MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Vice-Chairman Cecil Weeding, on February 8, 1991, at 3:00 p.m.

ROLL CALL

- Members Present: 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: Chairman Lawrence Stimatz (D) Vice-Chairman Cecil Weeding (D)
- 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 211

Presentation and Opening Statement by Sponsor:

Senator John Harp appeared before the committee to present SB 211. SB 211 is presented with no other interest group in mind except myself, Harp told the committee. As a legislative member of the Environmental Quality Council (EQC) and after experiencing problems with "a very few people," (in the mining and timber industry), I believe we need to consider a higher penalty for people who violate water quality standards." Harp stated that he felt "compelled" to raise the civil penalties from \$10,000 to \$25,000. Harp said that he hoped the provisions for leveling

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SENATE NATURAL RESOURCES COMMITTEE February 8, 1991 Page 2 of 7

increased fines within SB 211 would "start to make examples of people who continue to disregard water quality." Harp continued by saying that he would like the fines to go toward the Environmental Quality Protection Fund (EQPF) rather than the General Fund.

Proponents' Testimony:

Kevin Keenan, Environmental Enforcement Officer for the Water Quality Bureau, Department of Health and Environmental Sciences, appeared in support of SB 211. (SEE EXHIBIT #1).

Stan Bradshaw appeared on behalf of Trout Unlimited in support of SB 211. Bradshaw told the committee that he felt the likelihood of collecting a \$25,000 would be "relatively rare". Bradshaw said he felt, however, that it was good to have the penalty section of this bill conform with federal law. Bradshaw proposed an amendment to SB 211. (SEE EXHIBIT #2).

Jane Lopp, Chairman of the Flathead County Health Board, appeared in support of SB 211. Lopp told the committee that, considering inflation, "perhaps the \$25,000 is not stiff enough".

Don Allen, Montana Wood Productions Association, testified in support of SB 211. The "real answer" to protecting water quality is education, Allen said, which is an ongoing process. Because education does not "get everyone's attention," the penalty tool would be the second choice of effectiveness, Allen said.

Stuart Doggett, Montana Mining Association, supported SB 211. Doggett said the mining association would like to see those people penalized who do not comply with current standards of water quality.

Opponents' Testimony:

There were no opponent's to SB 211.

Questions From Committee Members:

Senator Keating asked John Keenan if there was a scale within the codes that would determine the fine to be levied? Keenan stated there wasn't a section devoted to what the level of the fine should be. What is done, Keenan told the committee, is to file civil complaints which seek the maximum penalty per day, "in many cases". Most of these claims, Keenan said, are settled out of court.

Senator Bengtson asked how much money was in the EQPF and what this money has been used for. Keenan said he did not know the amount currently in the EPA fund, but offered to find out for the SENATE NATURAL RESOURCES COMMITTEE February 8, 1991 Page 3 of 7

committee.

Senator Grosfield asked John Keenan, DHES, how fines were determined. Keenan stated that probably every defendant was confronted with a civil complaint which requested the statutory Most of these cases, however, were settled out of court maximum. for less than the maximum. Grosfield told the committee that he was "uneasy" that there weren't guidelines for degrees of violations. Grosfield said he would like to see the adoption of guidelines for fine levying. Keenan added that violations are determined by initially taking a water sample on a daily and then weekly basis. When this water analysis shows a violation has occurred, the potential for seeking a penalty for that violation would be present, Keenan said. Rarely is there a penalty assessed on the basis of one violation, said Keenan, except perhaps in the case of too much Phenol, oil or grease being discharged into a river on a daily basis.

Closing by Sponsor:

Senator Harp offered no closing statements on SB 211.

HEARING ON SB 245

Presentation and Opening Statement by Sponsor:

Senator Dennis Nathe, District 10, presented SB 245 to the committee. This bill, Nathe said, is an act exempting from underground storage tanks regulations those tanks used for storing heating fuels.

Proponents' Testimony:

Pat Smith, tribal attorney for the Federated Kootenai and Salish Tribes, told the committee that the tribes supported both of Senator Nathe's underground storage tank bills (SB 245 and 247) because of a controversy that has arisen on reservations in the last six months. Last summer the tribes received a letter from the Department of Health requesting they pay the registration fees for underground storage tanks, Smith said. A decision was made by the Department of Health at that time, that they did have jurisdiction on tribal and Indian lands. As a consequence, a notice went out to all fuel vendors not to fill any tanks unless they had state tags. This created a problem for those tanks situated on tribal lands that were not tagged because "we did not want to forfeit our jurisdiction to have these tanks filled," Smith added. A remedy was sought in tribal court and the attorney general was contacted to resolve the problem. There is an effort currently underway, Smith said, to resolve the problem by June 15. Because the EPA has jurisdiction on underground storage tanks on tribal lands, we support Senator Nathe's approach to having UST quidelines more consistent with the EPA, Smith concluded.

