

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRPERSON BOB RANEY**, on January 21, 1991, at 3:00 pm

ROLL CALL

Members Present:

Bob Raney, Chair (D)
Mark O'Keefe, Vice-Chair (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
David Hoffman (R)
Dick Knox (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: **CHAIR RANEY** stated executive action on bills heard today will occur at a later date.

HEARING ON HB 162

Presentation and Opening Statement by Sponsor:

REP. BOB GILBERT, House District 22, read HB 162. He said the state currently can not require local governments to regulate septic tanks. As a result many contaminants, primarily coliform have polluted water systems. Requirements to have local governments inspect septic tanks would protect the health and safety of the citizens. HB 162 would permit the state to

authorize such requirements.

Proponents' Testimony:

Jim Jensen, Montana Environmental Information Center (MEIC), stated this is a small but powerful bill. The cost is minimal to implement the bill. Currently, Lewis and Clark county certifies septic installers and this has proven an effective way to protect the water supply and save money. Mr. Jensen supported HB 162.

Stan Bradshaw, Trout Unlimited, concurred with previous testimony. He said developments on 20 acres or more do not come under the scrutiny of present regulatory laws. Nearby streams often can not handle the pollutants, primarily coliform bacteria, from these developments. Mr. Bradshaw supported HB 162 as the bill addresses these 20-acre or more developments.

Joanne Chance, Montana Technical Council, supports HB 162. It will provide for consistent standards for septic systems. The bill may result in requiring more technical assistance in designing and building new septic systems. She feels this will be beneficial as it will result in higher quality systems. Ms. Chance expressed a concern that new building on and within one-hundred feet of a 100-year flood plain and in areas where ground water or bedrock is within 4' of the surface will be prohibited. She felt this will negatively impact the opportunity for development. Ms. Chance suggested the committee include a provision for variances to allow for local boards of health to consider environmental and economic impacts on a case by case basis.

Peter Frazier, Director, City-County Environmental Health Department, supports HB 162 and supports the proposal to include variances EXHIBIT 1. He presented the proposed amendment to the bill: on page 4 after line 24 add " (for the issuance of local health department permits for the operation of food establishments, as defined in 50-50-102(3))." Mr. Frazier supports HB 162 and does not want to risk passage of it if inclusion of his proposed amendment would do so.

Opponents' Testimony: none

Informational Testimony: none

Questions From Committee Members:

REP. DAVE WANZENRIED asked if local health boards can adopt more stringent regulations than state standards. REP. GILBERT responded they are looking for standardization of regulations. He feels the DHES regulations are adequate and the state standards should become the statewide standards. REP. ORVAL

ELLISON inquired if Mr. Frazier's proposed amendment, falls within the title of the bill. REP. GILBERT answered no. The first amendment, concerning variances, could be considered. REP. ELLISON expressed concern the variances would allow too large of loop holes and permit counties currently in noncompliance of regulations to continue to be in noncompliance. He asked if the variances in county plans would be approved by the state. REP. GILBERT responded the variances would be at the discretion of DHES not the county. When DHES starts regulating all counties should be in compliance. REP. BEN COHEN asked REP. GILBERT if the bill essentially requires licensing of septic systems throughout the state at the county level. He replied "license" may not be the appropriate term but rather a permit/inspection would be implemented. The permit would be for new or replacement systems not for existing systems. REP. COHEN asked how long the systems last. REP. GILBERT estimated 9 - 25 years, dependent on soils, tank, use and maintenance. REP. COHEN inquired if the drainfield rather than the tank determines the life of the septic system. REP. GILBERT responded the drainfields seem to be the major problem areas. REP. COHEN asked if the drainfields don't last for life what happens after their lifespan. REP. GILBERT answered the previous bill passed would initiate clean up if contamination occurred and a permit would be required to replace the failed system. REP. COHEN asked if a permit will be required when a part of a system is replaced. REP. GILBERT suggested the question be referred to DHES. REP. COHEN inquired if the bill would allow for alternative systems and if the language of the bill reflects this intent. REP. GILBERT assured REP. COHEN the bill is intended to include approved alternative systems. The statement of intent should be amended to reflect this and wording to address replacement parts should be added. REP. HOWARD TOOLE asked if HB 162 applies to municipal sewage systems. REP. GILBERT responded that systems already under regulation are not additionally addressed by this bill. REP. TOOLE inquired if the intent is to regulate nonmunicipal waste and sewage disposal. REP. GILBERT clarified the bill addresses systems not regulated or covered under Title 75. REP. TOOLE suggested to change language to address design, installation and maintenance. REP. GILBERT expressed concern the language changes may make it too broad. CHAIR RANEY suggested the discussion be continued during executive session.

