICH, City-County Manager, testified as set forth in EXHIBIT 3.

TOM EGGERT, Special Assistant Attorney General assigned to the Superfund Branch of the Bureau of Solid and Hazardous Waste, testified as set forth in EXHIBIT 4. He said that generally, the industry was in support of the state taking the lead in the clean-up of Superfund sites, or even in keeping sites off the National Priority List. He said state control of clean-up would be cheaper, quicker and more efficient for industry. In addition, the stigma attached to a company being a responsible party for a site on the National Priority List would be avoided.

MR. EGGERT also distributed a list of the 150 sites in the state needing clean-up (EXHIBIT 5). These sites did not make the National Priority List and were not eligible for federal money.

MR. EGGERT addressed the amendment placed on the bill in the Senate, deleting petroleum. He said this was the most important aspect to the department, and gave the rationale of the department for the inclusion of petroleum in the definition of hazardous or deleterious substance as set forth in EXHIBIT 6.

MR. EGGERT offered some amendments (EXHIBIT 7), developed by working with the Governor's Office and with industry. He closed, saying that the bill was good for the environment and not damaging to industry.

LARRY LLOYD, Administrator, Environmental Sciences Division, made one point in support of the bill. He said SB 385 had been expressly developed to bring Montana codes into conformity with the federal codes. He said the concern that the department had gone further than bringing the codes into conformance was unfounded. He reminded the committee that the provision covering petroleum products was included in the 1985 legislation. He said the bill was the amalgamation of some of the authority the department had had for a number of years. He said the petroleum authorization had enabled the department to perform clean-up and recover costs. He asked that the committee amend the bill to include petroleum products in the bill.

BOB LANE, Chief legal counsel for DFWP, testified as set forth in EXHIBIT 8.

WARD SHANAHAN distributed amendments to the bill (EXHIBIT 9), and said he had been participating with the department in the discussions regarding this bill. He said the discussion about petroleum products had arisen because petroleum was a regulated substance, not a hazardous substance in federal law. The Montana law would have made petroleum a hazardous substance, and would then make Superfund damages applicable to the whole range of petroleum and petroleum products. He said the amendment was offered in the Senate to change that.

MR. SHANAHAN said the third amendment he offered dealt with the inspection authority of the department, and the striking of language to avoid the possibility of lawsuits over divulged information. The fourth amendment allowed for the retention of confidentiality, particularly relevant since regulated substances such as petroleum were being put under regulation by DHES in addition to hazardous and deleterious wastes.

JEROME ANDERSON, a proponent with amendments, and an industry representative in conferences with the department on this bill, said the principal interest Shell had in this legislation regarded crude oil in production facilities. He said it was his understanding that it had not been their desire to put crude oil in production facilities within the purview of the petroleum product definition. He said that the amendment offered by Mr. Eggert did not totally address this particular point, and offered an amendment that did (EXHIBIT 10).

DON INGELS reinforced the portion of Mr. Eggert's testimony that stated that the Montana business community was concerned and responsible about hazardous waste, the federal regulations thereof, and wished the regulations to be enforced at the state level.

LEO BERRY, attorney, said he had participated in the amendment process. He said Burlington Northern supported the department's amendments, in particular the third amendment which pertained to settlements. He also said in considering existing law together with this legislation, Montana's law would go beyond the federal law.

MR. BERRY said he would like to submit an amendment pertaining to the Environmental Quality Protection Fund (EXHIBIT 11).

CHRIS KAUFMANN testified in strong support of the bill, and said it covered sites all over the state with various types and levels of toxic pollution. She spoke about the Senate amendment and in particular about the policy decision the sponsor referred to regarding the comprehensiveness of the bill. She reminded the committee that the policy decision on petroleum products was made in 1985, and was not something new being asked for in this bill. Regarding conforming to the federal law, she suggested that it was

possible that some language needed to be different, and specific to the problems of Montana. She spoke in favor of the inclusion of petroleum products in the definition, saying that the ability of the state to spend that money on clean-up and then to recover the cost was the biggest club the state had to ensure that the clean-up was done.

TUCKER HILL spoke as set forth in EXHIBIT 12. He said Champion International opposed the bill as it passed the Senate because it proposed new language not consistent with federal law, which would cause debates over interpretation of definitions rather than the encouragement of speedy clean-up. He offered amendments to "fix" the bill, and supported the amendments offered by Ward Shanahan.

JANET ELLIS testified in support of the bill which she said would give the state control of Superfund sites. She cited the Clark Fork in particular as a site that affected wildlife and wildlife habitat. Regarding exempting petroleum products, she asked the committee that these be included back in the Mini-Superfund Law.

JANELLE FALLAN testified that her organization did not like the dual regulation of crude oil. She said crude oil was regulated by the Board of Oil and Gas Conservation and covered by the Montana codes, and that the Water Quality Bureau had authority over refined products already. She said that the bill would give the state broader authority and said that would be a decision for the committee to make. She said the Petroleum Association would support the Anderson amendment that put petroleum back in, but exempted crude oil that was already regulated.

GEORGE OCHENSKI reminded the committee of the debate on this issue in 1985. He said this bill gave the state a way to deal with clean-up problems that would not be handled by the federal Superfund Act because they were not big enough. He said the law had not been funded originally, and in 1987, 4% of the RIT was set aside in the Environmental Quality Protection Fund. He said that the first place the law was used was in Livingston, and now the industry was coming in with an exemption request. He cautioned the committee against granting exemptions.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members:

- REP. RANEY asked if the bill stood as it was now, how would a clean-up of the Burlington Northern diesel plume at Whitefish be accomplished. MR. EGGERT said the department would not be able to clean that up as the bill stood now. REP. RANEY asked the same question with regards to Livingston, and MR. EGGERT said there was a savings clause, stating that this law would not affect any obligations that have occurred, and since the law suit had been filed, the law would not affect the situation at Livingston.
- REP. GIACOMETTO asked about the leaking underground storage tanks, and if HB 603 would cover that problem. MR. EGGERT said there was no cost-recovery section in any bill that dealt with underground storage tanks. He said one of the conditions from the federal government on the state was that the state must have the ability to cost recover whatever federal money the state would expend cleaning up underground storage tank leaks. He added that if the petroleum exclusion stayed in the law, the department would no longer have that cost-recovery authority, and would have to return the money to the federal government.
- REP. COHEN asked if another department representative could answer the question. LARRY MITCHELL, DHES, Underground Storage Tank Program, said not all tanks would be subject to the program proposed in HB 603. Ultimately, he said the responsible party would be responsible for initial costs of \$25,000. Whenever the department would get into the situation where a responsible party would not accept the responsibility to clean up, the department would need some resources available to either require the clean up, or have the capability of responding itself. He said the federal LUST Trust dollars would still be the source for that type of activity, but the cost recovery authority would be necessary to convince the responsible party to clean-up the area himself or for the department to undertake the project.
- REP. ROTH asked Art Wittich, Office of the Governor, to explain the relationship between this and the federal law, and the conditions under which the state would lose federal money. MR. WITTICH said when the Superfund bill was passed in 1980, it did not include petroleum and did not at the present. However, in between then and now, the federal government also passed a Leaking Underground Storage Tank (LUST) Law. He said the state, to keep programs consistent, instead of putting in a new LUST law, attached the provisions to its existing Superfund law so that cost recovery and remedial action appeared in the Mini-Superfund Law. He said that would be fine if it was desired to regulate substances that the federal government did not regulate; i.e., petroleum. He said the main problem with the Senate deletion was that if petroleum were removed from the Mini-Superfund Law, the state would be prevented from administering its LUST program. That was why it was crucial to add back into the bill at least underground storage of petroleum, or the state

would lose its ability to get federal matching funds for leaking underground storage tanks.

MR. WITTICH said there was a universe of petroleum, only part of which was below ground. Federal LUST concerned underground; the state's law included both underground and above ground. He said it would be a policy matter for the state to decide if the inclusion of the universe of petroleum would continue under the Superfund bill.

REP. ROTH asked again why this could not be covered under HB 603, and MR. Wittich said HB 603 would cover and regulate certain tanks.