SENATE NATURAL RESOURCES COMMITTEE February 8, 1991 Page 4 of 7

Brendon Beatty, Montana Association of Realtors, testified in "strong support" of SB 245. Beatty stated he felt the bill was a "good consumer protection bill." If there is a problem with an underground storage tank on property that is being sold, it is presently the buyer's responsibility to remove this tank before it is sold. The FHA "will not touch" a loan on property with an underground tank, Beatty said. Under state regulations, the rate for removing these tanks is about \$1500 to \$3000.

Senator Swysgood, District 73, appeared in support of SB 133, 245 and 247. "Most of the complaints I received in the interim were from folks faced with the problems caused by the underground storage tanks," Swysgood said. In rural areas, where oil was the primary heating source, and now the primary source is natural gas, removing these heating oil tanks has a become a problem for those on fixed incomes, he added.

Opponents' Testimony:

Chris Kaufmann of the Environmental Information Center appeared in "strong opposition" to SB 245 stating that the bill did not allow for necessary monitoring of underground storage tanks. (EXHIBIT #1).

Jim Carlson, Director of Environmental Health in Missoula, appeared in opposition to SB 245 mainly, Carlson said, because there are numerous groundwater problems in Missoula that could be attributable to leaking underground storage tanks. The same corrosive processes that occur on large tanks occur on small tanks, Carlson said, and when drinking water has to be shut off due to contamination, those people are not interested in the size of the storage tank or the type of fuel if they have something that is not palatable coming out of their faucet. Existing tanks as well as new tanks going into the ground need to be monitored, Carlson said.

Jane Lopp, Chairman of Flathead County Health Department, testified against SB 245. Leaking underground storage tanks are a significant source of underground contamination and a potential hazard for fire and explosion. Improper installation and closure accounts for this leakage problem, Lopp added. Many tanks are installed under "less than optimum conditions," Lopp said. "Our board feels this proposed legislation is contrary to the spirit and purpose of the EPA."

Stacy Jovick, resident of Livingston, testified against SB 245. Jovick stated that she was indirectly affected by the Church Universal and Triumphant's underground tank storage problems.

Susan Lenard, on behalf of the Montana Audubon Legislative Fund, appeared in opposition to SB 245. (EXHIBIT #2).

SENATE NATURAL RESOURCES COMMITTEE February 8, 1991 Page 5 of 7

John Geach, Department of Health and Environmental Sciences (DHES) appeared as neither a proponent or opponent to SB 245. Testimony was distributed to committee members. (EXHIBIT #3).

Questions From Committee Members:

Senator Grosfield asked Senator Nathe to characterize the size of the tanks being considered in SB 245. Nathe stated that this bill would exempt all sizes. "We have caused people some problems and we have caused them to spend a lot of money on these tanks," Nathe said, noting that neither North Dakota, California nor Wyoming "would touch their current underground storage tank situation".

Senator Bengtson asked Senator Nathe what his alternative would be? Nathe responded that either the tanks should be exempt or a law passed giving people until 1998 to remove their tanks from the ground and obtain a permit if they need to secure another tank. This would eliminate the legal confusion for those buying or selling property, Nathe added.

Senator Bianchi asked Brendon Beatty why the real estate board is in favor of this bill? Beatty stated the board is mostly concerned with the tanks that have been abandoned and ultimately become the responsibility of the buyer of the property to remove and/or license.

Senator Doherty inquired about a centralized listing of underground storage tanks showing their location, etc. John Geach, DHES, responded that DHES is attempting to provide a data base to register these tanks. Calls are received daily from realtors, vendors and insurance companies asking what tanks may be located on a particular piece of property. We are attempting to provide a registry of tanks and assist tank owners in operating their tanks properly and coming up with some design standards to coincide with consumer protection laws, Geach added.

Senator Hockett wondered if people were going to have to dig up all their tanks immediately. John Geach said 40% of the tanks in Montana are between 15 and 25 years old. EPA rules currently allow heating oil tank owners until December 22, 1998 to remove the tanks or bring them up to the post 1985 standards regarding tank construction, Geach said.