Closing by Sponsor:

REP. GILBERT stated he looked forward to working with the committee to make changes in the bill.

HEARING ON HB 160

Presentation and Opening Statement by Sponsor:

REP. GILBERT, House District 22, stated this bill is the second major solid waste legislation introduced, REP. RANEY'S was the

first. REP. GILBERT read the bill's statement of intent and sections 3,4,5,6, and 7. He emphasized the need to reduce the generation of waste, the need to reuse waste, to recycle waste, to compost biodegradable waste and to use landfills and incinerators as last resorts to waste management. He emphasized the need to educate the public, to look at individual communities' needs and the value of incorporating public ideas and actions. Public involvement is the key for acceptance of this program. REP. GILBERT stated amendments proposed by Montana Environmental Information Center (MEIC) are acceptable and valuable. EXHIBIT 2. The suggestion to decrease the target date of 1995 may not be realistic. The suggestion by Janet Ellis is valuable as it appears to correct an oversight of the bill.

Informational Testimony:

Tony Grover, Department of Health and Environmental Sciences, DHES, supports the concept of the bill. EXHIBIT 3. The Department will be present during executive action on the bill to answer questions.

Proponents' Testimony:

Chris Kaufmann, Montana Environmental Information Center (MEIC), supports HB 160. EXHIBIT 4. She stands in support of the bill because it provides a framework for a good solid waste program in Montana. This bill and additional bills that provide funding, are the cornerstones of the EQC package on solid waste management.

Kristin Page, Montana Public Interest Research Group (MontPIRG), supports HB 160 as amended with REP. RANEY'S amendments. EXHIBIT 5.

Janet Ellis, Montana Audubon Legislative Fund, supports HB 160 and supports amendments proposed by REP. RANEY. EXHIBIT 6. She proposes an amendment to monitor progress of the state in achieving the 25% reduction by the designated date.

Sue Weingartner, Montana Solid Waste Contractors, Inc, supports HB 160 stating the issue of solid waste disposal ranks third on critical issues facing communities. EXHIBIT 7.

Neva Hassanein, Northern Plains Resource Council, supports HB 160. EXHIBIT 8. She expressed desire for a stronger bill and praised EQC on the work accomplished.

Shannon McNew, Missoula, supports HB 160 and presented amendments. EXHIBIT 9.

Harley Warner, Montana Association of Churches, supports HB 160. EXHIBIT 10. He supports programs to reduce solid wastes and to encourage recycling of post-industrial and post-consumer wastes.

Opponents' Testimony: none

Questions From Committee Members:

REP. DICK KNOX asked if Ms. Weingartner would identify the poll she referred to. She could did not know who was the actual polling source. REP. RANEY asked REP. GILBERT if he supported his amendments including his computer use proposal. REP. GILBERT supports the amendments and would like to see computers at legislators desks.

Closing by Sponsor:

REP. GILBERT thanked everyone for the support of this bill. He felt a 25% reduction was a reasonable goal and could be viewed as the minimum. He agreed to amend the bill to state at least 25%. He stated bills too strong or too weak are not supported. A bill must reflect compromise to gain adequate support. REP. GILBERT views HB 160 as an important, giant leap in cleaning up our state. It is necessary to ease into it to gain support of the people. He stated this bill will make Montana a better place to live.

REP. RANEY closed hearing on HB 160 and called for executive action.

