

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Lawrence Stimatz, on February 1, 1991, at 3:00 p.m.

**ROLL CALL**

**Members Present:**

Lawrence Stimatz, Chairman (D)  
Cecil Weeding, Vice Chairman (D)  
John Jr. Anderson (R)  
Esther Bengtson (D)  
Don Bianchi (D)  
Steve Doherty (D)  
Lorents Grosfield (R)  
Bob Hockett (D)  
Thomas Keating (R)  
John Jr. Kennedy (D)  
Larry Tveit (R)

**Members Excused:** None

**Staff Present:** Michael Kakuk (EQC).  
Roberta Opel, Secretary

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

**Announcements/Discussion:** There were no announcements.

**HEARING ON SB 133**

**Presentation and Opening Statement by Sponsor:**

Senator Nathe, District 10, presented Senate Bill 133 to the Natural Resources Committee. Nathe explained that the bill would exempt underground storage tanks that are 1,100 gallons or less in capacity from the Montana Hazardous Waste and Underground Storage Tank Act. Nathe told committee members that one of his primary reasons for creating the bill was to alleviate problems created for senior citizens who are trying to sell property and have difficulty doing so because the cost of keeping the storage tanks up to code is prohibitive for some.

Proponents' Testimony:

Marvin Barber, Big Timber, appeared in support of SB 133, stating that passing the bill would create problems for those trying to sell property. Barber told the committee that the storage tank situated on the property he recently sold, "almost ruined" the sale of his property.

Lorraine Gillies, Montana Farm Bureau, appeared in support of SB 133 stating that the bill would bring Montana into conformity with federal regulations on underground storage tanks of 1100 gallons or less. Gillies said she felt the operator with a small tank would be generally more aware of a loss of content and quicker to respond to a possible leak.

Opponents' Testimony:

Jim Jensen, Montana Director of Environmental Information Center, expressed "strong opposition" to SB 133 stating that the purpose of underground storage tanks is to protect groundwater. "What the bill says, if it passes, is that we don't care about groundwater. These tanks leak," Jensen told committee members. If there is a leaking tank in the ground, Jensen said, the buyer can come back on the seller. Jensen stated that 93% of people in Montana get their water from groundwater.

Dan Powers, Butte-Silver Bow Health Department representative, stated that tanks 1100 gallons or less should NOT be exempt. "Kill this bill if you agree with groundwater protection," Powers concluded.

Jean Riley, Director of the Petroleum Tank Release Compensation Board, explained that the Board was concerned about the bill. Under SB 133, the Federal EPA (Environmental Protection Agency) would regulate commercial underground storage tanks under 1,100 gallons and not the state of Montana. These small commercial tanks would be excluded from coverage under the Petroleum Tank Release Cleanup Fund, Riley added. The only economical way that small commercial tank owners and operators can comply with the federal EPA financial responsibility requirements. Without this coverage, Riley stated, many small commercial tank owners and operators may have to close their business because they cannot comply with the federal EPA underground storage tank requirements.

John Geach, Department of Health and Environmental Sciences (DHES), appeared before the committee neither as a proponent nor opponent of SB 133. The passage of the bill, however, Geach said, would have several significant impacts. If SB 133 is passed, Geach advised the committee, the majority of Montana's underground storage tanks would NOT be subject to any form of regulation or environmental control. Currently, there are 18,360

underground storage tanks in use or tanks that have not been permanently closed in the state, Geach noted. Sixty percent of these tanks are 1,100 gallons or less in capacity. Approximately two thirds of the tanks in this category are farm or ranch tanks used to store motor fuels for non-commercial use or heating oil, Geach said. Leaks from these tanks, Geach told the committee, could threaten municipal water supplies and allow explosive vapors to seep into homes and businesses. Fourteen percent of all leaks reported to DHES are from farm, residential or heating oil tanks of 1,100 gallons or less, Geach noted. Current regulatory requirements for these tanks are minimal. The lack of a regulatory leak program to provide monitoring of these tanks could hamper real estate transactions within the state, Geach said. Prospective home buyers, real estate agencies and lending institutions are relying on the state's regulation of small tanks to provide a review process for tank removals and closures. If these tanks are exempted from regulation, Geach said, the state will not have the authority or funding mechanism to conduct evaluations and to oversee the proper cleanup from leaking tanks.

