

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairperson Bob Raney, on April 10, 1989, at
4:40 p.m.

ROLL CALL

Members Present: All members present except:

Members Excused: Rep. Hannah

Members Absent: None

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

Announcements/Discussion: None

HEARING ON SJR 19

Presentation and Opening Statement by Sponsor:

SEN. PETER STORY, Senate District 41, said the resolution addressed the need to focus the Environmental Quality Council's (EQC) attention on how the state will handle all waste products. He said the input of all parties would be solicited, with the result that well-thought out bills could be developed for the management of solid, hazardous and infectious waste in the most practical and economical way, while at the same time protecting the health of the public.

Testifying Proponents and Who They Represent:

Chris Kaufmann, Montana Environmental Information Center
Kim Wilson, Sierra Club

Proponent Testimony:

CHRIS KAUFMANN said MEIC supported the concept of the EQC studying the problem of disposal and management of solid waste in the state. She said it was clear that Montana was regarded as a potential dumping ground for out-of-state waste because of its low fees and regulatory environment.

KIM WILSON also supported the resolution. He mentioned the number of bills that had appeared before this session of the legislature dealing with this issue, and said it was appropriate to have a comprehensive EQC study. He added that this bill should be a complement to the bills coming

through, and should not be used to delay action on the bills still out, such as HB 676, introduced by Rep. Raney. He said that bill should move forward, whether this resolution did or not. REP. RANEY commented that his infectious waste bill had been killed in committee, on a party line vote, 7-5.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: REP. HARPER said a number of bills had been passed that related to these issues, and asked how this resolution would affect the passage or non-passage of those bills. SEN. STORY said his intent was not to play games by passing a resolution in order to adversely impact the passage of a particular bill. He said some of the bills had already passed. He said he truly wanted EQC to study this issue.

REP. HARPER said that by the time this resolution passed, there would be at least one of the bills in a conference committee. He asked how the conference committee would play off this proposed resolution. SEN. STORY said he hoped they would not consider this resolution in their deliberations. SEN. STORY said this was more than a monitoring study for any bills passed this session. He said there were federal controls coming down, and real problems regarding the meeting of those requirements that needed to be addressed. This resolution was not in consideration of any particular bill at hand. He said there was a need to look at federal regulations, as well as problems of leakage and monitoring at landfills, and the possibility of Montana becoming a dumping area for other states.

REP. COHEN commented that the title referred to the regulation and management of solid waste. He asked Sen. Story if he was aware that only private haulers were currently regulated by the Public Service Commission, while public haulers were not. He commented on the disparities in the regulatory environment, which were not addressed in the resolution. SEN. STORY suggested changing the resolution.

REP. RANEY commented that hazardous waste had been mentioned in the opening. He asked if the senator envisioned this resolution looking at hazardous waste disposal. SEN. STORY said yes.

REP. O'KEEFE asked what was on the agenda for the EQC so far for this interim. REP. GILBERT said there was no agenda yet. He said normally after appointments, an organizational

meeting, and the election of officers, the agenda would be discussed. He said if this were made the number one priority, the council would have adequate time to do it right.

Closing by Sponsor: SEN. STORY had asked to be excused after he had answered questions from the committee.

DISPOSITION OF SJR 19

Motion: REP. ADDY moved the bill BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: REP. RANEY introduced a gray bill, and discussed the contents (EXHIBIT 1). He added air quality into the title to address incineration. He continued with a discussion of the amendments. He said source separation, one of the major tools for recycling, had been added. REP. ADDY moved the resolution be amended per the gray bill.

REP. GILBERT said if you were to study solid waste, everyone of the elements mentioned in here were part of the program. He said we may as well do the job all at once.

The motion to include the amendments CARRIED unanimously.

Recommendation and Vote: REP. ADDY moved the bill BE CONCURRED IN AS AMENDED.

Discussion: REP. RANEY reminded the committee that Sen. Story had indicated that hazardous waste could be added into the bill. REP. GILBERT said it wasn't needed because hazardous waste going into a landfill would be looked at anyway. He suggested that the committee not overload the EQC.

REP. O'KEEFE announced that he would oppose the resolution not because it was not a good resolution, but because he did not know what else was on the docket for EQC. He said they were tying the hands of the interim committee on what they pursue. REP. GILBERT said he had spoken to EQC, and they had concluded that this would have been one of their main considerations and most pressing issues even without this mandate.

In response to a question regarding the precedent of mandating studies to interim committees from REP. GIACOMETTO, REP. GILBERT said this had been done once before for the Forest Practices Study.

Vote: REP. ADDY's motion CARRIED, with Rep. O'Keefe voting no.

ADJOURNMENT

Adjournment At: 5:30 p.m.

A handwritten signature in cursive script, appearing to read "Rob Raney", is written over a horizontal line.

REP. RANEY, Chairperson

BR/cm

8012.min

DAILY ROLL CALL

HOUSE NATURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date 4-10-89

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	✓		

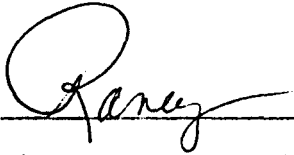
STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on Natural Resources report that Senate Joint Resolution 19 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Bob Raney, Chairman

[REP.  WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 8.

Following: "QUALITY"

Insert: "AND AIR QUALITY"

2. Page 1, line 14.

Strike: "and related liquid"

3. Page 1, line 16.

Following: "disposal,"

Insert: "waste incineration and incinerator emissions,"

4. Page 1, line 25.

Strike: "both"

Insert: "Montana has not applied"

5. Page 2, line 1.

Strike: "to" through "inadequate"

Insert: "necessary to ensure that solid waste management is compatible with the public health, safety, and welfare and the environment"

6. Page 2, line 5.

Strike: "no"

Insert: "few"

Strike: "or"

Insert: "and little"

7. Page 2.

Following: line 7

Insert: " WHEREAS, the burning of plastic and other materials in

solid waste incinerators is a source of toxic air pollutants which, despite their adverse effects on human health and the environment, are poorly understood and little regulated by the state or federal governments; and

WHEREAS, Montana statutes presently exempt from licensing certain privately owned landfills and this exemption provides a significant gap in our ability to ensure that solid waste management adequately protects the public health, safety, and welfare and the environment; and"

8. Page 2, line 9.

Following: "minimization,"

Insert: "source separation,"

9. Page 2, line 13.

Strike: "and related liquid"

10. Page 2, line 22.

Strike: "and related liquid"

11. Page 2, line 24.

Strike: "investigation and oversight"

Insert: "review"

12. Page 3, line 7.

Strike: "monitoring of"

13. Page 3, line 9.

Following: "minimization,"

Insert: "source separation,"

14. Page 3, line 11.

Strike: "financing"

Following: "for"

Insert: "developing and financing"

Following: "cost-effective"

Insert: "and environmentally sound"

15. Page 3, line 12.

Following: "to"

Insert: "Montana's"

16. Page 3, line 13.

Strike: "and"

17. Page 3, line 15.

Following: "programs"

Insert: "; (h) differences in the regulation of public and

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private landfills, including the effects on the public health, safety, and welfare and the environment of the existing exemption from licensing for certain landfills; and
(i) the effects of solid waste incineration on Montana air quality and public health"

18. Page 3, line 17.
Strike: "regulated"

19. Page 3, line 18.
Strike: "interested"

Gray SENATE JOINT RESOLUTION 19 -- Unofficial
April 10, 1989

1 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
2 REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE
3 ENVIRONMENTAL QUALITY COUNCIL TO STUDY THE REGULATION AND
4 MANAGEMENT OF SOLID WASTE AND RELATED EFFECTS ON GROUND
5 WATER QUALITY AND AIR QUALITY; AND REQUIRING THE ENVIRONMENTAL
6 QUALITY COUNCIL TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO
7 THE 52ND LEGISLATURE.

8
9 WHEREAS, the 51st Legislature has considered many complex bills relating
10 to the regulation and management of solid ~~and related liquid~~ wastes, including
11 landfill regulation and associated ground water monitoring, infectious waste
12 disposal, waste incineration and incinerator emissions, and fee structures and
13 funding mechanisms for solid waste management programs; and

14 WHEREAS, the United States Environmental Protection Agency has recently
15 released proposed minimum federal regulations for landfills, prompted by studies
16 that demonstrated significant nationwide ground water pollution caused by
17 substances leaching from landfills; and

18 WHEREAS, these proposed regulations, if adopted as drafted, would have
19 major effects on the management of solid wastes in Montana, since ~~both~~
20 Montana has not applied the technical and financial resources ~~to respond~~ ~~are~~
21 severely inadequate necessary to ensure that solid waste management is
22 compatible with the public health, safety, and welfare and the environment; and

23 WHEREAS, out-of-state waste disposal interests are increasingly investigating
24 Montana as a potential site for disposal of waste generated outside Montana's
25 borders; and

26 WHEREAS, there are currently ~~no~~ few state regulations ~~or~~ and little oversight
27 of the importation of solid waste into Montana; and

28 WHEREAS, the burning of plastic and other materials in solid waste
29 incinerators is a source of toxic air pollutants which, despite their adverse
30 effects on human health and the environment, are poorly understood and little
31 regulated by the state or federal governments; and

32 WHEREAS, Montana statutes presently exempt from licensing certain privately
33 owned landfills and this exemption provides a significant gap in our ability to
34 ensure that solid waste management adequately protects the public health.

Gray SENATE JOINT RESOLUTION 19 -- Unofficial
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1 safety, and welfare and the environment, and

2 WHEREAS, opportunities exist to explore new methods of integrated waste
3 management, including waste minimization, source separation, recycling,
4 incineration, and other innovative techniques; and

5 WHEREAS, financing strategies for continued, improved, and cost-effective
6 management of solid ~~and related liquid~~ wastes must be explored to effectively
7 respond to increased federal activity and needed changes to protect the health
8 and environment of Montana citizens.

9

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
11 REPRESENTATIVES OF THE STATE OF MONTANA:

12 (1) That the Environmental Quality Council be directed to give priority to and
13 study the regulation and management of solid ~~and related liquid~~ waste and its
14 effects on ground water quality.

15 (2) That the study include ~~investigation and oversight~~ review of:

16 (a) the effects on Montana communities of the proposed federal regulation of
17 landfills;

18 (b) programs to regulate the disposal of infectious waste in Montana;

19 (c) regulation of the importation of solid waste into Montana;

20 (d) ~~monitoring of~~ actual and potential ground water pollution resulting from
21 solid waste disposal;

22 (e) new opportunities for waste minimization, source separation, recycling,
23 incineration, and integrated waste management;

24 (f) ~~financing~~ strategies for developing and financing the most cost-effective
25 and environmentally sound federal, state, local, and private response to
26 Montana's solid waste management needs; and

27 (g) the integration of solid waste management programs with other ground
28 water protection programs;

29 (h) differences in the regulation of public and private landfills, including the
30 effects on the public health, safety, and welfare and the environment of the
31 existing exemption from licensing for certain landfills; and

32 (i) the effects of solid waste incineration on Montana air quality and public
33 health.

34 (3) That the Environmental Quality Council consult with federal, state, and

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1 local officials, ~~regulated~~ industries, ~~interested~~ citizens, and other persons or
2 groups with expertise in the regulation of solid waste.

3 (4) That the Environmental Quality Council report its findings and
4 recommendations to the 52nd Legislature by November 1, 1990.

5 -END-

6

Natural Resources COMMITTEE

DATE 4-10-89

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.