EXECUTIVE ACTION ON HB 161

Motion: REP.MARK O'KEEFE moved HB 161 DO PASS.

REP. GILBERT moved DO PASS on amendments.

Amendments, Discussion, and Votes:

Gail Kuntz, EQC staffer, stated the amendments clean up the language of the bill and pertain to Steve Pilcher's comments. Ms. Kuntz read the proposed amendments. EXHIBIT 11. The amendments clarify the bill is intended for any waste discharge, including waste that is not directly discharged into a state water source. The concern is that the term "discharge", as defined by DHES is too specific and does not reflect the intent of this bill. Removal of the term "discharge" will better reflect the intent of the bill and is more defensible in court.

Motion to adopt measure carried unanimously.

Recommendation and Vote:

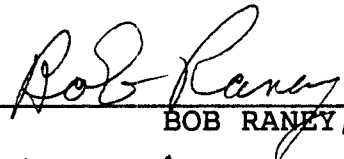
HB 161 AS AMENDED DO PASS unanimously.

Announcements:

REP. RANEY suggested the committee meet at House adjournment Wednesday to conduct Executive Action. Five bills are scheduled for hearing. REP. RUSSELL FAGG requested the committee consider a nonpartisan committee resolution to ask Montanans to reduce their energy consumption by 10%. This action would show support of troops in the Middle East and of the conservation movement. The committee will need to add specifics, such as ways to conserve fuel, to the draft resolution. REP. RANEY asked if the committee was in support of working on the resolution. The committee was in agreement. REP. RANEY suggested that committee members begin to think of conservation methods to include in the resolution.

ADJOURNMENT

Adjournment: 4:30 pm



BOB RANEY, Chair



LISA FAIRMAN, Secretary

BR/lf

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE Jan. 21, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN	✓		
REP. DICK KNOX	✓		
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

HOUSE STANDING COMMITTEE REPORT

6:15 PM
1-21-91
CML

January 21, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Bill 161 (first reading copy -- white) do pass as amended .

Signed: _____
Bob Raney, Chairman

And, that such amendments read:

1. Title, lines 8 and 9.

Strike: "A WASTE DISCHARGE"

Insert: "AN"

2. Page 1, line 25.

Strike: "for the purpose of discharging"

Insert: "that involves the placement of"

3. Page 2, line 2.

Strike: "discharge"

MR. CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS PETE FRAZIER, ENVIRONMENTAL HEALTH DIRECTOR WITH THE CITY-COUNTY HEALTH DEPARTMENT IN CASCADE COUNTY. I HAVE BEEN WITH THIS DEPARTMENT FOR 20 YEARS.

WE SUPPORT THIS BILL AND FEEL THAT THERE HAS ALWAYS BEEN A NEED FOR THE STATE TO HAVE MINIMUM STANDARDS FOR THE PROPER DISPOSAL OF SEWAGE ON PUBLIC AND PRIVATE PROPERTY. HOWEVER, WE ARE HERE TODAY TO PROPOSE AN AMENDMENT TO THIS BILL, SINCE THE INTRODUCTION OF THIS BILL HAS OPENED ^{THE} A STATUTE DEALING WITH LOCAL BOARDS OF HEALTH POWERS AND DUTIES.

ON PAGE 4 AFTER LINE 24 WE PROPOSE THAT THE FOLLOWING BE ADDED:

"(VI) FOR THE ISSUANCE OF LOCAL HEALTH DEPARTMENT PERMITS FOR THE OPERATION OF FOOD ESTABLISHMENTS, AS DEFINED IN 50-50-102(3)."