REP. BROOKE said that the petroleum product definition as a hazardous substance was a problem, and asked Mr. Eggert if it was only a hazardous substance when it got into the water. MR. EGGERT said the accurate definition for petroleum if it was to be put back into the bill would be "deleterious substance", the term used since 1985. He said petroleum could be considered a hazardous and deleterious substance other than when it was in water. He cited the example of a petroleum spill on soil which would render the soil toxic and would threaten the groundwater supply.

REP. BROOKE noted that on the list of identified state clean-up sites, 33 may relate to petroleum, and asked if these represented a variety of petroleum problems or storage tanks. MR. EGGERT said there were no storage tank problems on that list.

REP. HARPER asked for clarification of a section of the Eggert amendments dealing with responsibility for minor parts of a contamination. MR. EGGERT gave the example of the Idaho Pole site had contamination in the groundwater. He said the company operating it now had operated it for 50 years. Burlington Northern had owned the property for a portion of that time but did not contribute to the contamination, and was not connected with the management of the business. However, because they were the owner, they could be held liable for the contamination and the clean-up. The provision Rep. Harper was referring to would allow BN to come to the department and contest their liability.

REP. HARPER asked if this could possibly be a loophole if the director of the department was particularly sympathetic to industry. MR. EGGERT said the language would allow the director to excuse those particular industries that he/she was favorable towards. He said there was no check on this in the law. The check outside the law would be a party or industry who was not excused bringing an action, saying the department was acting arbitrarily and capriciously, and not toward the public good. REP. HARPER asked if a public interest group or local government would have any recourse, and MR. EGGERT said they would not have recourse. He said

the federal law had a citizens' suit provision that enabled citizens to bring an action in response to EPA action inconsistent with its duties, but the state law did not have this provision.

REP. MOORE asked Janelle Fallan what the industry was doing voluntarily to prevent leaks and clean up spills. MS FALLAN said any time there was a waste or a spill, it represented the loss of a product that could go to market. She suggested that being a for-profit company was a greater regulator on the prevention of waste in the form of leaks and spills.

REP. COHEN asked Mr. Anderson to respond to the question, and he expressed a concern that there had been a loose use of the word petroleum in the hearing. He distinguished between petroleum and petroleum product, petroleum being the crude oil, and petroleum product being gasoline, diesel fuel, etc. He said he had not seen the site list, but ventured to say that there was no site on the list that had to do with production facilities of crude oil.

Closing by Sponsor:

SEN. HARP closed.

HEARING ON SB 295

Presentation and Opening Statement by Sponsor:

SEN. HAGER, Senate District 48, introduced the bill which limited the liability on a person who provided advice, assistance, or action in response to actual or threatening spill of a hazardous substance. He said the bill had been requested by a friend who worked for Petrolane, and said Montana was one of six states without this legislation. He said that this company could not have participated in the response to the train wreck in Helena without signing a 2 1/2 page release.

Testifying Proponents and Who They Represent:

Roger Thorvilson, DHES, Solid and Hazardous Waste Division
Ben Havdahl, Montana Motor Carrier Association
Leo Berry, Burlington Northern
Ray Blehm, Montana State Fire Marshall
Lorna Frank, Montana Farm Bureau

Proponent Testimony:

ROGER THORVILSON, Hazardous Waste Program Manager, testified for the department as set forth in EXHIBIT 13.

BEN HAVDAHL said his association supported the bill. He said that although hazardous substances were transported under

strict regulations and requirements, accidents did happen. He said quick reactions in emergency situations by drivers and other personnel involved in safety could go a long way in rectifying any complications. He said these actions should not be inhibited by fear of liability.

LEO BERRY said that BN supported the bill, and had one observation, which related to SB 385 just heard by the committee. He said SB 385 had a provision for exemption from civil liability for the state or for a contractor that the state hires to assist it in the clean-up of hazardous waste or spills. He said the standard of liability or standard of care was one of negligence or gross negligence, while SB 295 was limited to only gross negligence. He suggested the two bills would be consistent with the same standard of care if SB 295 were amended to include simple negligence in addition to the gross negligence. See EXHIBIT 14.

RAY BLEHM said that the liability situation as it stood now limited the ability of an individual to respond to an accident. He mentioned the definition of hazardous materials, which was quite broad and included a number of products in the flammable, combustible, explodable, and health hazard range. He urged a DO PASS on the bill.

LORNA FRANK stood in support of the bill.

Testifying Opponents and Who They Represent:

Michael Sherwood, Montana Trial Lawyers Association
Chris Kaufmann, Montana Environmental Information Center

Opponent Testimony:

MICHAEL SHERWOOD testified as set forth in EXHIBIT 15. He said he could support the bill if there were to be an amendment consistent with the comments of Mr. Berry regarding negligence. As it stood, the bill was inconsistent with CERCLA and with SB 385.

CHRIS KAUFMANN said MEIC had the same concerns with regards to inconsistency. She said the drafting of SB 295 was not coordinated with the drafting of other hazardous waste bills, specifically with regards to liabilities and exemptions from liabilities, and contingency plans. She said that there may be some other things besides simply causing a release that a person might be liable for, and suggested some language to address that, changing "and" to "or" in the phrase "the person has an exemption from liability whose act or omission caused the release of a hazardous substance and who would otherwise be liable."

Questions From Committee Members:

REP. RANEY asked an attorney from the department, Katherine Orr, if the bill would release from liability a corporation who had major releases on their own property. He asked how much the state was giving away in terms of liability. MS ORR said it could in that the bill was broadly worded, but that the section should be taken together with the section that takes out of the exemptions other categories. She did admit that some violators might not be covered, especially in the environmental context.

REP. RANEY asked the same question of Mr. Sherwood, who said that the federal law, CERCLA, recognized that hazardous materials were just that, and held people strictly liable, with no issue of negligence whatsoever. He said there were few exemptions. He said that although the language was broad, it would not allow the exemption of anyone. He suggested that his proposed amendment was necessary for consistency.

REP. ADDY asked Mr. Berry to restate his proposed amendment, and asked if the intent would be to do away with strict liability. MR. BERRY said that his amendment was the same as Mr. Sherwood's, inserting "negligent or" before grossly negligent, and that he approached the issue from a different direction. He said if a company had a particular site, and there was a release, and someone came in to voluntarily do something, they should be held to a standard of negligence rather than gross negligence because with gross negligence, it could be almost considered a willful or intentional act.

REP. RANEY asked Mr. Berry for his comments on the amendment proposed by Chris Kaufmann. Mr. Berry said that his initial reaction was favorable.

Closing by Sponsor:

SEN. HAGER said he wanted a bill that would create a situation in which a person was not afraid to offer assistance out of fear of liability. He said he would consult with the requesters of this legislation for their input on the amendments.

HEARING ON SB 371

Presentation and Opening Statement by Sponsor:

SENATOR TOM HAGER, Senate District 48, Billings Heights, presented SB 371, stating that it was introduced at the request of the Department of Health and Environmental Sciences (DHES). He said it would revise the Montana Hazardous Waste Act, and bring it into conformance with the

1984 amendments to the Federal Resource Conservation and Recovery Act (RCRA). He said it was his intent that the Montana act would be no stricter than the federal requirements in this area.

Testifying Proponents and Who They Represent:

Katherine Orr, Attorney, DHES

Chris Kaufmann, Montana Environmental Information Center

Roger Thorvilson, DHES

Proponent Testimony:

KATHERINE ORR testified that she had helped draft the bill. She said there were two significant parts in the bill: 1) an explanation regarding what is the consistent or parallel language with the federal RCRA Act; and 2) a new section or provision on the abatement of public nuisance. All of the other sections had language that was parallel or similar to the federal RCRA Act. She said the purpose of including that parallel language in the bill was because these other provisions were very useful in trying to enforce the hazardous waste program. These sections pertained to the requirement for corrective action for releases that occurred off-site, and in the case of a release, an understanding that an inventory could be obtained covering monitoring, testing and analysis from the previous owner. A section addressed the ability to seek recourse against prior owners, operators, transporters, or treatment, storage or disposal (TSD) facilities. The bill also clarified enforcement authority of DHES insofar as subpoenaing alleged violators to appear before the department or board.