Jim Carlson, Director of the Environmental Health Program at the Missoula City-County Health Department, provided written testimony to the committee in opposition to SB 133. There are currently two small public water supply wells that are shut down in Missoula due to gasoline contamination and "we suspect small non-commercial tanks are involved in these contaminations," Carlson stated in his testimony. The gasoline, waste oils and solvents stored in small tanks have the same affects on the aquifer and groundwater that the larger commercial tanks have, Carlson continued. A large percentage of the tanks being considered for exemption in SB 133 are located in urban areas close to property boundaries where a leak has a high likelihood of affecting someone else's well or property, Carlson noted. "It is not appropriate, therefore, to exempt this class of tanks from regulations or fees. If you agree with groundwater protection as a priority, then this bill should be killed," Carlson said. "Small underground storage tanks are a significant threat to the groundwaters and they represent a large percentage of the underground storage tanks in the state," Carlson concluded.

#### Questions From Committee Members:

Senator Keating asked for a "narrower definition" of tanks situated on farmsteads. This definition, Keating said, might include tanks that are not situated in cities and towns and therefore could be exempt from this law. Without this narrower definition, Keating said, there could be a hinderance in the buying and selling of property for some. Senator Nathe responded by saying that he would go one step further and change the law to read that anyone with an underground tank in the ground currently (under 1100 gallons) must have the tank out by 1998 and if the tank is put back in the ground, there are criteria that must be met. Nathe stated that currently the same fines are imposed on a 300 gallon tank as a 50,000 gallon tank. That fine is currently

\$10,000 per day, Nathe said. Nathe told committee members that he was receptive to SB 133 being changed to state that anyone with an underground tank, must replace it by 1998 and follow the new guidelines which may include an annual fee. Prior to 1987, Nathe stated, people were asked to report tanks on their property, whether they were in use or not. Some of these tanks reported could not be removed because people could not afford the removal costs.

Senator Bianchi asked Geach what the experience of DHES is regarding these tanks leaking into the groundwater. Geach responded by stating that about 400 leaks have been reported to DHES to date and roughly 14 percent have been from small ranch and residential heating oil tanks. Some of these tanks, Geach said, have caused groundwater contamination.

Senator Bianchi inquired who levied the fines? Penalties are the same as the fines levied by the Hazardous Waste Management Act, Geach told committee members.

#### Closing by Sponsor:

Senator Nathe told the committee that he felt they knew what the problems were with underground storage tanks and that perhaps SB 133 did not provide all the answers but stated that he was willing to work with the committee. Nathe added there were two more bills regarding underground storage tanks that would be presented to this committee.

### HEARING ON SB 165

#### Presentation and Opening Statement by Sponsor:

Senator Harp told the committee that SB 165 was drafted at the request of the Department of State Lands is an act to increase the maximum allowed fire protection assessment for fire protection districts.

#### Proponents' Testimony:

Tim Murphy, Fire Management Bureau Chief for the Department of State Lands, appeared in support of SB 165. DSL was requested by the joint appropriations subcommittee in the 1989 legislative session to present a proposal to increase private landowner fees for forest fire protection. The DSL proposes that the fee be raised from \$14 to \$30, Murphy told the committee and that the per acre assessment rate be increased from the current \$0.17 maximum per acre rate to a \$.20 maximum per acre rate. The DSL is also proposing that the minimum assessment and all additional acreage over 20 acres be charged the per acre rate, Murphy said.

Mike Kopitzke, DSL, provided a chart displaying fire activity levels throughout Montana. Wildfire occurrences on properties of 20 acres or less represent a significantly higher proportion than acreage protected in those areas, Kopitzke stated. Increased residential development significantly increases the risks to human life and property, Kopitzke said. The proposed rate structure of a \$30.00 minimum and 20 cents per acre would allow the department flexibility to fund the fire program without changing the law each legislative session, Kopitzke told the committee. This was a second request of the past legislature, Kopitzke noted. This bill represents a shift from the general fund to private landowners, Kopitzke said. DSL has targeted the small landowners (20 acres or less) to be the main fire problem area.

Ed Grady, Representative from District 47, appeared in support of SB 165 because he felt that a shift of burden was needed because most of the fires seemed to be caused by or occurred close to subdivisions. The proposal will not be burdensome to any one individual, Grady reminded committee members, but will simply reportion funding.

Questions from Committee Members:

Senator Hockett asked if there were regulations on indiscriminate burning within subdivisions. Mike Kopitzke, DSL, explained that during forest fire season (May 1 through September 30), in order to have any open burning in a forested area, a burning permit must be obtained from the DSL.


Senator Grosfield questioned the cent-per-acre charge. Tim Murphy explained that the charge would be 20 cents per acre per 20 acres as requested by the amendments.

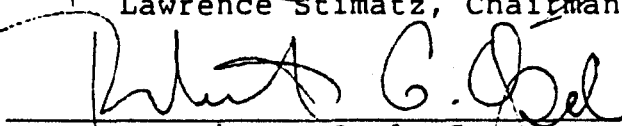
Closing by Sponsor:

Senator Harp did not provide further closing testimony.

ADJOURNMENT

Adjournment At: 4:20 pm

  
Lawrence Stimatz, Chairman

  
Roberta Opel, Secretary

LS/ro

ROLL CALL

Natural Resources COMMITTEE

2-1-91  
DATE

52nd LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Anderson	✓		
Senator Bengtson	✓		
Senator Bianchi	✓		
Senator Doherty	✓		
Senator Grosfield	✓		
Senator Hockett	✓		
Senator Keating	✓		
Senator Kennedy	✓		
Senator Tveit	✓		
Vice Chairman, Weeding	✓		
Chairman, Stimatz	✓		

Each day attach to minutes.



STATE OF MONTANA  
NATURAL RESOURCES  
DATE 2-1-91  
BILL NO. 80165  
BILL NO. 80165

TESTIMONY  
DEPARTMENT OF STATE LANDS

PRIVATE LANDOWNER FOREST FIRE ASSESSMENTS

**Introduction:** The joint appropriations sub-committee during the 1989 legislative session requested that the Department of State Lands present a proposal for an increase in private landowner fees for forest fire protection. In accordance with §76-13-201, Montana Code Annotated (MCA) the current structure allows for a minimum assessment of \$14.00 per owner per protection district or \$0.17 per acre. State law (§76-13-207, MCA) requires the Department to assess the private landowner no greater than one-third of the total fire appropriation. The remaining two-thirds is funded by state and federal funds.

**Background:** Prior to 1977 all forest landowners were charged a flat rate per acre for 2 classes of acreage. Since it was not economical to send a bill for forest fire assessments to small landowners, many were not assessed although they received fire protection. A minimum fee to small landowners was subsequently established in 1977. The 1985 legislature approved raising the assessments of \$0.16 per acre and \$6.00 minimum to the current \$0.17 per acre \$14.00 minimum. In 1988 and 1989 the Department assessed private landowners the maximum allowed by current statute. The one-third of the appropriation requirement was not met under the present rate structure these years.

Under the present rate structure the private landowner proportion of the fire appropriation is less than one-third of the base fire appropriation by \$229,000 for FY 92 and \$218,000 for FY 93. The Department has also submitted modification to the FY 92 and FY 93 budgets. If all these modifications are approved the shortfall will be \$385,000 for FY 92 and \$376,000 for FY 93.

**Proposal:** The Department of State Lands proposes to the legislature that the minimum fee be raised to \$30 dollars from the current minimum of \$14.00 and that the per acre assessment rate be increased from the current \$0.17 maximum per acre rate to a \$0.20 maximum per acre rate. The Department is also proposing that the minimum fee ownership be established at 20 acres. All parcels of forested land subject to forest fire assessments fees should be charged the minimum assessment and all additional acreage over 20 be charged the per acre rate. The Department recommends any increased assessments be placed on small landowners for the following reasons.

1. Subdivision laws in the State of Montana require that all subdivisions of land comply with the Montana Subdivision and Platting Act. This act applies to parcels of land less than 20 acres. This proposal defines 20 acres as the acreage limit between minimum and per acre fees.
2. Urban development is increasing in areas threatened by wildfires. Fire occurrence surrounding these areas can be attributed to human



activity. This proposal shows that fire activity increases as a result of urban and residential development in forested areas.

3. Wildfire occurrence on properties of 20 acres or less represent a significantly higher proportion than acreage protected in those areas.
4. Value per acre of small parcels is considerably higher than value per acre on larger tracts. Small subdivided parcels usually have buildings and other improvements that increase property value. Increased residential development significantly increases the risks to human life and property.
5. In addition to assessments fees, large landowners provide assistance in suppressing wildfires. This assistance includes manpower, equipment, detection, development of water supplies, roads, etc.

The following table shows the total amount required to achieve one-third of the fire budget from private landowners:

	Assessment Proportion	
	FY 92	FY 93
One-third Base Level	\$1,441,648	\$1,441,290
Block 5 & Philipsburg Fire	\$ 34,426	\$ 35,170
State/County Coop Fire	\$ 21,673	\$ 21,684
Capital Equipment	\$ 42,117	\$ 42,117
Structural Fire	\$ 58,500	\$ 58,500
TOTAL	\$1,598,364	\$1,598,761

Provided each modification of the budget is approved, approximately 1.6 million dollar will be assessed private landowners. Current level budgets will not require an immediate increase to the proposed maximum allowable rates. The Department plans on a combination of a \$22.00 minimum and maintaining the 17 cents per acre the Department to generate the necessary revenue. The proposed rate structure of a \$30.00 minimum and 20 cents per acre would allow the department flexibility to fund the fire program without changing the law each legislative session.

SENATE NATURAL RESOURCES  
EXHIBIT NO. 2  
DATE 2-1-91  
BILL NO. 81615

2/25/91

BYLAWS

WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE  
(As Revised January 10, 1988)

PREAMBLE

The Western States Legislative Forestry Task Force is a group of designated state legislators, whose decisions do not necessarily bind either the legislatures or state governments of their respective states, representing Alaska, California, Idaho, Montana, Oregon, Washington, and the provinces of British Columbia and Alberta which shall be associate members. Each state, by appropriate leadership, will dispatch appointed delegates to this Task Force; two delegates from its Senate and two from its House of Representatives or Assembly, plus contribution of some prorated share of funding necessary for essential actions of the Task Force and for the concomitant travel expenses of delegates.

The life and work of this Task Force are considered infinite; that is, there neither can nor should be a termination of its deliberations as long as the assurance of an adequate forest base to the West remains an issue within our nation. Individual members may come and go, as their terms of office or legislative considerations dictate, but the Task Force job of continuing contributions of public and private forests to the betterment of our country and the world must continue.

Specifically, this Task Force is charged with monitoring, on behalf of its member states, decisions of national and state executive administrations; decisions -- pending and past -- of state legislatures and of the Congress; decisions of state and federal agencies; and attitudes of all segments of society affecting the maintenance and utilization of forest lands, public and private, primarily in the West, whose fiber yield is essential to human survival, while recognizing the need to preserve and utilize a reasonable amount of our timbered land base to meet other multifaceted needs of Americans.

Finally, this Task Force is obligated to join all elements of American Society and government in actions to meet those challenges which would erode the nation's timber base for any seemingly expedient reason; to make certain that the United States will have for centuries beyond our view the productive forests to sustain its internal ecological balance, meet its recreational need, and fill its wood products demand.

1. Chair; Vice-Chair

- a. The Chair shall be elected annually to serve for a full calendar year, or until a successor is duly elected, and has such duties as the task force may authorize. Elections shall be held at the first meeting following state legislative elections. The Chair shall be rotated annually among the member states.