CURRENTLY ALL FOOD ESTABLISHMENTS THROUGHOUT MONTANA ARE REQUIRED TO HAVE A STATE HEALTH DEPARTMENT FOOD PURVEYOR LICENSE, IN ORDER TO OPERATE THE ESTABLISHMENT. WE HAVE FOUND OVER THE YEARS THAT IF IT BECOMES NECESSARY TO REVOKE A STATE HEALTH DEPARTMENT LICENSE AND CLOSE AN ESTABLISHMENT, DUE TO SERIOUS PUBLIC HEALTH REGULATION VIOLATIONS, IT HAS BEEN A TIME CONSUMING PROCESS GOING THROUGH THE STATE HEALTH DEPARTMENT LEGAL DIVISION'S CLOSURE PROCESS THAT THEY ARE REQUIRED TO FOLLOW. FOR MANY YEARS WE HAVE HAD A CITY OF GREAT FALLS ORDINANCE REQUIRING A HEALTH DEPARTMENT PERMIT TO OPERATE A FOOD ESTABLISHMENT WITHIN THE CITY LIMITS. WE HAVE ONLY USED THIS ORDINANCE AS A LAST RESORT, BUT, WHEN ABSOLUTELY NECESSARY FOR THE PROTECTION OF THE PUBLIC HEALTH, IT HAS BEEN AN EXTREMELY USEFUL PUBLIC HEALTH ENFORCEMENT TOOL, SINCE, AFTER DUE PROCESS AND OPPORTUNITY FOR HEARING, WE CAN PULL THE PERMIT AND CLOSE THE ESTABLISHMENT. HOWEVER, WE DO NOT HAVE STATUTORY AUTHORITY TO INSTITUTE A SIMILAR PERMIT SYSTEM IN THE AREAS OF CASCADE COUNTY OUTSIDE THE CITY LIMITS OF GREAT FALLS, SINCE NEITHER THE COUNTY COMMISSIONERS OR THE LOCAL BOARD OF HEALTH HAVE THE AUTHORITY TO ADOPT SUCH AN ORDINANCE OR RULE. THE AMENDMENT I PROPOSED WOULD GIVE LOCAL BOARDS OF HEALTH THE AUTHORITY TO ADOPT THIS USEFUL PUBLIC HEALTH PREVENTION TOOL, IF THEY SO DESIRED.

YOUR CONSIDERATION AND ADOPTION OF THIS AMENDMENT WOULD BE DEEPLY APPRECIATED.

THANK YOU.

EXHIBIT 1
DATE 1-21-91
HB 162

Amendments to House Bill No. 160
First Reading Copy

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

Prepared by Paul Sihler
January 19, 1991

1. Page 1, line 20.
Following: "25%"
Strike: "source"
Insert: "waste"

2. Page 2, line 17.
Following: line 16
Insert: "(4) 'Postconsumer material' means only those products generated by a consumer that have served their intended end uses and have been separated or diverted from the solid waste stream.
(5) 'Preconsumer material' means rejected stock, obsolete inventories, or other paper waste created by the mill or by conversion operations and that has not been sold to consumers.
(6) 'Recycled material' means material consisting entirely of postconsumer and preconsumer material and of which at least 50% is postconsumer material."
Renummer: subsequent subsections

3. Page 2, line 20.
Following: "resale;"
Strike: "and"

4. Page 2, line 22.
Following: "products"
Insert: "; and the purchase of products containing recycled material"

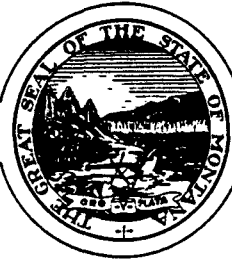
5. Page 3, line 8.
Following: "by"
Insert: "at least"

6. Page 4, line 8.
Strike: "."
Insert: "; and"

- OVER -

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 5
DATE 1-21-91
HB 1100



STAN STEPHENS, GOVERNOR

FAX #(406) 444-1499

STATE OF MONTANA

OFFICE 836 Front Street
LOCATION: Helena, Montana

MAILING Cogswell Building
ADDRESS: Helena, MT 59620

Solid and Hazardous Waste Bureau
(406) 444-1430

January 21, 1991

**DHES TESTIMONY ON HB 160
INTEGRATED WASTE MANAGEMENT BILL**

DHES is a proponent of the concept of integrated solid waste management and development of a State Solid Waste Management Plan. One of the greatest defects in the current state Solid Waste Program is a lack of knowledge about solid waste generation rates, disposal costs and waste movement in Montana. The existing State Solid Waste Management Plan is more than a decade out of date and thus of little use to planners and local governments faced with tough solid waste management decisions. Development of a new State Solid Waste Management Plan will allow basic data to be gathered on current solid waste management practices and then to anticipate future solid waste disposal capacity needs for Montana. The Plan will serve as a working tool for local governments and private industry.

