

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Thomas F. Keating, on March 17, 1989, at 1:00 p.m., in Room 405 of the State Capitol.

ROLL CALL

Members Present: Senators: Thomas F. Keating, Chairman, Larry Tveit, Fred VanValkenburg, Loren Jenkins, Lawrence Stimatz, Pete Story, Bill Yellowtail, Elmer Severson, Cecil Weeding, Dorothy Eck and Jerry Noble.

Members Excused: Senator Darryl Meyer

Members Absent: None

Staff Present: Bob Thompson and Helen McDonald

EXECUTIVE ACTION

HB 672

Senator Keating said HB 672 is Representative Cohen's bill.

Bob Thompson said there are two sets of amendments to this bill and the committee requested a fiscal note. The final fiscal note has not been developed but a copy of a draft fiscal note was obtained. (Exhibit #2)

Senator Yellowtail moved Representative Cohen's amendment. (Exhibit #1) The amendments were given to him at the request of Representative Cohen and the effect would be to extend the exemption to mining and oil and gas drilling and agriculture. The bill as, Senator Yellowtail understands it, would not prohibit these kinds of operators from dealing with waste disposal on land owned or leased by them.

Senator Noble made a substitute motion to amend the amendment and add behind tire manufacturing and sales.

Senator Eck suggested adding corporations along with agricultural, mining, and oil and gas drilling operations. This measure has to do with what the corporation does on its own land.

Senator Keating asked how many full-time employees are

provided for in the fiscal note.

Jim Leiter, Department of Health & Environmental Services, said the original recommendation was 3.5 FTEs, but the budget office recommended only 2 FTEs.

Senator VanValkenburg stated there has been a motion made to amend this bill and then comes another motion to amend the bill again. He thinks this bill has some problems and should be killed.

Senator Keating said this bill is a general proclamation and as amended has many exemptions. He thinks the committee and sponsors should be specific about what needs to be covered.

Senator Story made a motion to substitute all motions to do not concur.

Senator Noble seconded it.

Senator Keating said a motion has been made to replace all motions to do not concur.

Senator VanValkenburg thinks this bill needs some further study because one problem creates another one and creates a ripple effect.

Senator Keating said that the whole solid waste management situation needs an interim study to determine what the state needs instead of going at it piecemeal with bills coming from every side. Senator Keating suggested that solid waste management be considered generally.

Senator Weeding said his name was on this bill but he has lost interest in it because of the amendments.

Senator Eck asked the department if the state had serious problems with solid waste.

Jim Leiter said if the bill doesn't pass, the existing situation remains the same. Most on-site solid waste is not regulated in any way. There are about 500 sites in the state and only about 14 of those have existing ground water permits.

Senator Eck asked if all these sites are required to have ground water monitoring.

Jim Leiter said not with the current exemptions in this solid waste management act, unless there is an impact on public health or a nuisance is created. Under the ground water quality act, if there is any potential effect on

SENATE COMMITTEE ON NATURAL RESOURCES

March 17, 1989

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ground water a ground water permit is necessary. The department does not know how many on-site disposal situations really need a ground water permit.

Senator Keating said a well monitoring bill has been passed. Some sites will be monitored and the results of that monitoring should give us a clue as to how extensive Montana's problem is before proceeding into an enormous program. The initial cost for state employees will just be a minor portion of what it will cost the counties in landfill fees and expenses if they are required to start monitoring. There could be more hidden expenses with this bill if it passes.

Jim Leiter said this bill would cover 500 on-site disposals which are currently exempted and aren't regulated. He suspected the waste from half of those disposal sites would start going to existing landfills sites and the other half would be licensed on site. Some of them would probably require groundwater permits.

A vote was taken on the motion that HB 672 not be concurred in. Motion passed, with Senator Yellowtail and Senator Eck voting no.

HJR 23

Senator Jenkins moved HJR 23 DO PASS.

Senator Keating said there were some suggested amendments by Representative Moore. Senator Yellowtail followed by suggesting amendments offered by Janet Ellis of the Audubon Society.

Senator Noble stated that the resolution is not too strongly worded in its current form. Representative Cobb wrote the resolution and wanted Congress to know what happened in regard to the "let it burn" policy, especially in the Augusta area.