Senator Bengtson asked if there was a way to pass this bill and come up with a remedy so that people will either dig their tanks up and keep the titles clear until this is done. Michael Kakuk, legal counsel, suggested a sub-committee could be formed to look at this issue with department personnel and Senator Nathe and come up with a different resolution to this issue. Whatever we do under state law, Kakuk said, is not going to address liability if there is a tank there. The banks will be concerned about it because if the tank leaks, someone will be liable and they will

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be worried about their investment, Kakuk added.

Closing by Sponsor:

Senator Nathe told the committee that anyone buying an underground storage tank would have to buy a 10 gauge tank which differs from the gauge of above ground tanks. Below ground tanks are heavier to keep the dirt from collapsing the tank, Nathe said.

HEARING ON SB 247

Presentation and Opening Statement by Sponsor:

Senator Nathe stated that SB 247 is similar to his two previous bills, SB's 133 and 245 but deals specifically with piping. SB 247 does not attempt to deregulate any piping except when a homeowner digs up a tank, puts it above ground and then would be subject to certain guidelines.

Opponents' Testimony:

Jim Carlson, Missoula County Health Department, testified against SB 247. Carlson stated that education about ground lines and their safety installation. Underground lines could be exempted from the bill, Carlson said, by simply lining the outside of the underground copper liner. It is the Missoula Health Department's intent, Carlson said, to provide information to people the alternatives to show them how to get their above ground tank and its line off of the state system, and therefore, they would not have to be permitted.

Chris Kaufmann, Montana Environmental Information Center, appeared in "strong opposition" to SB 247. The EPA reports that over half of all underground storage leaks are problems with piping. Contents in the pipes are often under pressure, Kaufmann said, which causes a greater amount of product to escape in a shorter period of time. The most common problems with piping are poor workmanship during installation and use of the wrong joint compounds. This bill would allow new tanks to be installed with "do-it-yourself homeowners with any kind of materials without inspection. The gallon of petroleum that it takes to contaminate one million gallons of water doesn't matter if it comes out of the pipe or the main body of the tank, it still contaminates the water, Kaufmann said. "We have a program in place currently that does a good job of regulating underground storage tanks and we think you should protect it," Kaufmann concluded.

Jane Lopp, Flathead City-County Health Department, appeared in opposition to SB 247. The removal of piping from underground storage tank regulations would potentially threaten groundwater by unregulated loss of petroleum products, Lopp said. "The SENATE NATURAL RESOURCES COMMITTEE February 8, 1991 Page 7 of 7

Flathead Health Department feels that this proposed legislation is contrary to the spirit and purpose of the legislation that has been on the books in Montana protecting the public's health," Lopp concluded.

Susan Lenard, Montana Audubon Legislative Fund, appeared in opposition to SB 247. (SEE EXHIBIT #1).

Questions From Committee Members:

There were no questions from the committee.

Closing by Sponsor:

Senator Nathe closed stating that most people try to reduce their lives to the simplest terms... "the \$20 annual fee irritates people." If the tanks are not going to be exempt, look at some way for people to get away from having to pay this annual fee on a quarter inch copper tube, Nathe said.

ADJOURNMENT

Adjournment At: 4:40 pm

Roberta Secretary

LS/ro

ROLL CALL

	Resources COMMITT	EE	2-8-91			
52 Nd LEGISLATIVE SESSION						
NAME	PRESENT	ABSENT	EXCUSED			
Senator Anderson						
Senator Bengtson						
Senator Bianchi						
Senator Doherty						
Senator Grosfield						
Senator Hockett						
Senator Keating						
Senator Kennedy						
Senator Tveit	$\langle \rangle$					
Vice Chairman, Weeding						
Chairman, Stimatz		•	~			

Each day attach to minutes.

COMMITTEE ON NATURAL REMARK

VISITORS' REGISTER

	VISITORS' REGISTER				
NAME	REPRESENTING	BILL #	Check One Support Oppose		
KEVIN KEENAN	Det Health + ENV. Sec	55 211	v	oppose	
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SENATE NATURAL RESOURCES

EXHIBIT NO. DATE

STATE OF MONTANA DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES

> MONTANA WATER QUALITY ACT SECTION 75-5-631 MCA CIVIL PENALTIES COLLECTION SUMMARY 1976-1990

During the period of this summary, the Department has collected civil penalties pursuant to the Montana Water Quality Act (75-5-631 MCA) in the amount of \$443,100 from sixty (60) defendants in civil court action.