The proposal in this bill to offer training for landfill operators is highly commendable. The benefits of landfill operator training is often immediately realized by landfill owners when hazardous materials are recognized and removed from the waste stream. Trained landfill operators will better manage the wastes during burial, extending landfill life by improved compaction and reducing the potential for leachate formation by correctly applying daily cover, thus reducing the amount of precipitation entering the waste.

DHES also supports the philosophy of solid waste source reduction, recycling and state government purchase of goods with a recycled material component. It makes good sense to reduce the amount of waste generated by state government, which will result in increased life expectancies for landfills. It also makes good sense for state government to take the lead in purchasing of goods with a recycled component. State government can and should assume a leadership role in the areas of waste reduction, recycling, and procurement of good containing a recycled materials component.



EXHIBIT 7
DATE 1-21-91
HB 160

The Montana Environmental Information Center Action Fund

• P.O. Box 1184, Helena, Montana 59624

(406)443-2520

Testimony on HB 160 by Christine Kaufmann representing the Montana Environmental Information Center

I stand in support of this bill because it puts into place a framework for a good solid waste program in Montana. This bill, and the bill that funds the state program are the cornerstones of the entire EQC package on solid waste.

So what's the problem this bill seeks to address?

In a nutshell, we throw away too much garbage. As a nation, we throw away about 160 million tons of it a year. About 40% of that is paper and paper products. Another 17% is glass and metals. Most of that could be recycled. Another 25% is yard and food wastes. Most of that could be composted. Compounding the problem are the disposable products and packaging-- items made just to be thrown away. These comprise one third of the volume of our landfills.

Montana contributes its share to this national problem. Each Montanan throws away 4 pounds of garbage a day. Our landfills are filling up. In 1965, there were about 500 dumps, today there are about 90. Many are leaking toxic substances which threaten our groundwater. Most are unprepared to respond to the new federal regulations.

How does this bill address the problem?

HB 160 sets a waste reduction goal of 25% by 1996 and sets out a hierarchy of integrated waste management alternatives. Waste reduction as the top priority, followed by reuse of items in their original form, recycling, and composting. These waste management options are all preferred over landfilling or incineration. The bill requires state agencies, the legislature, and the university system to implement source reduction and recycling programs and to develop a plan to purchase recycling products. The DHES is required to prepare and implement a comprehensive and integrated waste management plan. These are all good things for Montana.

How could the bill have been better?

However, we could do better. The major flaw with this bill is that communities are given no direction on how to begin to achieve the 25% reduction goal. They aren't asked to develop waste management plans or implement any programs. In addition, all the goals are targets only. There are no dates in here that are anything more than "we'll give it a try". It's not clear how we will measure progress toward that goal. 25% in 1996 is really low as far as goals go around the nation. The EPA goal is 25% in 1992. Montana could be doing alot better.

EXHIBIT _____
DATE _____
HB _____

"The truth is that all the paper purchased by the federal gov't could meet the EPA's definition for "recycling" and still not reduce the nations solid waste problem by one garbage truckfull."

DATE 1-21-91HB 160

By amending this bill to define recycled material as including at least 50% post-consumer will help to increase the demand for post-consumer recycled paper.

Infact, the recycled paper Industry sells hundreds of different types of paper in a variety of different shades, weights, grades, finishes and textures.

Post consumer paper is available and in many different content percentages.

We also want to give the departments that procure paper for the universities, state agencies, and legislature enough flexibility to purchase the most reasonably priced recycled paper.

Example:

There will be high quality grades of recycled paper that will be 25% more than the standard ^{cost} where there will be other grades which will be within 5% of the standard cost.

HB160 is a large step in the right direction and we do infact support. Please support it with our recommended amendment to define recycled material. *The main reason is to create a large market for gov't + private business to purchase post consumer recycled paper. Recycled paper.* At a later time Representative Sheila Rice will be proposing a bill to encourage procurement of paper consiting of postconsumer material by providing a timeline with tangeable percentages of post and pre consumer material.

Thank you.

Montana Audubon Legislative Fund

EXHIBIT 6
DATE 1-21-91
HB 160

Testimony on HB 160
House Natural Resources Committee
January 21, 1991

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents 2,500 members throughout the state.

We support HB 160. We see this bill as an important first step, in a series of steps, that Montanans need to make to "reduce, reuse and recycle" our waste.

While we support HB 160, we also support any attempts by this committee to strengthen this bill. In particular, we feel that the bill needs to be strengthened by at least two amendments:

- 1) Adding an amendment that defines "recycled ^{material} ~~paper~~."

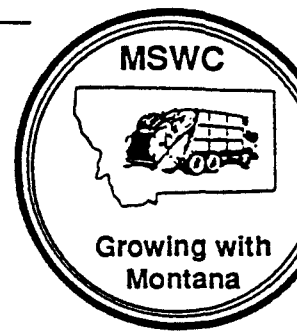
Not all paper made from "recycled products" is created equal. The wastepaper that needs to be used is called "post-consumer waste." It is the paper we discard from our homes and offices. It is the paper that would have been burned or buried at a landfill if it had not been recycled.

If post-consumer waste is not specifically identified as an important component of recycled paper, mills can sell the state paper composed of "mill broke" - the scraps produced in the papermaking process. While it is important to use these scraps, mills do use these scraps: if they didn't use them, they would go out of business.

2. The source reduction and recycling program for state government needs to have an evaluation process included in it (page 3-4, lines 19-8). Such an evaluation process ~~is~~ specified in the solid waste management plan developed for the entire state (page 7, line 25). We feel that it is important to specify that the state government plan be evaluated on a regular basis.

There are several other ways this bill could be strengthened. We understand that several pieces of legislation will be introduced this session to strengthen a Montana solid waste reduction program. We hope that this committee will seriously consider those stronger proposals.

The Montana Audubon Legislative Fund adopted a resolution last fall stating that we will "support the creation of markets for recyclables and support controls on solid waste disposal." We applaud the step that HB 160 takes towards this goal.



TESTIMONY OF MONTANA SOLID WASTE CONTRACTORS
January 21, 1991

For the record, my name is Sue Weingartner. I am executive director of the Montana Solid Waste Contractors, a state-wide trade association of private waste haulers.

In a 1989 poll, 52 percent of Americans surveyed consider disposal of solid waste a serious problem in their local communities. This issue ranks third in a list of leading local community concerns, below combating drug abuse and improving public education, but ahead of providing affordable housing and expanding police and fire protection.

14,000 Americans generate almost 160 million tons of trash a year--80 percent more than we did in 1960. Since 1978, an estimated ~~14,000~~ solid waste landfills--70 percent of those operating at the time--have closed. Today there are 6,000 landfills, and 2,000 of those are expected to close within 5 years.

Waste minimization and aggressive recycling will not solve solid waste disposal needs by themselves. The overall volume of garbage that must be sent to landfills will not decline significantly in the near future. HB 160 is a positive step forward in addressing our need for more integrated and environmentally protective waste management. We urge your support of HB 160.

MONTANA SOLID WASTE CONTRACTORS, INC.

Northern Plains Resource Council

EXHIBIT 8
DATE 1-21-91
HB 160

January 21, 1991

Testimony on House Bill 160 for Northern Plains Resource Council

My name is Neva Hassanein and I am on the staff of the Northern Plains Resource Council. NPRC supports House Bill 160 and the proposed amendments, as a step in the right direction for development of a waste reduction program in Montana. NPRC members believe that a solid waste program based on recycling, the use of products made from recycled materials, and source reduction protect the environment and public health. Despite what some may say, even Montana's space is limited and our resources must be protected, ^{and conserved.}

This bill could accomplish some good things which are currently lacking in Montana. In setting a waste reduction target, it gives us a goal upon which we can measure the success of the rest of program. The bill establishes a waste management hierarchy which we support. It also establishes a mechanism for recycling and procurement of recycled products in state government. This not only facilitates the development of a market for recycled products but it also sets a good example for the rest of the state. It ^{also} requires the Department to write a plan for waste management in Montana, a much needed piece.

The real question here is:

How do we get the citizens of Montana to recycle more? This is a question that EQC has grappled with for eighteen months. The preparation of the solid waste plan and the duties of the Department spelled out in sections 7 & 8 seem to be the answer EQC has come up with. If properly implemented these steps could go a

long way toward improving the awareness of Montanans about the importance of recycling and the opportunities to recycle. However, to a large extent this bill puts the burden for reaching the goal of 25% reduction on the state government. ^{+whereas, it really should be an individual} Adequate funding must be available to make it work, not only for the administration of the program, but ^{for} educational programs and for financial and technical assistance to local governments.

Does the bill go far enough to help us reach even the modest goal the bill establishes? Perhaps other approaches could have been incorporated, such as: policies prohibiting the disposal of recyclable and compostable materials into waste facilities; state mandates for re-use of bottles and recycling of cans; incentives for individuals and businesses to recycle and disincentives for not recycling; and/or tax breaks for processors of recycled materials.

In summary, perhaps the bill could have been stronger; however, we praise EQC for the work it has done on this issue and the proposal it has put forth. NPRC urges you to support it.

House Bill 160
"Montana Integrated Waste Management Act"
Shannon McNew
325 E. Front #5 Missoula, Montana 59802 542-0122

This integrated waste management legislation is important as a first step toward responsible waste management in Montana. The EQC, through its 18 month study, found an impoverished Solid and Hazardous Waste Bureau which was barely able to keep up with current regulatory obligations. It had no opportunity to look forward and devise a systematic, integrated plan for handling the state's solid waste. Even though Montana is not faced with a critical shortage of landfill space, which is often the impetus for states to rally around integrated solid waste management, comprehensive planning is clearly needed. The EQC acknowledged the problem was not one of real estate but one environmental responsibility. Our constitution guarantees us and future generations of Montanans a healthful environment. Yet, we are becoming more and more aware that our throw away society is causing problems the next generation will have to find a way to live with because it may be impossible to clean them up. This legislation will provide direction to the Bureau as it undertakes the timely task of bringing Montana up to speed with the rest of the country. We need integrated waste management in Montana and it's up to you as our representatives to provide the guidance this job requires. I urge you to support House Bill 160.

Comments about specific sections of the bill.

Section 2 (6). Change the definition of "waste reduction" to emphasize pre-consumer reduction.

Section 3. Increase the 25% target reduction goal. A voluntary target goal should not be a minimum standard, but something to strive for. Reducing the waste stream by 25% would be relatively easy. For example, yard waste constitutes up to 20% of the solid waste stream. Paper comprises over 40%. Targeting these two resources alone could provide the opportunity to surpass the low 25% target. A higher goal of 40-50% would send the message the legislature is serious about Montana changing its out-of-sight, out-of-mind habits.

Section 5. A recycling/reduction goal (of 40-50%) should be mandated for state institutions to ensure consistent implementation of legislative intent. Because paper makes up such a large percentage of bureaucratic waste a high reduction goal could be achieved.

Section 6 (4). Emphasis should be given to post-consumer waste in paper procurement policies. EPA guidelines for recycled products are lax in this area, allowing manufacturers to claim a product is made from recycled materials even if no post-consumer waste is used. To ensure strong market development for recyclables, Montana should insist on higher standards.

Section 7 (2)(f). The word "reducing" should be added. The section should read: a special waste and household hazardous waste element that identifies types and quantities of wastes that create special disposal problems and recommends methods for reducing, handling, collecting, transporting, and disposing of those wastes...