Senator Keating said the forest service people didn't testify during the hearing but after the meeting left some forest service portfolios for members of the committee. They are a little chagrined about some of the action and they are a little thin skinned about our attack.

Senator Severson stated that there are better ways to manage forests than the "let it burn" policy. He doesn't think it hurts to be a little tough on the forest service.

Senator Noble commented that eliminating the strong "whereas" language in the resolution would completely change

it. He stated that those amendments came from the Audubon Club and they want to write the bill the way they want it. Senator Noble felt the resolution says what it should. He doesn't feel the bill should be written from the Audubon perspective. He said that, given what happened to the folks in the Augusta area, the resolution can't be stated hard enough.

Sen. Yellowtail's motion to adopt Janet Ellis' amendments failed.

Senator Weeding then moved to delete the "whereas" language in lines 24 and 25 on page 2 and line 1 on page 3 and to delete the "whereas" language in lines 1 through 4 on page 4. Senator Weeding wanted these statements stricken because they referred to the "arrogant" attitude of the Forest Service, which he thought detracts from the effectiveness of the resolution.

Senator Nobel commented that he was raised to tell it like it is.

Senator Eck commented that, in particular, the "whereas" language at the top of page 4 could be removed because it doesn't relate specifically to fire control but relates to general permits.

Senator Noble said the statement related to the let burn policy because it is talking about problems that generally occur when people have to deal with the Forest Service.

Senator Keating noted that in some respects this is kind of a local situation. But he felt there is a general communication problem with those who deal with the Forest Service.

A roll call vote was taken on the Weeding amendment (Exhibit #4) to HJR 23. The amendment passed. Senator Van Valkenburg moved the bill for concurrence as amended. The bill passed unanimously.

#### HJR 29

Senator Story moved that HJR 29 be concurred in.

Senator Weeding thinks the critical language in this resolution is the concern over eminent domain powers.

Senator Keating stated that this resolution is to express that Montana supports the idea that there shouldn't be eminent domain for coal slurry pipelines.

Senator Van Valkenburg said the resolution should indicate that Montana is not against eminent domain and coal slurry pipelines, but instead that the water rights adjudication process is so important that Montana thinks Congress should hold off until the state figures out exactly what to do in regard to water in Montana. Motion carried unanimously.

ADJOURNMENT

Adjournment At: 1:50 pm

  
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THOMAS F. KEATING, Chairman

TFK/hmc

senmin.317

ROLL CALL

NATURAL RESOURCES COMMITTEE

50~~st~~ LEGISLATIVE SESSION -- 1989

Date 3-17-89

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NAME	PRESENT	ABSENT	EXCUSED
Chairman Tom Keating	✓		
Vice-Chairman Larry Tveit	✓		
Senator Fred VanValkenburg	✓		
Senator Loren Jenkins	✓		
Senator Darryl Meyer			✓
Senator Lawrence Stimatz	✓		
Senator Pete Story	✓		
Senator Bill Yellowtail	✓		
Senator Elmer Severson	✓		
Senator Cecil Weeding	✓		
Senator Dorothy Eck	✓		
Senator Jerry Noble	✓		

Each day attach to minutes.

SENATE NATURAL RESOURCES

LEGISLATIVE NO. #1

DATE 3-17-89

6721 NO. HB 672

Amendments to House Bill No. 672  
Third Reading Copy

Requested by Rep. Cohen  
For the Senate Committee on Natural Resources

March 16, 1989

1. Title, line 10.  
Following: "AGRICULTURAL"  
Insert: ", MINING, OIL AND GAS DRILLING,"
2. Title, line 10.  
Following: "OPERATIONS"  
Insert: "IN MONTANA"
3. Page 2, line 4.  
Following: "AGRICULTURAL"  
Insert: ", mining, oil and gas drilling,"
4. Page 2, line 5.  
Following: "OPERATIONS"  
Insert: "in Montana"

In compliance with a written request, there is hereby submitted a Fiscal Note for HB672, on third reading.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act specifying that the exclusion in the Montana Solid Waste Management act applies only to the disposal of solid waste that was generated in reasonable association with an individual's household or agricultural operations or with a corporation's agricultural or forest products operations. Providing a civil penalty for violations of solid waste disposal laws and rules; amending Section 75-10-214, MCA; and providing an applicability date and an immediate effective date."