Over the last ten year period the total collections per year are:

1990\$72,000
1989\$49,400
1988\$29,100
1987\$28,500
1986\$17,000
1985\$24,250
1984\$34,250
1983\$19,000
1982\$ 2,000
1981\$15,750

The ten year average penalty collection is \$29,125 per year.

prepared by: Kevin Keenan, WQB-DHES 1-30-91

UNTE 2-8-9

SENATE BILL 211 Proposed Amendments From Montana Trout Unlimited

At p. 2, line 13, strike everythings from "fines " through "fund" on line 14, and insert "DISPOSITION OF FINES AND CIVIL PENALTIES."

At p. 2, line 14, Strike "fines", and insert "(1) EXCEPT AS PRO-VIDED IN SUBSECTIONS 2 AND 3, FINES AND CIVIL PENALTIES"

At p. 2, line 16, strike everything from "environmental" through "75-10-704", and insert "WATER QUALITY REHABILITATION ACCOUNT PROVIDED IN [SECTION 1 OF HB 414, LC 0504]."

At p. 2, line 17, insert "(2) A MAXIMUM OF \$20,000 IN FINES AND CIVIL PENALTIES MAY BE DEPOSITED IN THE WATER QUALITY REHABILITA-TION ACCOUNT IN ANY FISCAL YEAR. FINES AND PENALTIES IN EXCESS OF \$20,000 MUST BE DEPOSITED IN THE GENERAL FUND. "

(3) WHENEVER THE AMOUNT OF MONEY IN THE WATER QUALITY REHA-BILITATION ACCOUNT EXCEEDS \$100,000, ALL SUBSEQUENT FINES AND CIVIL PENALTIES MUST BE DEPOSITED IN THE GENERAL FUND."

At p. 2, line 20, before "In", insert "(1)"

At p. 3, on line 2, strike everything from "Costs" through "75-10-704" and insert (2) "ANY COSTS AND EXPENSES RECOVERED BY THE DEPARTMENT UNDER SUBSECTION 1 ACTIONS THAT THE DEPARTMENT FI-NANCED WITH MONEY FROM THE WATER QUALITY REHABILITATION ACCOUNT IN [SECTION 1 OF HB414/LC0504] MUST BE DEPOSITED IN THE WATER QUALITY REHABILITATION ACCOUNT.

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At p. 3, line 6, strike section 5 in its entirety.



The Montana Environmental Information Center Action Fund

• P.O. Box 1184, Helena, Montana 59624 EXHIBIT NO

Testimony in opposition to SB 245 By Chris Kaufmann of the Montana Environmental Information Center Bill 100

MEIC stands in strong opposition to SB 245. This bill would exempt all underground heating oil tanks from regulation by the state program. That means these tanks would not be registered, would not be subject to the state's standards for design and leak detection systems, would not be reviewed for proper installation and closure. Leaks from unregulated tanks would more likely occur and would more likely go undetected for a longer period of time. The program would not have authority to issue cleanup orders. This bill would exempt over 1,500 known tanks.

Many residential heating oil have a small capacity. These small tanks are just as likely to leak as the large commercial tanks. In fact, they are more suseptable to corrosion, because they are constructed of a smaller gauge steel. They are often burried close to drinking water supplies

This bill would also exempt heating oil in larger tanks, such as those at hospitals, schools, and government buildings. These tanks also present a serious threat to the environment. Right now in Montana there are 97 schools with heating oil tanks older than 15 years. Leaks have been reported at 19 schools.

Banks are increasingly concerned about environmental liability on farm and residential properties. Some banks in the Northwest are doing on-site inspections for environmental problems. The Farm Credit Bank in Spokane, one of the largest lenders for farm land transactions in the area requires documentation of underground storage tanks. In makes sense for these tanks be part of a state program--to be registered and inspected.

Whether we're talking about commercial tanks or heating oil tanks, we're talking about essentially the same product-petroleum. It takes only one gallon of petroleum to contaminate one millon gallons of drinking water to the point where it cannot be consumed. Your constituents will not care if that gallon came from a heating oil tank or a gasoline tank. They will not care whether it came from from the main body of the tank or the piping (as Sen. Nathe proposes in SB 247)-- or for that matter, from a tank of 1,200 gallons, or 1,000 gallons (as Sen. Nathe proposed in SB 133, which your heard last week)

Department of Health and Environmental Sciences Underground Storage Tank Program Informational Testimony **8B 245**

COMBIT NO

The DHES appears today neither as a proponent nor opponent of SB 245. The Department would like to call the committee's attention to several important aspects as it considers this proposed bill.