MS ORR continued with the section on criminal penalties, and said there was a cataloguing of offenses which were seen to particularly undermine the objectives in the program; i.e., the ability of the program to be self-executing and the prevention of toxic substances from entering the environment. This section added penalties of sufficient deterrent effect such that Montana would not be viewed as a dumping ground or haven for polluters. She called attention to the fact that the criminal penalties applied to people or entities who knowingly violate the law. She referenced an affirmative statement in Section 9 that said it was unlawful to dispose of hazardous waste except as properly permitted. This self-evident provision was needed for enforcement purposes.

CHRIS KAUFMANN, MEIC, said the Hazardous Waste Act had to do with wastes generated and disposed right now. She said the mini Superfund Law that the committee dealt with before addressed wastes generated in the past. She said it was important to have a strong and flexible Hazardous Waste Act now so that there would not be many Superfund sites in the future.

ROGER THORVILSON, DHES, Hazardous Waste Program Manager, said he had no additional remarks, and that Ms Orr had explained the bill. He said he would be available for questions.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: REP. OWENS asked if the penalties listed in the bill were consistent with federal law. MR. THORVILSON said the criminal penalties listed in the bill were still less than provided under equivalent federal law. He said they were sufficient, however, to have EPA approve the state's program.

REP. HARPER commented that in the introduced bill, any other responsible party was included, so that the burden would fall on that person if the responsible party was not the present owner. He noted that those parts had been stricken by the committee, and replaced with language that said if the present owner did not have knowledge, then the most previous owner could have knowledge. He asked what the committee's thinking was in striking this language, and how this bill would allow the department to get at the person who caused the problem. MS ORR said the intention of the original language was to be able to require information from someone who was not an owner or operator, but who had knowledge of the site. What was not included in the bill, but was in the federal RCRA Act, was cost-recovery authority for the department. Otherwise, the result of the compromise with the Senate was to roughly achieve similar language with RCRA.

REP. HARPER commented that the wording was awkward, and MS ORR agreed. She said it was ambiguous as to whether the department could only go back to the most recent previous owner, or actually go back further to the owner or operator who had the most useful knowledge about the site.

REP. ADDY commented that the phrase at the top of page 7 meant the last person in the chain who could reasonably be expected to have actual knowledge. REP. HARPER suggested that plurals might help.

Closing by Sponsor: SEN. HAGER closed, stating that the bill was worked on substantially in the drafting and in committee and urged their favorable consideration.

HEARING ON SB 321

Presentation and Opening Statement by Sponsor:

SENATOR TOM BECK, Senate District 24, opened on the Underground Storage Tank Bill, SB 321. He said storage tanks had been buried for the past 15 to 20 years that had life expectancies of 15 to 20 years. He said there were 30,000 of these tanks estimated in Montana, of which 3,000 to 10,000 were leaking. He said the leaks had contaminated drinking water, saturated soil with toxic substances, and created fire and explosive hazards. He said this bill met federal requirements to do something about this problem. He said the bill allowed the Solid and Hazardous Waste Bureau of the Department of Health and Environmental Sciences (DHES) to get involved in monitoring underground storage tanks in the state.

SEN. BECK said the bill passed unanimously out of the Senate Natural Resources Committee. He said it had a few amendments. One addressed the rulemaking authority, a concern of the Fire Marshall; the other allowed tanks of 1,100 gallons or less to be charged a lesser fee. He said representatives of DHES could answer any other questions.

Testifying Proponents and Who They Represent:

Larry Mitchell, Underground Storage Tank Program Manager, Solid Waste Division, DHES
Chris Kaufmann, Montana Environmental Information Center
Ben Havdahl, Montana Motor Carriers Association
Ray Blehm, State Fire Marshall

Proponent Testimony:

LARRY MITCHELL testified as set forth in EXHIBITS 16 and 17.

CHRIS KAUFMANN, MEIC, testified in support of the bill.

BEN HAVDAHL went on record in support of the bill.

RAY BLEHM said the amendments were placed on the bill at his request. He said the State Fire Marshall had been the regulatory for underground storage tanks for four decades, while the DHES had been regulating them since 1985. He said the tanks were leaking because the codes dealing with installation were not adequate. He said the main reason for the Senate amendments was to ensure that the regulations passed by the State Fire Marshall and those promulgated by DHES would not conflict.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members:

REP. GIACOMETTO asked how this bill would affect HB 603. MR. MITCHELL said if this bill worked, the Underground Storage Tank Leak Prevention Program, HB 603 would not be needed. The problem was that this program was not up and running. HB 603 was basically a catch-up measure, he said, to take care of leaks already occurring. He said HB 603 would mesh with this bill. He said SB 371 gave authority to the department to adopt rules and regulations for tank closure, tank installation, new tank design standards and financial responsibility. He said financial responsibility was the kicker. He said the federal financial responsibility rule was out now, and you needed \$1,000,000 responsibility for clean-up and third-party damages. HB 603 set up a state fund that would assume financial responsibility for tank owners, a fund that would pick up, in lieu of \$1,000,000 cash in the bank, the financial responsibilities of clean-up costs and third party damages.

REP. HARPER asked what effect the Senate's reduction of fees on small tanks would have. MR. MITCHELL said there would be no impact, because no figure had been considered for the small tanks in the fiscal note.

REP. OWENS asked if anyone knew the number of tanks involved. MR. MITCHELL said no one knew the number. The state recently adopted a notification process, and 18,254 tanks were now in the state's data base. After a statistician's review, the conclusion was that the actual number was closer to 30,000 tanks. He said 75% of the commercial tanks and 40% of the smaller tanks had now notified.

REP. RANEY said only 9,000 of those tanks would come under HB 603, and of those, several thousand had already been replaced.

Closing by Sponsor:

SEN. HAGER closed, saying that the same bill had been defeated on the floor of the Senate two years earlier. He said the process had been prolonged, and urged concurrence on the bill.

ADJOURNMENT

Adjournment At: 6:15 p.m.

A handwritten signature in cursive script, reading "Bob Raney", is written over a horizontal line.

REP. RANEY, Chairperson

BR/cm

5412.min

DAILY ROLL CALL

HOUSE NATURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3-8-87

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	✓		

EXHIBIT

DATE

3-8-89

HB

752

Rep. Raney



March 8, 1989

Representative Bob Raney and Members of the
House Natural Resources Committee
State Capitol
Helena, MT 59620

Re House Bill 752

Dear Representative Raney and Committee Members:

For the record, I am Bill Good, representing the Montana Solid Waste Contractors, Inc., a trade association representing private industry engaged in solid waste collection and disposal in the State of Montana.

The Montana Solid Waste Contractors, Inc. supports House Bill 752, with amendments. Our proposed amendments are few in number, but they are significant to formulate outstanding legislation to protect the people of Montana and the private solid waste haulers. The proposed amendments address interregional fees and uses of the solid waste management account.

The proposed amendments are attached to this testimony.

Sincerely,

MONTANA SOLID WASTE CONTRACTORS, INC.

By: Bill Good
For: Sue Weingartner, Executive Director

MONTANA SOLID WASTE CONTRACTORS, INC.

HOUSE BILL 752

SUGGESTED AMENDMENTS

1. Statement of Intent [page 2, line 15]:

After word "disposal."

Add: "Fee reductions will apply to existing solid waste hauler jurisdictions that overlap into two or more solid waste disposal regions".

Reason: Solid waste haulers currently have jurisdictions that overlap multiple solid waste disposal regions. Waste haulers should not be required to pay the higher interregion disposal fee if they transport in their currently established jurisdictions.

2. Section 7, (2) [page 10, line 2]:

Add words, "and private industry" after word "government."

Reason: Allow private waste haulers to receive loans from the department since they pay fees, contribute to the account, and are a major player in the overall waste management system.

3. Section 7, (3) [page 10, line 5]:

Add words, "and private industry" after word "government."

Reason: Allow private waste haulers to receive grants from the department since they pay fees, contribute to the account, and are a major player in the overall waste management system.

Valley County Board of County Commissioners

P.O. BOX 311

GLASGOW, MONTANA 59230

Arden R. Nichols, Chairman

Arthur A. Arnold

Eleanor D. Pratt

Mary Lou Elde, Clerk

Telephone:

(406) 228-8221

EXHIBIT

DATE 3-8-89

HB 752

House Bill 752
Rep. Bob Raney

March 8, 1989

TO: Natural Resources House Committee
Chairman Bob Raney

FROM: Valley County Commissioners

RE: House Bill 752

The Valley County Commissioners oppose House Bill #752 because it is not in the best interest of Valley County. This bill amounts to a surcharge on the refuse the taxpayers of Valley County are already paying a fee to dispose of. We have a new refuse system which complies with the requirements set by the State.