ASSUMPTIONS:

1. The Department of Health and Environmental Sciences feels it needs 3.5 FTE to administer, two environmental specialists, one-half FTE hydrogeologist, and one clerical FTE. Upon review, the Office of Budget and Program and Planning feels this legislation can be done with 2 FTE, the two environmental specialists.
2. There will be ten existing sites/county which could fall under regulation and licensing. Of these, 1/2 (280) will close and take waste to existing landfill sites, 1/2 (280) will request licensing or require enforcement procedures to come into compliance. One half of these (140) will obtain licenses, and the other 140 will also eventually close, but require some enforcement in order to do so.

FISCAL IMPACT:

	FY90			FY91		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<u>Expenditures:</u>	\$ -0-	\$126,526	\$ 126,526	\$ -0-	\$126,526	\$ 126,526
<u>Net Effect:</u>	\$ -0-	(\$126,526)	(\$ 126,526)	\$ -0-	(\$126,526)	(\$ 126,526)
<u>General Fund:</u>	\$ -0-	(\$126,526)	(\$ 126,526)	\$ -0-	(\$126,526)	(\$ 126,526)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES

The majority of sites affected by this legislation would be on privately owned or operated land, and would be the individual or corporation's responsibility to license or eliminate. Some number of sites would be publicly owned/operated and require some expenditure of local money to come into compliance, but it is impossible to quantify this cost due to lack of information. The majority of the publicly operated sites would need minimal expense due to the nature of the wastes being landfilled. Some of the commercial/industrial facilities would be more expensive to license due to the nature of the wastes, location of the disposal, monitoring requirements, etc. It is anticipated that this legislation would transfer some of the responsibilities of the groundwater permitting program to the solid waste management program, creating a need for a half-time hydrogeologist to evaluate sites having potential groundwater impact.

*Dave Lewis*

DATE 3/15/89

DAVE LEWIS, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

BEN COHEN, PRIMARY SPONSOR

Fiscal Note for HB672, on third reading



LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This legislation would minimize environmental problems created by currently unregulated sites. Over the long-term the legislation would increase the need for licensed and approved solid waste disposal facilities. In addition, much of the solid waste disposal currently occurring on private ground and previously unregulated will be coming under closer scrutiny, undoubtedly revealing environmental problems which need to be adequately regulated.

PROPOSED AMENDMENT TO HOUSE BILL 672  
by Colstrip Energy Limited Partnership

Senate Natural Resources Committee  
March 10, 1989

SENATE NATURAL RESOURCES  
EXHIBIT NO. ~~#9~~ #3  
DATE ~~3-16-89~~ 3-17-89  
BILL NO. ~~672~~

Amend House Bill 672, Third Reading Copy, as follows:

Following line 8, page 2, insert:

"(C) NO LICENSE FOR THE DISPOSAL OF SOLID WASTE OR THE OPERATION OF A SOLID WASTE MANAGEMENT SYSTEM IS REQUIRED UNDER THIS PART FOR A PERSON WHO DISPOSES HIS OWN SOLID WASTE UPON LAND OWNED OR LEASED BY THAT PERSON OR COVERED BY EASEMENT OR PERMIT AND FOR WHICH THAT PERSON HAS OBTAINED A WATER QUALITY PERMIT UNDER TITLE 75, CHAPTER 5."

ROLL CALL VOTE

SENATE NATURAL RESOURCES

EXHIBIT # 4

DATE 3-17-59

BILL NO. HJR 23

SENATE COMMITTEE

NATURAL RESOURCES

Date 3-17-59

Bill No. HJR 23 Time

NAME	YES	NO
Vice-Chairman Larry Tveit		✓
Senator Fred VanValkenburg	✓	
Senator Loren Jenkins		✓
Senator Darryl Meyer	excused	
Senator Lawrence Stimatz	✓	
Senator Pete Story		can not vote
Senator Bill Yellowtail	✓	
Senator Elmer Severson	✓	
Senator Cecil Weeding	✓	
Senator Dorothy Eck	✓	
Senator Jerry Noble		✓
Chairman Tom Keating		✓
	6	4

Secretary

Chairman

Motion: Weeding amendment passed