This bill would exempt all underground heating oil tanks from current state regulatory requirements. This would include all heating oil tanks located at homes, businesses, schools and institutions. This bill would also eliminate the requirement that owners of heating oil tanks submit permit applications for review or obtain permits from the department for tank installations, modifications, repairs or closures.

The major fuel used for heating in the state is #1 and #2 diesel fuel. Diesel fuel poses significant human health and environmental threats when released into the environment, whether the release is from a diesel tank or heating oil tank. Commercial diesel fuel storage tanks are fully regulated by EPA regardless of the tank size. EPA has deferred regulation of heating oil tanks because of the administrative workload that would be required to regulate the nation's estimated 3 millon heating oil tanks. EPA has encouraged states to develop their own regulations for heating oil tanks. Currently 20 states regulate underground heating oil tanks.

A heating oil tank is typically manufactured from a thinner gauge steel than commercial fuel storage tanks which renders it more susceptible to external corrosion and leakage. Forty percent of Montana's heating oil tanks are in the 15 to 25 year old category and nearly all are constructed of bare steel and lack corrosion protection. In addition, many of the state's heating oil tanks are concentrated in communities where natural gas is not available. Leaks from these tanks could threaten municipal water supplies and

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<u>WITNESS STATEMENT</u> MIL $2-8-91$ To be completed by a person testifying or a person who wants
To be completed by a person testifying or a person who wants their testimony entered into the record.
Dated this <u>8</u> day of <u>February</u> , 1991.
Name: Brendan R. Beatly
Name: Brendan R. Beatty Address: 208 N. Montana # 105
Telephone Number: <u>443-4032</u>
Representing whom?
MT Assor. 1 Realtors
Appearing on which proposal? 573 + 345
Do you: Support? Amend? Oppose?
Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE NATURAL RESOURCES EXHIBIT NO. 7 DATE 2-8-91						
DATE 2-8-91						
WITNESS STATEMENT St. AU. SB 245						
To be completed by a person testifying or a person who wants their testimony entered into the record.						
Dated this 7 day of F_{XB} , 1991.						
Name: SELIDEN S. FRISBEC-						
Address: 117 Zun Arts S.E.						
Address: 117 ZNA Art S.E. CUT BANK, Mr 59427						
Telephone Number: 406-873-2763						
Representing whom?						
North. Mr. Joing RERUSE DISPOSAL DISTRICT						
Appearing on which proposal?						
Do you: Support? X Amend? X Oppose?						
Comments:						
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

	FACILITY	C FACILITY NAME	ONFIRMED RELE	CONFIRMED		UNDER	100 GALL GROUND WATER IMPACT	DATE CLEANUP	DATE	2-	8-1 88	SUURCES
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	31-03620	JOINT SCHOOL DISTRICT #2	ALBERTON	8-22-89	x	x		12-13-89	8000	HEAT	01L	N/A
	18-08076	PIEGAN BORDER STATION	BABB	12-21-89	x	x		5-15-90	4000	HEAT	01L	N/A
_	56-01187	CORETTE PLANT	BILLINGS	10-13-89	x	x	x		8000	HEAT	01L	N/A
65	21-00034	ROCKY BOY SCHOOL	BOX ELDER	12-14-90	x	x	x	•	10000	HEAT	01L	N/A
1	47-10132	ST. JAMES COMMUNITY HOSP.	BUTTE	12-10-90	x	x			3000	HEAT	01L	N/A
	50-03600	DUTTON PUBLIC SCHOOLS	DUTTON	5-8-89	x	x		11-7-90	8300	HEAT	01L	N/A
4	32-06383	FRENCHTOWN	FRENCHTOWN	1-7-91	X	x			8000	HEAT	01L	N/A
ala sara	07-08958	BUILDING 1089	GREAT FALLS	10-18-90	X	x			2000	HEAT	01L	N/A
	23-05904	HOBSON SCHOOLS	HOBSON	1-31-90	x	x	x		10000	HEAT	OIL	N/A
	15-11778	ARMY RESERVE	KALISPELL	12-11-90	x	X			1500	HEAT	01L	N/A
Sal Car	09-00256	HOLY ROSARY HOSPITAL	MILES CITY	11-5-90	X	x			12000	HEAT	OIL	N/A
	46-00157	OUTLOOK SCHOOL	OUTLOOK	7-17-90	x	x	x		10000	HEAT	01L	N/A
_	24-02867	CHERRY VALLEY SCHOOL	POLSON	2-2-90	x	x		11-20-90	4000	HEAT	01L	N/A
2	24-06496	ST. JOSEPH CONVALESCENT	POLSON	6-16-90	X	x			1500	HEAT	01L	N/A
	10-01250	PIONEER INN	SCOBEY	6-4-90	x	X	х		12000	HEAT	OIL	N/A
	31-01518	SUPERIOR ELEM. SCHOOL	SUPERIOR	12-3-90	X	x			10000	HEAT	OIL	N/A
	31-01518	SUPERIOR HIGH SCHOOL	SUPERIOR	3-15-90	x	x	х		10000	HEAT	01L	\$43856 EST
1	04-03309	BROADWATER CTY. HIGH	TOWNSEND	8-22-90	x	x	х		10000	HEAT	01L	N/A
	27-09571	BN TROY PRINT	TROY	9-8-88	x	x			2500	HEAT	01L	N/A
	56-04326	SCHOOL DISTRICT #24	WORDEN	11-12-90	x	x	x		9000	HEAT	01L	N/A
0.75												