Arden R. Nichols
Arden R. Nichols, Chairman

Arthur A. Arnold
Arthur A. Arnold, Member

Eleanor D. Pratt
Eleanor D. Pratt, Member

VCC/dw

cc: Representative Ted Schye

EXHIBIT 3
DATE 3-8-89
HB SB 385
Dr. Hays

TESTIMONY PRESENTED ON SENATE BILL 385, MARCH 8, 1989, 3:00 P.M.,
PRESENTED BY GENE VUCKOVICH, CITY-COUNTY MANAGER, ANACONDA-DEER
LODGE COUNTY.

Mr. Chairman and Committee Members:

I wish to offer testimony as a proponent of Senate Bill 385.

By way of background information, Anaconda-Deer Lodge County has suffered severe economical setbacks in recent years, with the closure of the Anaconda Reduction Works by the parent company, Atlantic Richfield, in 1980, and the subsequent dismantling of the world's largest smelter. Because of the closure, many allied businesses have had to cease operations in Anaconda-Deer Lodge County.

The site of the former smelter and much of the adjoining area have since been designated as part of the Clark Fork Superfund Site and listed on the National Priority List of Superfund Sites. This designation has made it most difficult to attract new industry and/or business to the area. However, we view the said designation as an asset rather than a liability. We fully realize that much work and many dollars will be needed to comply with the clean-up of this area. It is our hope that much of the work can and will be done by area firms and residents.

It has been our experience in working with lead agencies, PRP's and other local interested parties, that whenever the State of Montana took the lead on a project, such as Silver Bow Creek Project, that the project decisions were made in a more timely manner, more of the work was contracted to Montana firms, more local help was used and answers to questions were more readily available.

The very nature of the bureaucracy of an agency as large as that of the EPA, tends to slow down the decision making process and thereby retards the implementation of remedial action on said project. We have found that it is much easier to get to and acquire answers from the decision makers of State Governmental Agencies than those of Federal Agencies such as the EPA, whose real decision makers are located in Denver, Colorado or Washington, D.C.

Because of the complexity of becoming qualified as a contractor for the EPA, many of the firms who are awarded contracts for work on the Clark Fork Superfund Site by the EPA are out of state firms who are located in areas where major EPA offices are located, such as Denver and/or Washington, D.C.

It is our opinion that the enactment of this proposed legislation would be beneficial to Montana Contractors, those firms who have been designated as PRP's, Local Governments, the State of Montana

and its environment.

I therefore ask your support of this piece of legislation and urge you to give a "do pass" recommendation to Senate Bill 385.

Thank you.

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 4

DATE 3-8-89

HB SB 385

Sen. Hays



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 5962

January 13, 1989

DHES TESTIMONY ON LC 854 (SB 385)
DHES SPONSORED MINI-SUPERFUND BILL

Montanans have in common the goals of economic development and maintaining Montana's quality of life. Passage of the Montana Environmental Response Compensation and Liability Act (MERCLA) supports these goals. Hazardous materials contamination is now a widely recognized problem that threatens our quality of life, the public's health, and our future viability. Tremendous amounts of public and private resources are being expended on the problem nationwide. With greater state involvement, an increased portion of the effort, including jobs and expenditures (both public and private), will be in Montana. Should the state prefer to minimize its role in relation to the federal government, most of the resources will remain in Denver and Washington, D.C. Jobs will be exported and local control over decisions intimately affecting Montana's future will be lost.

The Montana Environmental Response, Compensation and Liability Act (MERCLA) is a comprehensive amendment of existing hazardous waste response authority. These amendments are necessary for several reasons. The first reason is to make the state and federal laws mutually supportive and allow the state the ability to positively influence cleanup. While federal law has continued to evolve in response to the problem, the state's law has not. Federal law envisions a state-federal partnership. These amendments are necessary to fulfill this role.

The second reason is to satisfy requirements the Environmental Protection Agency (EPA) has put on the state. EPA has asked the state to develop authorities equivalent to Superfund so that the state can direct cleanup at some of the most contaminated sites in the state.

The final reason is to keep state law current with the development of hazardous waste response laws in other states. Thirty-eight states now have state versions of the federal Superfund law.

These amendments are crucial to bringing federal money into the state for hazardous waste cleanups. Over the past five years, the EPA has given over \$8 million to the state to use for remedial activities at a few state sites. Of this sum, over \$7 million has gone to in-state contractors. These contractors have developed technical expertise that is marketable across the country. During this time, the EPA has spent about twice this much on other Montana sites with little of that amount going to in-state contractors. These amendments will allow the state to obtain a greater portion of these funds.

The state also has the ability to save money and time. While most state and federal costs are initially supported by the Superfund, these costs are recovered from private responsible parties. It is in both the public's and private business's interest to get the most for their dollar. State personnel and overhead costs are considerably less than those of the EPA. State and regional contractors costs also tend to be less than the national average. Furthermore, the state's decision-making process is less complex than the EPA decision-making process. Decisions can be made more rapidly, resulting in both a savings of time and money. Finally, the state can de-escalate the tensions in the process. Often the EPA and responsible parties find themselves deadlocked during negotiation because of a fear on the responsible parties' part of setting national legal precedent. Working with the state under state law should reduce this concern resulting in more cleanup and less legal argument.

Finally, these authorities would enable the state to respond to hazardous waste problems at over 140 sites in Montana. Currently, the state's ability to remediate these smaller sites is restricted by existing limitations in the law. The proposed amendments will remedy these problems. The threat of contamination within a community is a threat that the public wants cleaned up quickly to avoid endangering public health or welfare.

The amendments will expand the authorities provided to the state in the following ways:

- Information gathering authorities are created. The state cannot respond to the problems at a site unless it knows who was doing what, and where.
- Administrative order authority is created. Presently, the state can request a party to undertake some given action, but if the party refuses, the only option the state has is to do it itself. This results in a drain on scarce resources of the state.
- Prohibits parties tying the state up in court while nothing is done. A party will always have its day in court, but not until they have responded to an immediate threat to public health or welfare.
- Establishing a standard of review for a reviewing court. Because much of what happens in cleaning up a leaking hazardous waste site involves activities on the frontier of science, a reviewing court need only review the paper record created by the state and the affected party. This saves judicial resources while still presenting the whole case to a judge.
- Protection is created for all contractors involved in hazardous waste response activities. The threat of liability for undertaking remedial actions is a real and serious threat to in-state contractors. This amendment provides protection for these contractors.
- Enables the department to assess administrative penalties. This is crucial in being able to compel parties to undertake activities

requested by the state in a timely manner. By forcing the state to go to court to compel performance, substantial amounts of time are consumed without any cleanup occurring. The result is that public health and welfare are jeopardized. When questions of public health are involved, it is crucial to act quickly.

- Creates additional defenses for private industry in an action to recover costs incurred by the state.
- Creates an innocent landowner defense which protects anyone who acquires a parcel of land which turns out to be contaminated.
- Provides a mechanism to protect parties who cooperate with the state. The state will have the ability to bar any later actions by any other entity against a party that settles its liability.
- Condemnation authority is created for property that is seriously contaminated with hazardous waste. This allows the state to ensure that a landowner with contaminated property gets a fair price for his property. The costs of the condemnation may be recovered from a party responsible for the contamination.
- Cleanup standards are established which will ensure that all cleanups meet some minimum requirements.
- Requires that the state attempt to recover all costs it incurs in cleaning up a site, if a responsible party is available.
- Ensures that the public is fully involved in any decisions regarding a cleanup.
- Allows the department to oversee a cleanup performed by a responsible party.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