Montana

Association of
ChurchesMONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 745 • Helena, MT 59624

PHONE: (406) 442-5761

Date Submitted: January 21, 1991

Bill Number: HB 160

Submitted by: Harley E. Warner

WORKING TOGETHER:

American Baptist Churches
of the NorthwestChristian Churches
of Montana
(Disciples of Christ)Episcopal Church
Diocese of MontanaEvangelical Lutheran
Church in America
Montana SynodPresbyterian Church (U. S. A.)
Glacier PresbyteryPresbyterian Church (U. S. A.)
Yellowstone PresbyteryRoman Catholic Diocese
of Great Falls - BillingsRoman Catholic Diocese
of HelenaUnited Church
of Christ
Mt.-N. Wyo. Cont.United Methodist Church
Yellowstone Conference

Mister Chairman, members of the committee, I am Harley Warner. I am here this afternoon representing the Montana Association of Churches.

There are many reasons why the Montana Association of Churches is concerned about solid waste and resource recovery, reuse and recycling. Elements of the solid waste problem include continued growth in per capita solid waste generation, environmental and public health costs from waste disposal, including aesthetic damage, depletion of natural resources, waste of energy, and high economic costs for collection and disposal.


Relatively little of our waste is reused and recycled, yet it has been abundantly documented that virgin material extraction and the initial raw materials refining and processing activities are by far the most significant sources of the nation's environmental damage. In addition, a high rate of waste generation and a low rate of recycling indicates rapid depletion of our higher quality natural resources, both renewable and non-renewable.

We have much to gain both by reducing the volume of wastes, and by recycling and reusing more of it than we do presently.

Passage of House bill 160 would demonstrate a commitment to good stewardship and careful husbandry of resources.

The Montana Association of Churches supports programs to reduce the generation of solid wastes, and supports the recycling of post-industrial and post-consumer wastes. We also support policies and programs to increase the demand for those "secondary" materials.

The Montana Association of Churches therefore rises in support of House Bill 160.


Harley E. Warner
Legislative Liaison

Amendments to House Bill No. 161
First Reading Copy

Requested by Rep. Gilbert
For the Committee on Natural Resources

Prepared by Gail Kuntz
January 21, 1990

1. Title, lines 8 and 9.

Strike: "A WASTE DISCHARGE"

Insert: "AN"

2. Page 1, line 25.

Strike: "for the purpose of discharging"

Insert: "that involves the placement of"

3. Page 2, line 2.

Strike: "discharge"

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. 162 <sup>Bd of Health
septic system</sup>
DATE 1-21-91 SPONSOR(S) Gilbert

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Stan Bradshaw	Trout Unlimited	162		✓
Pete Frazier	City-Co. Health Great Falls	162		✓
Ed Platt	Park Co.	162		✓
Tony Grover	DHE S	160		✓
Joanne Chancer, PE	MT Tech. Council	162		✓
Jim Jensen	MEIC	162		✓

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Natural Resources

COMMITTEE

BILL NO.

160 Integrated waste mgmt ActDATE 1-21-91SPONSOR(S) Gilbert

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
HARLEY WARNER, ^{HELEN} BOX 715	MONT. ASSOC. OF CHURCHES	160		X
Pete Frazier	CITY-CD H&R ITR D-47 1130 17 Ave S.-GT Falls	160		X
Ed Platt	Park Co. Refuse	160		X
Tony Grouper	DHES	160		X
Chuck Mack	MNA			
Kristin Pace	MontPIRG	160		X
Janet Ellis	MT Audubon	160		X
Alle Neungair	MT Solid Waste Contractors	160		✓
Neva Hassanein	NPRC	160		✓
Stan Bradshaw	T.U.	160		✓
Larry Farnham	Cascade County	160		✓
Brian McNeil	MEIC	160		X
Chris Kumpf	MEIC	160		X

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Natural Resources COMMITTEE BILL NO. 166
 DATE 1-21-91 SPONSOR(S) Gilbert

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SHANNON MCNEV MISSOULA, MT		160		X
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Linda Lee	Audubon	160		X

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