- b. The Vice-Chair shall be elected annually to serve for a full calendar year, or until a successor is duly elected, and has such duties as the Task Force may authorize or the Chair direct. The Vice-Chair shall be rotated annually among the member states.
- c. In the event that the Chair is no longer a Task Force member, the Vice-Chair shall serve until the next regular election.
- d. In the event that both the Chair and Vice-Chair are no longer Task Force members, a special provisional meeting of the quorum will be held to elect a new group of officers.
- e. The Chair and Vice-Chair shall not be representatives of the same state, nor shall either be able to succeed him or her self.
- f. The Chair or the Vice-Chair of the Task Force may be removed for just cause by unanimous vote of at least 12 members of the Task Force, with each state represented by at least one member.

## 2. Quorum

A quorum shall consist of 25% of the membership. The determination of a quorum may be challenged by any member within ten (10) days of such determination by filing such challenge in writing with the Chair of the Policy Committee. Upon such filing, the Policy Committee shall review and determine if the challenge shall be upheld. If the challenge is not upheld by the Policy Committee within ten (10) days of the filing of same, the determination of quorum present shall stand.

## 3. Voting

Voting shall be by an individual member but no action on a roll call vote shall be taken unless the determination of a quorum has been made and a majority of those present vote affirmatively. Written proxies may be exercised by another member from the same state. Before any final determinative vote is taken on a resolution, any member may request, and upon such request, the resolution concerned shall be reduced to a writing. Associate membership shall not possess voting privilege.

## 4. Meeting Notice

Notice of all meetings of the Task Force shall be sent at least 21 days in advance of the meeting.

## 5. Executive Director

The Executive Director shall be appointed by the Task Force from those names submitted with recommendations by the members. The

Director shall serve as Secretary of the Task Force and shall perform such duties as the Chair of the Task Force may direct. The nature of the employment will remain on an independent contractor-contractee basis. The salary and its provisions are negotiable.

#### 6. Frequency of Meetings

Meetings shall be called at the pleasure of the Chair but the Task Force shall be convened within 21 days of the demand of a majority of the member states.

#### 7. Fiscal

Dues and contributions from member states shall be deposited in a bank account in the name of the Task Force. The dues will be established by the formula adopted at Spokane, Washington. The Executive Director, with the concurrence of the chair shall disburse monies therefrom for necessary expenses of the Task Force. All disbursements are to be made by check with the signature of both the Chair, or Vice Chair, and the Executive Director.

Dues or contributions from associate members shall be established by negotiation with the Task Force, and shall be handled in the same manner as all other dues and contributions.

All fiscal records of the Task Force shall be annually reviewed by a certified public accountant chosen by the Chair with a concurrence of a majority of the members. A copy of all the records shall be sent to the appropriate legislative oversight committees at the end of the fiscal year, as directed by each state delegation or associate member.

#### 8. Policy Committee

- a. The Policy Committee shall consist of a legislator from each member state designated by the delegates from each state. The Chair shall represent his/her state on the Policy Committee.
- b. The Chair of the Task Force shall be the Chair of the Policy Committee.
- c. The action of the Policy Committee shall be limited to preparing policy statements consistent with established policy positions of the Task Force in response to issues and situations requiring action in such short time as to make a full Task Force meeting impossible. The Policy Committee may direct the Executive Director to take action in name of the entire Task Force.
- d. The Policy Committee may act by mail or phone when considered necessary by the Chair of the committee, but no action shall be taken unless four members vote affirmatively.

#### 9. Members Attendance

Should a member miss three consecutive meetings the leadership of the appropriate state House (assembly), or Senate, will be asked either to excuse the member officially or to appoint a substitute.



**MONTANA FARM BUREAU FEDERATION**

502 South 19th • Bozeman, Montana 59715  
Phone: (406) 587-3153

SENATE NATURAL RESOURCES

EXHIBIT NO. 1

DATE 2-1-91

BILL NO. SB-133

BILL # SB133 ; TESTIMONY BY: Lorraine Gillies

DATE 2/1/91 ; SUPPORT Support ; OPPOSE \_\_\_\_\_

Mr. Chairman, Members of the Committee:

For the record, I am Lorraine Gillies, speaking for the Montana Farm Bureau.

We support SB133 in that it will bring Montana into conformity with Federal regulations on underground storage tanks of 1100 gals. or less capacity. The operator with the small tank is generally more aware of a loss of content, and quick to respond to a possible leak.

We ask that this committee give SB133 a due pass.

Thank you.

SIGNED: Lorraine Gillies

— FARMERS AND RANCHERS UNITED —

person who wants

sources

[illegible]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

*Jean Riley*

Petroleum Tank Release Compensation Board  
Testimony on Senate Bill 133

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 2/1/91

BILL NO. SB 133

The Board has a concern on the definitional change to Underground Storage Tank. The way this bill reads, would cause small commercial underground storage tanks, under 1,100 gallons capacity to be regulated by the Federal EPA and not the State of Montana. This is a concern of the Petroleum Tank Release Compensation Board, but another more important repercussion of this bill is that these small commercial tanks would also be excluded from coverage under the Petroleum Tank Release Cleanup Fund. The Board's definition of Petroleum Storage Tank incorporates this definition for underground storage tank. The Fund is the only economical way that small commercial tank owners and operators can comply with the Federal EPA financial responsibility requirements. Without this coverage, many small commercial tank owners and operators may have to close their business because they can not comply with the Federal EPA underground storage tank requirements for financial responsibility.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 1 day of FEB, 1991.

Name: JOHN GERICH

Address: UNDERGROUND STORAGE TANK PROGRAM - DHEC  
CORSWELL BLD. HELENA, MT 59620

Telephone Number: 444-5970

Representing whom?

DHEC

Appearing on which proposal?

S/S 133

Do you: Support? ☐ Amend? ☐ Oppose? ☐

Comments:

REQUESTED TO INTERVIEW BY CHAIRMAN N  
COMMITTEE

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



*John Geachy*

SENATE NATURAL RESOURCES  
EXHIBIT NO. 3  
DATE 2-1-91  
BILL NO. SB 133

**Department of Health and Environmental Sciences  
Underground Storage Tank Program  
Informational Testimony SB 133**

The DHES appears today neither as a proponent nor opponent of SB 133. However, the Department feels the passage of this bill would have several significant impacts which this committee should be aware of.

If this bill is passed, the majority of Montana's underground storage tanks would not be subject to any form of regulation or environmental control. This proposed bill would exclude both commercially and privately owned underground storage tanks with the capacity of 1,100 gallons or less from regulation. Currently, there is a total of 18,360 underground storage tanks which are in use or have not been permanently closed in the state. Sixty percent of these tanks are 1,100 gallons or less in capacity.

In addition, the passage of this bill would place the Montana underground storage tank regulations in a position of being less stringent than Federal EPA requirements. This position would jeopardize the state underground storage tank program's primacy and approximately \$862,000 in annual EPA grants for the underground storage tank (UST) and leaking underground storage tank (LUST) programs. Many commercial businesses, governmental agencies and service stations have tanks which are 1,100 gallons or less in capacity and are subject to federal UST regulations and would continue to be regulated by EPA if SB 133 is enacted.

In Montana, both the state and local underground storage tank programs are funded by the annual registration fees currently assessed to all USTs. These funds provide for compliance inspections, program enforcement and tank owner educational and technical services. The exemption of the 10,943 tanks, which are 1,100 gallons or less in capacity, would have a major impact on the program by reducing the annual level of funding by \$218,860.

Approximately two thirds of the tanks in the 1,100 gallon or less capacity category are farm or ranch tanks used to store motor fuels for non-commercial purposes or heating

MISSOULA  
COUNTY

SENATE NATURAL RESOURCES

CITY-COUNTY HEALTH DEPARTMENT

301 W. ALDER

MISSOULA, MONTANA 59802

(406) 721-5700

EXHIBIT NO. 4

DATE 2-1-91

BILL NO. SB 133

Testimony for Senate Natural Resources Committee  
Concerning Senate Bill 133

Chairman Stimatz and Committee Members:

My name is Jim Carlson. I am the Director of the Environmental Health Program at the Missoula City-County Health Department. The Missoula City-County Health Department is in opposition to Senate Bill 133.

Four years ago we had a major tank leak occur in urban Missoula. This particular tank was a 1000 gallon tank which was privately owned and not used for commercial distribution and sales. The leak eventually affected 28 homes in the Missoula urban area to the extent that all of the private wells on those properties had to be replaced. At the present time we have two small public water supply wells which are shut down due to gasoline contamination. Again we suspect that small non-commercial tanks are involved in these contamination episodes. Unfortunately the gasoline, waste oils and solvents which are stored in these types of tanks have the same devastating affects on the aquifer and groundwaters that the larger commercial tanks have.

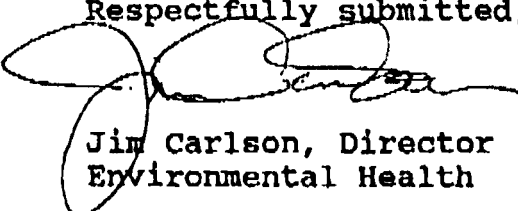
Because a large percentage of the tanks being considered for exemption in this Bill are located in urban areas relatively close to property boundaries where a leak has a high likelihood of affecting someone else's well or property, it is not appropriate to exempt this class of tanks from regulations or fees. Deleting the fees from this category of tanks would have a severe adverse impact upon the local Underground Storage Tank Programs. The State Solid Waste Bureau has indicated that the loss of revenue from this source would essentially remove their capability to fund local underground storage tank programs. The consequence of no funding for local programs would mean inadequate inspections and a high likelihood of continuing aquifer contamination problems from underground storage tanks. These local administrative efforts are very necessary to ensure that underground storage tanks comply with the state requirements and become a minimal risk to aquifer contamination.

Over the past year, our division has been inspecting local potential sources of contamination. Out of 167 inspections conducted, we located 31 underground storage tanks which had not been registered with the State Solid Waste Bureau. Considering the fact that these registrations were required on May 1, 1986, emphasizes the need for a complete and properly funded inspection and enforcement program.

We feel the State's first priority should be to ensure that state waters which are used for public and private water supply purposes are protected to the greatest extent possible.

If you agree with groundwater protection as a priority, then this Bill should be killed. Small underground storage tanks are a significant threat to the groundwaters and they represent a large percentage of the underground storage tanks in the State of Montana.

Respectfully submitted,



Jim Carlson, Director  
Environmental Health

WITNESS STATEMENT

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE NATURAL RESOURCES

EXHIBIT NO. 6

DATE 2-1-91

BILL NO. SB 133 WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 1 day of Feb, 1991.

Name: Jim Den Boers

Address: 25 W. Front St ; Butte, MT.

Telephone Number: 723-3274

Representing whom?

Butte Silver Bow

Appearing on which proposal?

S.B. 133

Do you: Support?        Amend?        Oppose? X

Comments:

Also will submit written testimony  
For Jim Carlson, Environmental Health  
Director for Missoula City-County Health  
Dept. in opposition of S.B. #133

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Amendments to Senate Bill No. 133  
First Reading Copy

Requested by Senator Keating  
For the Committee on Natural Resources

Prepared by Michael S. Kakuk  
February 8, 1991

1. Title, line 4.  
Following: "EXEMPTING"  
Insert: "NONCOMMERCIAL"
2. Title, line 7.  
Following: "75-10-403"  
Strike: ", 75-10-405,"
3. Page 6, line 4 through line 6.  
Following: "any" on line 4  
Strike: "tank" on line 4 through "capacity" on line 6  
Insert: "farm or residential tank with a capacity of 1,100  
gallons or less that is used for storing motor fuel for  
noncommercial purposes"
4. Page 6, line 7 through page 9, line 7.  
Strike: section 2 in its entirety  
Renumber: subsequent section