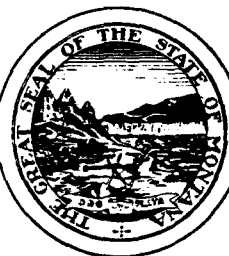
EXHIBIT 5

3-8-89

HB 56 385

Am. Way

COGSWELL BUILDING



STAN STEPHENS, GOVERNOR

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

Montana
Non-NPL Sites

Site	City	County
Apex Mill - Bannack State Park	Bannack	Beaverhead (001)
Big Hole Post Plant	Dillon	Beaverhead (001)
Ermont Mill - Mill Tailings	Argenta	Beaverhead (001)
Hirschy Corrals	Jackson	Beaverhead (001)
Thorium City Waste Dump	Grant	Beaverhead (001)
Tungsten Mill - Mill Tailings	Glen	Beaverhead (001)
Diamond Asphalt Co.	Chinook	Blaine (005)
Kenison Pole Plant	Townsend	Broadwater (007)
Joliet Weed District	Joliet	Carbon (009)
Burlington Northern Derailment Site	East Bridger	Carbon (009)
Anaconda Minerals Co., Great Falls Ref.	Black Eagle	Cascade (013)
Falls Chem Inc.	Great Falls	Cascade (013)
Great Falls Ref - Phillips Petroleum	Black Eagle	Cascade (013)
Great Falls City Landfill (Wiremill Road)	Great Falls	Cascade (013)
Great Falls City Landfill (25th Ave)	Great Falls	Cascade (013)
Malmstrom Air Force Base	Great Falls	Cascade (013)
Western By-Products	Great Falls	Cascade (013)
Geraldine Airport	Geraldine	Chouteau (013)
Ft. Keogh Livestock & Research Lab	Miles City	Custer (017)
Miles City Oil Refinery	Miles City	Custer (017)
Miles City Rail Yard	Miles City	Custer (017)
Miles City Oil Refinery	Miles City	Custer (017)
Miles City Livestock Center	Miles City	Custer (017)
Richey Airport	Richey	Dawson (021)
Anaconda Company Smelter	Anaconda	Deer Lodge (023)
Montana Radiation	Anaconda	Deer Lodge (023)
Arro Oil Refinery	Lewistown	Fergus (027)
Berg Post and Pole	Lewistown	Fergus (027)
Central Post & Treating Plant	Lewistown	Fergus (027)
Charles M. Russell Refuge	Turkey Joe Landing	Fergus (027)
Continental Oil Co., Lewistown Ref.	Lewistown	Fergus (027)
Anaconda Aluminum Company	Columbia Falls	Flathead (029)
Beaver Wood Products	Columbia Falls	Flathead (029)
Creston Post and Pole Yard	Kalispell	Flathead (029)
Kalispell Pole & Timber Co. Inc.	Kalispell	Flathead (029)
Kalispell Landfill	Kalispell	Flathead (029)
Kalispell Landfill (Cemetary Road)	Kalispell	Flathead (029)
Kalispell Landfill (Willow Glen Road)	Kalispell	Flathead (029)
Larry's Post and Treating Co.	Columbia Falls	Flathead (029)
North American Oil Refinery	Kalispell	Flathead (029)
Plum Creek Evergreen	Kalispell	Flathead (029)
Reliance Refining Co.	Kalispell	Flathead (029)
Turner Post Treatment Co	Columbia Falls	Flathead (029)

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DATE 3-8-89
HB SB 385

Montana
Non-NPL Sites

Site	City	County
Yale Oil Corp.	Kalispell	Flathead (029)
Asbestos Mine (Karst)	Bozeman	Gallatin (031)
Bozeman Old City Landfill	Bozeman	Gallatin (031)
Development Technology	Bozeman	Gallatin (031)
Ideal Basic Ind, Plant Site Area	Three Forks	Gallatin (031)
Mercer Post Plant	Bozeman	Gallatin (031)
Summit-Dana Ltd.	Bozeman	Gallatin (031)
Jet Fuel Refinery	Mosby	Garfield (033)
Blackfeet Post and Pole	Browning	Glacier (035)
Carter Oil Ref	Cutbank	Glacier (035)
Chevron USA Inc. Browning Bulk Plant	Browning	Glacier (035)
Poisoned Oats Dspl	Browning	Glacier (035)
Union Oil - Cutbank Ref	Cutbank	Glacier (035)
Granite Timber	Philipsburg	Granite (039)
Philipsburg Mining Area	Philipsburg	Granite (039)
Sluice Gulch Leaking Mine Adit	Philipsburg	Granite (039)
Burlington Northern Racetrack Pond	Havre	Hill (041)
Burlington Northern Krezelak Pond	Havre	Hill (041)
Chippewa Pole	Box Elder	Hill (041)
Havre Refinery	Havre	Hill (041)
Basin Mining Site	Basin	Jefferson (043)
Corbin Flats	Jefferson City	Jefferson (043)
Fohner Meadow	Jefferson City	Jefferson (043)
Jefferson County Weed District	Clancy	Jefferson (043)
High Ore Mine	Basin	Jefferson (043)
Kaiser Cement	Montana City	Jefferson (043)
Wickes Smelter	Wickes	Jefferson (043)
Lake County Weed District	Ronan	Lake (047)
Golden Messenger Mine	York	Lewis and Clark (049)
Goldsil Mining Company	Marysville	Lewis and Clark (043)
Helena Landfill	Helena	Lewis and Clark (049)
MT Dept. of Highways Shop	Helena	Lewis and Clark (049)
Montana State Chem Lab Bureau	Helena	Lewis and Clark (049)
Mother Lode Gold & Silver Ltd.	East Helena	Lewis and Clark (049)
Safety Kleen	Helena	Lewis and Clark (049)
Scratchgravel Landfill	Helena	Lewis and Clark (049)
Asarco Inc. Troy Unit	Troy	Lincoln (053)
Valley Garden Vat	Ennis	Madison (057)
Marble Creek Post Yard	Superior	Mineral (061)
Milwaukee Road -- Haugen	Haugen	Mineral (079)
Milwaukee Road Right-of-Way	St. Regis	Mineral (079)
Borden Inc.	Missoula	Missoula (063)
Burlington Northern Derailment Site	Missoula	Missoula (063)
Burlington Northern Derailment Site	Evaro	Missoula (063)
Hart Oil	Missoula	Missoula (063)
J & N Post and Pole	Evaro	Missoula (063)
Missoula Landfill	Missoula	Missoula (063)
Real Log Homes Mfg. Site	Missoula	Missoula (063)
Roundup Landfill	Roundup	Musselshell (065)
Jardine Arsenic Tailings	Jardine	Park (067)

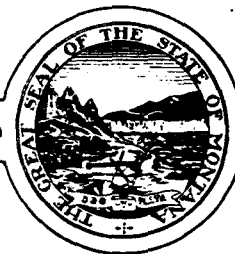
EXHIBIT 5
DATE 3-8-89
HB SB 385

Non-NPL Sites

Site	City	County
Mclaren Mill Tailings	Cooke City	Park (067)
Mission Wye	Livingston	Park (067)
Strong's Post Yard	Livingston	Park (067)
Weowna Oil Refinery	Winnett	Petroleum (069)
Malta Airport	Malta	Phillips (071)
Conrad Refining Co.	Conrad	Pondera (073)
Midwest Refining Co.	Conrad	Pondera (073)
Burlington Northern Derailment Site	Garrison	Powell (077)
Milwaukee Roundhouse	Deer Lodge	Powell (077)
Rocky Mountain Phosphate	Garrison	Powell (077)
Bass Creek Post & Pole Plant	Stevensville	Ravalli (061)
Bitterroot Valley Sanitary Landfill	Victor	Ravalli (081)
S & W Sawmill, Inc.	Darby	Ravalli (081)
McCulloch Purchase Station	Fairview	Richland (083)
Burlington Northern Derailment Site	Bainville	Roosevelt (085)
Tule Creek Gas Plant/Crystal Oil	Poplar	Roosevelt (085)
Wolf Point Ref. (Kenco Refining)	Wolf Point	Roosevelt (085)
Bonneville Power Administration	Hot Springs	Sanders (089)
Paradise Tie Treatment	Paradise	Sanders (089)
Thompson Falls Reservoir	Thompson Falls	Sanders (089)
US Antimony Corp	Thompson Falls	Sanders (089)
Laurel Oil and Refining Co.	Butte	Silver Bow (093)
Roundup Refining Co.	Butte	Silver Bow (093)
Silver Bow Refinery	Butte	Silver Bow (093)
Stauffer Chem Co.	Ramsay	Silver Bow (093)
Big West Oil	Kevin	Toole (101)
Texaco - Sunburst Works	Sunburst	Toole (101)
Treasure State Refining Co.	Shelby	Toole (101)
Big Horn Oil & Refining Co.	Billings	Yellowstone (111)
Billings Sanitary Landfill	Billings	Yellowstone (111)
Coffman Lumber & Treatment Co., Inc.	Billings	Yellowstone (111)
Conoco Landfarm	Billings	Yellowstone (111)
Conoco Billings Ref	Billings	Yellowstone (111)
Empire Sand and Gravel	Billings	Yellowstone (111)
Exxon Ref - Old Flare Site	Billings	Yellowstone (111)
Farmers Union Central Exchange/Cenex	Laurel	Yellowstone (111)
General Electric Co.	Billings	Yellowstone (111)
Lohoff Gravel Pit	Billings	Yellowstone (111)
Montana Power Co. Frank Bird Plant	Billings	Yellowstone (111)
Montana Power Co. JE Corette Plant	Billings	Yellowstone (111)
Montana Sulphur and Chem	East of Billings	Yellowstone (111)
Prairie View Recreational Park	Billings	Yellowstone (111)
Russel Oil Co.	Billings	Yellowstone (111)
Scott Feed Lot	Billings	Yellowstone (111)
Union Tank Car Co.	Laurel	Yellowstone (111)
Yale Oil of South Dakota	Billings	Yellowstone (111)

EXHIBIT 6
DATE 3-8-89
58385
Jan Day

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

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

Petroleum should be included in the definition of hazardous or deleterious substance for the following reasons:

- ♦ The Montana Leaking Underground Storage Tank program, which currently has \$1.2 million of federal money allocated to it, would lose all funding if the state is unable to assure that it has the ability to cost recover all money expended. The cost recovery authority which this program uses is found within the existing parts of this law. If petroleum is excluded, this authority would not be available to that program. With no federal money available, the cost of cleaning up leaks from the state's 18,000 tanks will fall on Montana's taxpayers.
- ♦ This is not an amendment to existing law. Petroleum has been defined as a hazardous or deleterious substance since 1985.
- ♦ The Department of Health and Environmental Sciences's Mini-Superfund Program has identified two abandoned oil refineries in Sunburst and Kevin, Montana, as requiring the Department's immediate attention. The only authority available to clean up these sites lies within this law.
- ♦ The state's history suggests that there may be many additional sites where the primary concern is petroleum. Currently, in addition to the two abandoned oil refineries which the state has begun action on, petroleum sites in Cut Bank and Livingston are focuses of state action.

AMENDMENTS TO SENATE BILL 385

Third Reading Copy (Blue)

Requested by the Department of Health & Environmental Sciences
For the Committee on Natural Resources

1. Page 4, line 9

Insert: ";and"

2. Page 4, line 10

Insert: "(d) any petroleum product."

3. Page 5, lines 20-25

Insert: "(9) "Petroleum product" includes gasoline, crude oil, fuel oil, diesel oil or fuel, lubricating oil, oil sludge or refuse, and any other petroleum-related product or waste or fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees F. and 14.7 pounds per square inch absolute)."

EXHIBIT 7
DATE 3-8-89
HB SB 385

AMENDMENTS TO SENATE BILL 385
Third Reading Copy (Blue)
Requested by the Department of Health & Environmental Sciences
For the Committee on Natural Resources

1. Page 4, line 9

Insert: ";and"

2. Page 4, line 10

Insert: "(d) any petroleum product."

3. Page 5, lines 20-25

Insert: "(9) Petroleum product" includes gasoline, crude oil (except for crude oil released from an oil well that has been recorded by the board of oil and gas pursuant to 82-10-402), fuel oil, diesel oil or fuel, lubricating oil, oil sludge or refuse, and any other petroleum-related product or waste or fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees F. and 14.7 pounds per square inch absolute)."

AMENDMENTS TO SENATE BILL 385

Third Reading Copy (Blue)

Requested by the Department of Health & Environmental Sciences
For the Committee on Natural Resources

1. Page 28, line 19

Insert: "(4) Whenever practicable and in the public interest, as determined by the director of the department, the department shall, as promptly as possible, reach a final settlement with a person liable under 75-10-715 in an administrative or civil action under 75-10-711, if such settlement involves only a minor portion of the response costs at the facility concerned and, in the judgment of the department, the conditions in either of the following subparagraphs (A) or (B) are met:

(A) Both of the following are minimal in comparison to other hazardous substances at the facility:

(i) The amount of the hazardous substances contributed by that person to the facility.

(ii) The toxic or other hazardous effects of the substances contributed by that person to the facility.

(B) The person:

(i) is the owner of the real property on or in which the facility is located;

(ii) did not conduct or permit the generation, transportation, storage, treatment, or disposal of any hazardous substance at the facility; and

(iii) did not contribute to the release or threat of release of a hazardous substance at the facility through any action or omission.

This subparagraph (B) does not apply if the person purchased the real property with actual or constructive knowledge that the property was used for the generation, transportation, storage, treatment, or disposal of any hazardous substance.

EXHIBIT 7
DATE 3-8-89
HB SB 385

AMENDMENTS TO SENATE BILL 385

Third Reading Copy (Blue)

Requested by the Department of Health & Environmental Sciences
For the Committee on Natural Resources

1. Page 23, line 4

Following: "exceed"

Strike: "two"

Insert: "three"

EXHIBIT 7
DATE 3-8-89
HB SB 385

AMENDMENTS TO SENATE BILL 385

Third Reading Copy (Blue)

Requested by the Department of Health & Environmental Sciences
For the Committee on Natural Resources

1. Page 31, lines 22 through 24

Following: "expenses."

Strike: "The department's certification of the state's remedial action costs is prima facie evidence that the costs are reasonable and are consistent with this part."

2. Page 32, line 5

Following: "costs."

Insert: "The court may disallow costs or damages only if the person liable under 75-10-715 can show on the record that the costs are not reasonable and are not consistent with this part."

EXHIBIT 8
DATE 3-8-89
HB SB 385
Sen. Burp

SB 385
March 7, 1989

Testimony presented by Bob Lane, Department of Fish, Wildlife, and Parks.

The Federal Superfund Act requires the Governor of each state to designate state officials to act on behalf of the public as trustees for natural resources. The Director of the Montana Department of Fish, Wildlife and Parks has been designated as one of the public trustees for the assessment of natural resource damages claims in Montana. In addition the Department is charged by State statute with the responsibility of managing, preserving and enhancing our fisheries and wildlife resources.

The Department is currently in the process of assessing natural resource damages under the Federal Superfund Act on the Clark Fork River and other sites. There has been extreme damage to the Clark Fork River Basin. If not for the damage caused by mining operations the Clark Fork River could have been one of our finest fisheries.

The public deserves to be compensated for this loss. If there is proper cleanup and reclamation, the Clark Fork may yet become a treasured fishery. The Department believes that the public will be better represented and the cleanup more effectively enforced if this bill is passed.

The Department is also concerned about long term damages to natural resources caused by petroleum products leaking from abandoned refineries and storage facilities. There should be no doubt that the bill also pertains to these hazardous wastes. The Department supports the amendment proposed by the Department of Health and Environmental Sciences to add "petroleum products" to the definition of "hazardous or deleterious substance" as was originally proposed in SB 385.

The bill will enable the State to take the lead in enforcing hazardous waste cleanup and assessing damages at listed and non-listed sites. In addition, the EPA will be in a better position to defer to and rely on the State where the State has authority under its own laws. DFWP believes that this bill will lead to a more efficient and effective division of labor with the EPA towards the common goals of clean up of hazardous waste and compensating the public for damages already caused.

EXHIBIT 9
DATE 3-8-89
HB SB 385
Ken Hays

March 8, 1989

(H) Natural Resources Committee

Testimony of Ward A. Shanahan

Mr. Chairman and members of the committee:

My name is Ward Shanahan. I am a registered lobbyist for Atlantic Richfield. I respectfully submit the following proposed amendments to SB 385 for your consideration:

PROPOSED AMENDMENTS TO SENATE BILL NO. 385
(Third Reading)

1. Page 4, line 14.
Following: "Montana"
Strike: "or"
2. Page 4, lines 15 and 16.
Following: "controlled by" on line 15
Strike: "or pertaining APPERTAINING to"
3. Page 11, line 18 through page 12 line 8.
Strike: subsection (4) in its entirety
(renumber following sections)
4. Page 13, lines 7 through 10.
Following: "confidential" on line 7
Strike: remainder of line 7 through "confidential" on line 10

7233W

AMENDMENTS TO SENATE BILL 385

Third Reading Copy (Blue)

Requested by the Department of Health & Environmental Sciences
For the Committee on Natural Resources

1. Page 4, line 9

Insert: ";and"

2. Page 4, line 10

Insert: "(d) any petroleum product."

3. Page 5, lines 20-25

Insert: "(9) Petroleum product" includes gasoline, crude oil (except for crude oil at production facilities subject to regulation under Title 82 MCA), fuel oil, diesel oil or fuel ~~oil~~, oil sludge or refuse, and any other petroleum-related product or waste or fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees F. and 14.7 pounds per square inch absolute)."

EXHIBIT 11
DATE 3-8-89
HB SB385

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

ATTORNEYS AT LAW

28 NORTH LAST CHANCE GULCH

POST OFFICE BOX 1697

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*MEMBER OF MONTANA AND THE
DISTRICT OF COLUMBIA BARS

March 9, 1989

Representative Bob Raney, Chairman
House Natural Resources Committee
Capitol Station
Helena, MT 59620

Re: Senate Bill 385-Amendments

Dear Representative Raney:

As per my testimony on behalf of Burlington Northern Railroad Company, enclosed are the amendments I proposed to strike penalties from the Environmental Quality Protection Fund. With the amendments, SB 385 would still provide for response costs and natural resource damages to be deposited in the fund. The amendments would not limit the courts or the Department from assessing civil or administrative penalties.

The reason for the amendments is solely related to public policy. It has been a stated position of the Department to secure monies for the fund so that it can properly respond to problems. Burlington Northern Railroad Company has no objections to that principle. However, to grant the agency the authority to assess administrative penalties and then place the penalties in a fund which the agency desires to increase creates a doubt as to the agency's purpose in assessing or settling penalties.

It should be recognized that SB 385, when combined with existing law, grants tremendous authority to the agency and that authority will not only be directed toward large corporations. The law will affect virtually every business, regardless of size, that handles a "hazardous or deleterious substance." One need only review the list provided the Committee by the Department to understand the potential application of the law and its impacts on businesses of all sizes.

Representative Raney
Page 2
March 9, 1989

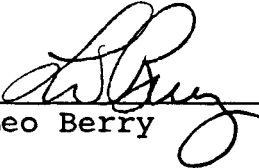
HB

11
3-8-89
SB385

If I can be of any assistance to the Committee, do not hesitate to contact me.

Sincerely,

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By 
Leo Berry

/srg
Enclosure
cc: Natural Resources Committee

EXHIBIT ¹¹
DATE 3-8-89
HB SB 385

AMENDMENTS TO THIRD READING COPY OF SB 385

1. Page 8, line 24, following "all", strike "penalties,".
2. Page 8, line 24, following "Resource", strike "damages," insert "damages".
3. Page 9, strike all of lines 2 through 4 and reletter the following subsections.
4. Page 21, strike all of lines 3 through 5.



March 9, 1989

Rep. Bob Raney, Chairman
House Committee on Natural Resources
Capitol Station
Helena, MT 59620

Dear Chairman Raney:

Champion International Corporation proposes the following amendments to SB 385, Third Reading:

1. Page 9, line 14.
Following: "undertake"
Strike: "any investigative or other"
2. Page 9, line 16.
Following: "appropriate for"
Strike: "determining the need for remedial action, choosing or taking a remedial action, or otherwise"
Insert: "carrying out or"
3. Pages 21 and 22.
Strike: lines 16 through 25 Page 21
and lines 1 through 5 Page 22
Insert:
 - a) a person who owns or operates a facility where hazardous substances may have been disposed and from which there has been a release or threatened release of a hazardous substance;
 - b) a person who at the time of disposal of a hazardous substance owned or operated a facility where the hazardous substance was disposed of and from which there has been a release or threatened release of a hazardous substance;
 - c) a person who generated and who, by contract, agreement, or otherwise, arranged for disposal or treatment of the substance, or arranged with a transporter for transport of the substance for disposal or treatment at a facility from which there has been a release or a threatened release of a hazardous substance; and

EXHIB.

DATE

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3-8-89

HB

SB385

Page 2

d) a person who accepts or has accepted a hazardous substance for transport to a disposal or treatment facility selected by such person, from which there has been a release or threatened release of a hazardous substance.

4. Pages 28,29,30.

Strike: lines 19 through 25 Page 28 and lines 1 through 25 Page 29 and line 1 and 2 Page 30.

Beyond these specific amendments we would also suggest deletion of the words "or deleterious" throughout the text of the bill because its meaning is unclear and also because "deleterious" is not defined in federal law. Champion also wishes to state our support for the four amendments offered by Ward Shanahan on behalf of ARCO. If these changes are made, Champion International can support passage of SB 385.

Thank you for considering these proposed changes to SB 385.

Sincerely,


Tucker Hill

EXHIBIT 13

DATE 4/23/85

HB S.B. 295

Department of Health and Environmental Sciences

Testimony On

S.B. 295

The Department of Health and Environmental Sciences supports S.B. 295, which provides limits on civil liability for persons responding to an actual or threatened release of a hazardous substance. Department personnel are actively involved in an ongoing state spill response program. Under this program, state employees, functioning as duty officers, are asked to provide technical assistance in mitigating the release, or threatened release, of hazardous substances. Department personnel also are required to institute remedial action when a discharge of a hazardous substance threatens public health and safety or the environment. Quite often the decision to take remedial action must be made by personnel in the field and be made in a timely manner. Department personnel involved in the spill response program in the past have expressed concern over their own personal liability by being involved in these response situations. This concern has been particularly acute with employees who participate in emergency response activities just as a part-time adjunct to their normal jobs. This bill will, if passed, assist emergency responders to make better, quicker decisions in emergency situations.

EXHIBIT 14
DATE 3-8-89
HB SB 295

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

ATTORNEYS AT LAW

28 NORTH LAST CHANCE GULCH

POST OFFICE BOX 1697

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*MEMBER OF MONTANA AND THE
DISTRICT OF COLUMBIA BARS

March 9, 1989

Representative Bob Raney, Chairman
House Natural Resources Committee
Capitol Station
Helena, MT 59620

Re: Senate Bill 295-Amendments

Dear Representative Raney:

During my testimony on behalf of Burling Northern Railroad Company, I indicated that I would provide amendments which are enclosed.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By 
Leo Berry

/srg
Enclosure

14
DATE 3-8-89
HB SB 295

AMENDMENTS TO THIRD READING COPY OF SENATE BILL 295

1. Page 2, line 11, following "is", insert "negligent or".

EXHIBIT 15
DATE SB 295
HB 3-8-89
Sen Hager

Testimony of Michael Sherwood, MTLA

RE: Senate Bill No. 295

Opposing

At first glance this bill appears to be a Good Samaritan Bill. It is not. Good Samaritan statutes have two things in common:

1. A presumption that the volunteer can aid the situation;
2. A volunteer (someone who has no legal duty to assist--e.g. someone who is not compensated to do so.)

First, in this area we don't, in a vast majority of the cases, want volunteers. Hazardous materials are just that--HAZARDOUS. The volunteer is likely to injure himself and others.

Second, this bill grants immunity to persons who are paid by the government to respond to such situations.

Section 107 of CERCLA (The federal superfund legislation) addresses this problem already. This legislation imposes strict liability on those who release a hazardous substance, but relieves that liability in the event of volunteers responding to a release at the direction of federal or state "Action Coordinators."

Finally, other legislation being proposed in this session addresses this situation in a more comprehensive setting.

WCC

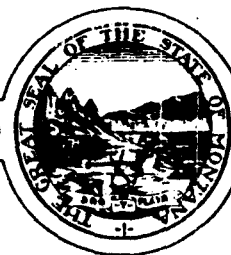
DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 16

DATE 3-8-89

HB SB 321

Sen. Beck



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

Underground Storage Tank Program
(406) 444-5970

Date: February 8, 1989

Title: SB 321 Statement, Larry Mitchell

In 1984, Congress established a federal program to address leaks from underground storage tanks. The 1985 Legislature established the UST program in Montana by amending the Hazardous Waste Act. EPA finalized federal minimum regulations for states to implement on December 22, 1988. DHES expects to adopt regulations for Montana's program and obtain state program approval from EPA during 1989.

SB 321 is an important bill which corrects and clarifies the original 1985 state legislation that established the tank program in Montana. That authority was granted by amending the state hazardous waste act. However, the hazardous waste act controls improper management and disposal of hazardous wastes. The tank program regulates a different class of materials defined as regulated substances. These are essentially petroleum fuels and chemical products. When they leak out of tanks, they can cause serious damage to groundwater and vapors can force evacuation of homes and businesses due to health or fire dangers and they must be cleaned up. However, these substances are not generally categorized as hazardous wastes; diesel soaked dirt for example.

However, the existing cleanup authority in the hazardous waste act forces DHES to treat them, contaminated soils and water as hazardous wastes in order to require clean up.

The 1985 Legislature overlooked the need to amend the term "regulated substances" into the cleanup authorities of the hazardous waste act. This bill seeks to correct that problem by adding the words "regulated substances" to several sections of the hazardous waste law that will help in requiring cleanup when groundwater and property are threatened. This will put DHES authority in line with federal EPA authority to address regulated substances under the tank program along with the existing authority to address hazardous wastes in the Hazardous Waste Act.

SB 321 also authorizes DHES to establish a schedule of tank fees to help support the implementation of the tank leak prevention program. Federal EPA rules on leak detection and tank upgrading requirements are now final.

SB 321 Statement, Larry Mitchell
February 8, 1989
Page 2

UST program needs include training of local officials, tank owners and operators, inspections of new tank installations, tank closures, and routine tank facility inspections by state and local officials to assure compliance with state and federal leak detection and inventory management requirements.

Since state groundwater resources are most directly impacted by leaking tanks, Congress and EPA anticipate that states will need to provide additional funding in order to implement this program. As of August 1988 nineteen states have established annual tank fees as their state program funding mechanism. Nine states have utilized petroleum product use or transfer fees.

EPA grants now support 75% of the 4.5 FTE Montana state program. There are over 18,000 tanks at more than 9,000 facilities subject to the leak prevention, leak detection requirements. Additional resources will be required at the state and local level to assure that voluntary compliance with the rules and increased owner/operator education will prevent disastrous, bankrupting tank leaks from continuing to occur.

In summary, SB 321 will correct the 1985 legislative omission and solidify the foundation of the underground storage tank program. It will clarify the Legislature's intent that the enforcement authorities in the hazardous waste law also apply to the regulated substances included in the tank program without having to treat them as hazardous waste.

SB 321 will also provide a funding mechanism that will help assure that impacts from leaking tanks are minimized through state and local implementation of rules designed to prevent leaks and detect them early before serious and costly damage can occur.

statesb.321

Question	California	Connecticut	Florida	Illinois
What is the funding mechanism used?	Tax fee	Tax fee	Tax fee	Tax fee
When was the fee established?	1984	1/1/88	1987	1988
Who pays?	Tax owners	Tax owners and operators	Owners of above and below ground tanks	1. Registration fee for owners and operators registered after 1/1/88. 2. Annual fee for owners and operators
What is the fee structure and how often is it collected?	1. Annual permit fee that varied among local agencies 2. Per tank state surcharge set annually by legislature and collected once a few years (current surcharge fee is \$54)	150/tank annually; \$30/tank for late payment or annual fee	1. \$50/tank initial registration fee 2. \$25/tank annual renewal fee	1. \$500/tank one-time registration fee 2. \$100/tank annual fee between 1/1/88 and 12/31/91
Are there any exemptions or reductions on tanks which are regulated?	NO	NO	NO	NO
Are there any exemptions or reductions on tanks which are regulated?	1. Annual permit fee may be waived for state, local, and farm tank owners (1100-1500 gal capacity)	State and county multi-poll tanks are exempt; restricted to petroleum tanks only	Petroleum tanks < 550 gal. are exempt	-
Is there a CLO or total removal? (If so, when?)	NO	NO	NO	NO
Is there a tank removal program? (If so, when?)	Yes: local agencies with own insurance currently collecting state surcharge also collecting a fee 1/1/92	NO	NO	Yes: 1981
Are any cleanup programs or enforcement actions?	NO	Amendment to H&B211 authorized to create UST Response Fund	May be attached to in-state chemical tanks	
Used for prevention and/or cleanup program?	Prevention program	Prevention and Cleanup programs	Prevention program	Cleanup program

What is the survey mechanism used?	Location	Means
Tank too	Tank too	Tank too
When was the last inspection conducted?	1985	1985
What steps?	Tank owners	Contractors and mariners
What is the tank structure and how often is it inspected?	1. \$25/year one-way repainting fee for chemical tanks \$15/year one-way repainting fee for petroleum tanks 2. \$15/year annually for > 10000 gal. \$10/year annually for 2000-9999 gal. \$5/year annually for 1000-1999 gal.	1. \$50/year one-way repainting fee 2. \$25/year annually for < 6000 gal. \$50/year annually for > 6000 gal.
Is there a maximum container?	1. \$1000/toning on repainting fees for petroleum 2. No ceiling on annual fees	--
Are there any constraints or restrictions on the way which is assessed?	Same as in EPA proposed regulations	--
Is there a cap on total percentage? (If so, what?)	NO	--
Is there a cap on total percentage? (If so, what?)	NO	--
Are any changes planned or anticipated?	Looking into changing to tax on gallons	EXHIBIT DATE 1/10
Used for prevention and/or cleanup programs?	Prevention and Cleanup programs	Prevention programs

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3-8-89
SB 321
Tin Beck

(continued)

* Management commitment for factory with multiple levels.

- Authority to \$100,000, with public hearings required to raise the rate.

The 1968 Legislature provided for a legislative task force to examine the entire findings will be made this year. A 900-hour commitment has been proposed.

EXHIBIT 17
DATE 3-8-89
HE 5B.321

Natural Resource COMMITTEE

DATE 8-8-89

SPONSOR Rep. Raney

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Natural Resources COMMITTEEBILL NO. SB 385DATE 3-8-89SPONSOR Sen. Harp

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Wood <u>Janah</u>	<u>Summit Richfield</u>	<u>Amend</u>	
<u>Larry Lytle</u>	<u>D HES</u>	<u>✓</u>	
<u>Gene Vuckovich</u>	<u>Anacosta-Deer Lodge Co</u>	<u>✓</u>	
<u>W.R. Williams</u>	<u>ARCO COAL</u>	<u>Amend</u>	
<u>Tucker Hill</u>	<u>Champion Int'l</u>	<u>Amend</u>	
<u>Leo Beary</u>	<u>BWRIZ</u>	<u>Amend</u>	
<u>Bob Lane</u>	<u>FWP</u>	<u>Support</u>	
<u>Janet Ellis</u>	<u>Audubon</u>	<u>Support w/ amendments to HB 143</u>	<u>✓</u>
<u>DAVE BROWN</u>	<u>House District 72 Battle</u>	<u>w/Amend</u>	
<u>Don Ingels</u>	<u>Mt Chamber of Commerce</u>	<u>Amend</u>	
<u>Jerome Audubon</u>	<u>Shillington Exp</u>	<u>Amended</u>	
<u>GEORGE OCHENSKI</u>	<u>SELF</u>	<u>✓</u>	
<u>Gamelle Fallon</u>	<u>MTA</u>	<u>amend</u>	
<u>Chris Kuntz</u>	<u>MEIC</u>	<u>Amend</u>	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Natural Resource COMMITTEEBILL NO. SB 295DATE 3-8-89SPONSOR Sen Hager

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Roger Thorvilson	Dept. of Health	✓	
Leo Berry	BWRB	Amend	
Michael J. Greenwood	MTL A		✓
Tom Hager	SD 48	✓	
Bert Hordern	MT Union Comm	✓	
Rae Blehm	Nat State Fire Marshal	✓	
Lorna Frank	Harm Bureau	X	
Chris Kemp	MTC		✓

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. SB 371

DATE 3-8-87

SPONSOR Mr. Hager

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Natural Resource COMMITTEE

SB 321

3-8-89

Ans. Beck

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.