TOTAL NUMBER OF TANKS=

20



• P.O. Box 1184, Helena, Montana 59624 Testimony in opposition to SB 247

(406)443-2520

By Chris Kaufmann of the Montana Environmental Information Center

MEIC stands in strong opposition to SB 247. This bill would exempt from regulation all above ground storage tanks with underground piping. That means these tanks would not be registered. would not be subject to the state's standards for design and leak detection systems, would not be reviewed for proper installation and closure. Leaks from unregulated tanks would more likely occur and would more likely go undetected for a longer period of time. The program would not have authority to issue cleanup orders.

The EPA reports that more than half of all leaks from underground storage tanks are problems with the piping. Contents in the pipes are often under pressure, allowing a great deal of product to escape in a short period of time. The most common problems are poor workmanship during installation, use of the wrong joint compounds or piping materials, and improper attention to the bedding materials. This bill will allow new tanks to be installed by "do-it-yourselfers" without inspection.

If these people want to install their own tanks without regulation, there are other options besides putting them underground. They should be installed where the leaks cam be detected. I'm sure the UST program will give out information on these options.

Whether we're talking about commercial tanks or heating oil tanks, we're talking about essentially the same product--petroleum. It takes only one gallon of petroleum to contaminate one millon gallons of drinking water to the point where it cannot be consumed. Your constituents will not care if that gallon came from the main body of the tank or the piping (as Sen. Nathe proposes in SB 247) They will not care if it came from a heating oil tank or a gasoline tank (as Sen Nathe proposed in SB 245) - or for that matter, whether it came from a tank of 1,200 gallons or 1,000 gallons as Sen. Nathe proposed in SB 133) which your heard last week.

Montana Audubon Legislative Fund

Testimony on SB 247 Senate Natural Resources February 8, 1991

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Mr. Chairman and Members of the Committee,

My name is Susan Lenard 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.

Audubon opposes SB 247. To allow above ground storage tanks with underground piping to be exempt from regulations ignores the fact that the source of over half of all underground storage tank leaks is in the piping. Leaks from unregulated tanks and pipes and pipe joints would be all the more probable since standards of design and installation would not be under review. It is difficult enough to ensure the containment of heating fuel with regulations, and virtually impossible without. Ground water sources must be considered when regulation of storage tanks is under review. The likelyhood of ground water contamination would, without question, increase.

We urge you to oppose Senate Bill 247 for these reasons and those mentioned earlier.

	SENATE NATURAL RESOURCES
WITNESS STATEMENT	EXHIBIT NO. 2-8-9 DATE 2-8-9
To be completed by a person testifying or their testimony entered into the record.	BILL HO OL
Dated this \mathcal{I} day of \mathcal{I} .	, 1991.
Name: JOHN GEACH	
Address: 20 (USSWELL Building	DHES
HELENA, MT 59620	
Telephone Number: <u>444-5970</u>	
Representing whom? DEPT: OF HEACTL	
Appearing on which proposal?	
Do you: Support? Amend?	Oppose?
Comments: Intorantion TESTIMUNY	
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY