

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Lawrence Stimatz, on March 6, 1991 at 3:00 p.m.

ROLL CALL

Members Present:

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

Members Excused: None

Staff Present: Deborah Schmidt (EQC)

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

Announcements/Discussion: None

HEARING ON HOUSE BILL 223

Presentation and Opening Statement by Sponsor:

Representative Thomas Lee, District 49, presented HB 223 allowing the Department of State Lands (DSL) to use measuring systems other than the Scribner Decimal "C" to scale timber. When the law initially was enacted, Lee said, trees were cut down and used for lumber. Now, Lee said, cut trees are used for a wide variety of uses other than lumber including pulp, firewood, house logs and utility poles.

Proponents' Testimony:

Don Artley, Assistant Administrator of the Forestry Division, Department of State Lands, stated that the bill would bring the law up to date with current practices. The Scribner Scale would

still be used for decimal "C" equation in selling some logs, Artley said. If the log is converted into boards, the Scribner Log Scale works well and will continue to be used, Artley explained. Continuing, he said other measures are more appropriate for products that do not require the log to be cut into boards.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Grosfield stated that by eliminating language that relates to the Scribner Decimal "C" all statutory guidelines on how to sell timber may be eliminated. "Do you ever sell timber by the acre instead of by the log or is that a likely result of this bill?" Grosfield asked.

Artley stated that timber would not be sold by the acre.

Senator Bengtson asked for an explanation of the Scribner Decimal "C".

Artley explained that the Scribner Decimal "C" is a mathematical formula that calculates the number of board feet on cylindrical logs and determines how many boards could be cut from that log. This is the appropriate measure when creating lumber from saw logs, Artley said.

Senator Stimatz asked what other measurers, besides the Scribner, are used for scaling timber?

Artley stated that Scribner and the International Log Scale are the most common measures. Pulp logs are sold by weight, firewood is sold by the cord and utility poles and posts are sold by the piece, Artley said.

Closing by Sponsor:

Representative Lee stated that he needed a Senator to carry the bill and would furnish an adequate summary of the bill so that it could be presented on the floor of the Senate.

EXECUTIVE ACTION ON HOUSE BILL 223

Motion:

Senator Weeding moved that HB 223 BE CONCURRED IN.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

The motion that HB 223 BE CONCURRED IN carried unanimously.

HEARING ON HOUSE BILL 160

Presentation and Opening Statement by Sponsor:

Representative Bob Gilbert, District 22, stated that HB 160 is known as the Integrated Waste Management Act. Gilbert told the committee that Montana needs to move toward an integrated approach to handling solid waste and HB 160 will move the Senate in that direction.

The goal of the bill, Gilbert said, is to reduce the states solid waste system 25% by 1996. The bill discusses four major target areas including reuse, recycle, composting of biodegradable waste and the use of landfills and/or incineration.

Section 5 asks the state government to prepare a source reduction and recycling plan by January 1, 1992 to reduce the amount of solid waste generated by state government, Gilbert said. The bill also asks the state to use recycled materials. There is an educational and public information element to the bill, too, Gilbert said, that deals with special waste and household hazardous waste elements.

"Getting rid of garbage is going to be expensive," Gilbert stated. "Landfills are going to be ultra, ultra expensive. Communities are no longer going to be able to afford the landfills they have and will probably lose over half of what they have so communities need to plan for a garbage district where maybe one landfill will serve perhaps five counties. It's cheaper to haul garbage a hundred and twenty-five miles one way than it is to maintain a new landfill," Gilbert added.

Gilbert stated that HB 160 had been amended in the House. The amendments change the word "recycle" to "postconsumer material."

Proponents' Testimony:

Chris Kaufman, Montana Environmental Information Center, appeared in support of HB 160 stating "the bill puts into place a framework for a good solid waste program in Montana." Kaufman noted she was the only representative from an environmental group that studied Montana's solid waste program during the interim.

Tony Grover, Department of Health and Environmental Sciences Solid Waste Program, stated DHES was strongly in favor of the bill. Grover said he believed it was time for Montana to study a

solid waste plan and develop a coherent statewide plan for managing waste. DHES favors the training of landfill operators, a statewide effort to reduce solid waste and the purchase of recycled goods by state government. (EXHIBIT # 1).

Nadine Oberg, Montana Solid Waste Contractors, stated that House Bill 160 is a bill within a package of bills introduced at the request of the Environmental Quality Council after an intensive two year study of solid waste management in Montana. Oberg stated she felt growing amounts of garbage in central landfills throughout Montana would not decline significantly in the near future and waste minimization and present recycling would not solve the disposal problems either. "HB 160 is a positive step forward in addressing our needs for an integrated and environmentally protected management system," Oberg said. (EXHIBIT #1a).

Harley Warner, representing the Montana Association of Churches, stated that Montana should concentrate on protecting its natural "God-given resources and pristine environment".

Kristin Page, on behalf of the Montana Public Information Research Group (MPIRG), testified in support of HB 160. MPIRG supports an integrated waste management program in Montana and the use of recycled paper products. Every year, Montanans create at least 120 million tons of garbage, she said. The main goal of procuring recycled paper products is to reduce the amount of paper weight in landfills, Page said. Page stated that MPIRG supported both HB 160 and Gilbert's amendments.

Neva Hassanien, representing the Northern Plains Resource Council, testified in support of House Bill 160 and noted that an important part of the bill would be the solid waste management plan.

Linda Lee, on behalf of the Montana Audubon Legislative Fund, testified in support HB 160 because "it is an important first step in a series of steps that Montana needs to make to reduce waste."

Sue Weingartner, Director of Montana Solid Waste Contractors, testified in support of HB 160. (EXHIBIT # 2).

Doug Monger, Clancy, testified in support of HB 139. (EXHIBIT #3).

Opponents' Testimony:

There were no opponents to HB 160.

Questions From Committee Members:

Senator Grosfield asked if there was a limit on how many times

something could be recycled?

Representative Gilbert stated there was a limit to how many times paper can be recycled. "Every time you recycle, fibers become shorter and shorter and pretty soon what you have is mush," Gilbert said. "As paper is recycled, very seldom do you end up with 100% recycled paper. Virgin material has to be added."

Closing by Sponsor:

Representative Gilbert requested that HB 160 BE CONCURRED IN.

HEARING ON HOUSE BILL 189

Presentation and opening statement by Sponsor:

Representative Thoft stated that HB 189 serves to broaden a piece of legislation that was passed during the last session of the legislature. The current bill deals with the use of mediators to settle water disputes in both decreed and non-decreed streams, Thoft said.

Proponents' Testimony:

Ted Doney, attorney in private practice in Helena specializing in water law, told the committee he felt most of the water disputes in Montana will concern decreed streams and therefore, supported the expansion of the current water law to include these streams.

Lee Gellan, Water Right Consultant from Missoula, appeared in support of HB 189.

Joe Brunner, Executive Secretary for Montana water Resources Association, stated "strong support for mediation."

Stan Bradshaw, representing Trout Unlimited, also stated his "strong" support for House Bill 189.

Opponents' testimony:

There were no opponents' to HB 189.

Questions from Committee Members:

Senator Bengtson asked how many mediators would be needed.

Don MacIntyre, DNRC, stated that mediators were carefully selected and instructed. However, he was unsure how many mediators would be needed.

Senator Anderson stated that he questioned whether the court had the jurisdiction to appoint a mediator, assuming that the main purpose of the bill is to set up a mediation process.

Doney stated that under existing law, the district court could appoint a mediator on a decreed stream. If water rights are rotated, Doney said there could be an issue of abandonment of water rights.

Stan Bradshaw stated he was involved in drafting HB 189 with Representative Thoft. The idea of the bill, Bradshaw said, is to deal with a certain vacuum on non-decreed streams and how water right disputes would be settled on these streams. The bill attempts to set up statewide adjudication to provide people on these non-decreed streams a tool to go into court and request help, if necessary.

Lee Gellan stated that in district court the judge has to review the agreement. The mediation process is totally voluntary, Gellan stated, and is entered into by each party on their own. "I can't, as a mediator, enforce the decision on them. I am only there to facilitate an agreement for them," Gellan said.

Gellan stated there are approximately forty or fifty mediators currently throughout the state.

Senator Grosfield asked if it was typical of appointed mediators to have an extensive water resources background.

Gellan explained that mediators were trained very thoroughly regarding water rights.

Closing by Sponsor:

Representative Thoft told the committee using a mediator on decreed stream issues would have many advantages and asked for a DO PASS on HB 189.

HEARING ON HOUSE BILL 139

Presentation and Opening Statement by Sponsor:

Representative Bob Raney, District 82, stated that HB 139 was the first of many bills to be brought before the committee concerning solid waste management. House Bill 139 puts a moratorium on the importation of out of state waste for an additional two years beyond existing law. The additional two year moratorium would allow the state the time necessary for a study on solid waste management, Raney added.

Raney noted the purpose of the bill was not to permanently stop the importation of waste but to allow Montanans the right to protect their health and environment.

Proponents' Testimony:

Elsie Box, Custer Resource Alliance, told the committee that the hazards of landfills in Miles City are not academic. "There are

definite plans for importing garbage from Minnesota," Box said. "Importing garbage will degrade and continue to degrade our environment. It is impossible to predict all the possible combinations of chemicals to be created inside a landfill. Dumps are a permanent threat to water quality, to the purity of our environment. If we do not extend this moratorium, we will be contributing to the failure of how to deal with the problem without proper solutions," Box concluded.

Chris Kaufman, representing the Montana Environmental Information Center, called attention to the main purpose of the bill: urging the state to undertake a legislative study of solid waste regulation and management to further develop regional and statewide solid waste management plans, goals, regulations and to adopt rules. Montanans throw away about six hundred tons of garbage a year, Kaufman said, and DHES is not prepared, at this time, to deal with that amount of garbage.

Kristin Page, representing MPIRG, stated MPIRG supports the Integrated Waste Program. Page stated that the main interest of MPIRG is recycling and reduction of solid waste.

Opponents' Testimony:

Charles Madler, Fallon County, stated that approximately 8% of solid waste in the United States is moved through interstate commerce each year. "Some people want to build a fence around Montana and not allow any solid waste in," Madler stated, "and yet, at the same time, they don't have a problem with exporting hazardous waste to other states. The original moratorium was generally accepted as being unconstitutional," Madler continued. "It is in the best interest of the state of Montana not to extend the moratorium. Commerce is a two way street and although the state has a right to regulate solid waste it cannot restrict interstate commerce. We feel that given the right environment, the right geology, and the right soils, it is a good clean industry. Our community wants strong environmental regulations. We don't want industry at any costs. We do want strong environmental protection. But the moratorium is prohibitive legislation and will be settled in court before any industry will consider going any further. We cannot afford to hinder economic development in rural communities by their need to survive. If this unconstitutional procedure can be used against us, it can also be used against any county represented in this room. We urge you to either vote this moratorium down because it is unconstitutional or, at the very least, combine it with the Megalandfill Bill," Madler concluded.

Michelle LeFurge, Butte, told the committee she was not interested in banning the importation of waste, temporarily or otherwise. The Environmental Quality Council has been studying this matter for two years, as directed by the legislature, LeFurge said, and has put into enactment Senate Bill 377 which deals with, in effect, the importation of waste.

LaVerge suggested that two points be considered by the committee: First, can a landfill handle the waste that is being brought into Fallon County? Current EPA regulations provide for state management and control of landfill sites. Those questions will have to be answered by the Montana Department of Health and Environmental Sciences, LaVerge said. 2. Second, transportation of waste over state roads is a matter of interstate commerce. What are we left with, then, LaVerge asked? "We are left in Montana with enacting appropriate and solid legislation that counties and industries may depend upon in order to put together very viable and environmentally sound landfill policies. Banning the importation of waste is not going to accomplish that. All that is going to do is buy time to defend what everyone already admits and has been contested in the Indiana courts as being unconstitutional. I urge you to vote against this importation, House Bill 139 and/or take it up in consideration with Senate Bill 160," LaVerge said.

Questions from the Committee Members:

Senator Keating asked what the procedure would be if he wanted to have a landfill on his property on the prairie?

Tony Grover, DHES, answered that following an application, ground water and soil studies would have to be conducted* on the site to determine the location of neighboring surface water sources and whether or not the area was an appropriate site for a landfill.

Senator Keating asked if that would be done under the Montana Environmental Policy Act?

Grover stated that presently, landfills are sited under the Montana Solid Waste Management Act in conjunction with the Montana Environmental Policy Act.

Senator Keating asked how deep would the garbage have to be buried?

Grover stated that the only factor considered presently is the separation distance between the bottom of the landfill where the waste is located and the groundwater. Right now it is only recommended to be ten to twenty feet, Grover said.

Senator Keating asked if there was a particular size for a landfill?

Grover stated there is no particular size limit for a landfill.

Senator Keating asked how much acreage would be needed to bury a thousand tons of garbage?

Grover stated that a ballpark figure would be about fifteen to twenty acres to dispose of a thousand tons of trash.

Senator Keating asked if he would have to be sure that groundwater was not flowing through the area so that the garbage in that area would not contaminate the water rather than surface soil?

Grover explained that groundwater monitoring wells would have to be used.

Senator Keating wondered how much top soil would have to be put over the area if there was no groundwater?

Grover stated that there would have to be two feet of low permeable soils and clay.

Senator Keating asked if there are many problems with landfill debris blowing in the wind?

Grover stated that, unfortunately, a recent experience dealing with a brand new landfill and deep trenches found waste blowing "all over the countryside." There is a need to continue using baled waste instead of just honest waste," Grover said. Grover told the committee that balers are the best containment of solid waste and are being used all over the country because they eliminate blowing trash and provide good compaction.

Senator Keating asked how long it would take to get a permit?

Grover stated that under present conditions, it would take about one year (due to personnel constraints) to receive a permit. Procedurally, the time required is approximately three months.

Senator Weeding asked Grover what the estimated length of time would be to implement the Megalandfill Siting Act?

Grover stated it would take at least eighteen months and would also require hiring and training an attorney.

Senator Weeding asked if an application were filed currently under the existing Solid Waste Act, would it also fall under the MegaLandfill Siting Act?

Grover stated that was correct, current regulations would be used.

Senator Stimatz asked Grover if they had adequate personnel?

Grover stated they have, on paper, 3.41 FTE's: two full-time employees, one half-time employee and one-sixth of an attorney. Grover told the committee his agency was "having difficulty keeping up with the workload."

Senator Stimatz asked Grover if he had ever made a proposal for additional employees.

Grover distributed information on DHES Solid Waste employees. (EXHIBIT #1).

Senator Hockett stated his concern about water contamination, surface runoff and garbage blowing out of the landfills.

Grover told the committee that blowing litter is probably the biggest problem in Montana.

Senator Hockett asked Representative Raney if HB 139 was one of the bills EQC supported.

Representative Raney stated that the funding mechanism for the bill had passed the Senate and the next step would be hiring staff to administer the rules.

Senator Hockett asked what kind of employment could be expected in the megalandfill area versus the number of employees to be hired by the state.

Grover stated that a megalandfill would mean possibly fifty to a hundred jobs for a community including people to monitor the landfill.

Senator Bengtson inquired about the "proper steps" toward administering a megalandfill.

Grover stated there are about seven proposals for megalandfills, ranging from formal to informal inquiries concerning out-of-state waste in relatively large volumes. "It might be as much as thirty thousand tons of ash per year all the way up to 1.6 million tons of just garbage per year," Grover stated. "I don't think all seven are really serious, perhaps one or two of them are. But with the possibility of disposing of Minneapolis-St. Paul ash in North Dakota, people are going to look for someplace else to dispose of that ash," Grover concluded.

Senator Kennedy asked if there were disposal companies interested in coming to Montana?

Grover stated that he received calls approximately two or three times a week inquiring about medical waste or infectious waste disposal. Solid waste inquiries are received about once a month, Grover said. Grover noted that about twenty thousand tons of garbage per year is coming in from neighboring places very close to the borders of Montana, most notably, Yellowstone Park.

Closing by Sponsor:

Representative Raney stated that HB 139 was not attempting to build a fence around Montana but instead was building a regulatory structure inside Montana. Waste from Montana is not being exported to locations without regulatory systems, Raney said. There are current proposals to import hazardous waste into

Montana and there is a proposal in the Missoula area to import medical waste, as well.

"The interest of those who are opposed to this bill is purely economic," Raney said. "The EQC looked upon the bill as a means to protect the health and environment of the citizens of Montana. That is exactly how they looked upon it and that is why we say we need this moratorium so we can prepare rules and regulations in the department, the people, the mind set of the citizens of Montana and everything else. And remember that if 377, the Mega Landfill Siting Act passes untouched by you, it still doesn't address under two hundred thousand tons," Raney said.

"Montanans are going to start combining their landfills," Raney continued. "We are going to have many, many communities cooperating on new landfills. Right now, the Department is probably not capable of handling that new workload. So, how are they going to handle that work load and a proposal for one mega dump? They couldn't do it. They would get buried under it. If we don't have something in place for proposals for mega dumps when they come in, there would be mega million dollar corporations wanting to do that and they would have the legal capability of tying up our Department for their project while our communities are trying to site their landfills."

"The opponent said that we have many bills and many laws in place to handle waste management. We don't have them in place. The laws and regulations are going to be put in place by Subtitle D very soon, plus all of the things that we are about to pass. So, try to imagine what would be going on in this little department he has. Trying to prepare for Montana to handle Subtitle D, Montana trying to handle all of these landfills trying to get together, Montana handling present leaking landfills. We have leaking landfills all over this state right now that are presently in existence that must be closed when Subtitle D comes in. So, we need this time to gear up. If we are challenged in court, so be it. It would then be our responsibility to defend ourselves in court for the very reason that we have done it here, to protect the health and environment of Montana. So, if it did become costly, it would be, definitely, in the best interest of Montana. At this point, I don't think anyone would waste their money taking us on in court. I think they would recognize that what we are doing is in the best interest of Montana citizens," Raney said.

"We are covering more than just landfills with this. We are also covering major incineration. Incineration is getting popular in the east because it is so difficult to establish a good landfill. They say, "Hey, we'll go in and put in a double liner, then we will put a couple more liners on top of it if you want." The point being that no matter how thick the liner is, it is just a manmade material and no sooner is it there then it starts shifting, tearing those liners apart. Every landfill, every single landfill ever designed, leaks. There have got to be core

wells, core sampling taken, and monitoring wells have to be drilled to determine background of all of the water in the area. Then continue to monitor wells that have to be put in. We have to worry about surface water and groundwater, wind, insects, rodents, the Subtitle D regulations that are coming along and transportation. Continuous monitoring of what is going on at the landfills takes people. Then you have the collection systems which are bringing in unprocessed raw garbage from the cities that will have a significant amount of moisture in it that will then become leachate. We may want them to collect that leachate and haul it away to some processing point as a hazardous waste. In addition, as this thing begins smoldering away underground, it will be producing gases. How lethal are the gases? There should be good gases but we wouldn't want them to site the landfill and let that gas escape so we need people in place to say we want them to have a methane gas system. Then they have to take care of capping the landfill when they are done. Capping the landfill is also a major operation, then reseeding. Plus, who is going to be responsible for that landfill fifty years from now, a hundred years from now, after the big bucks are made and everybody else has left? We are. So, we have to make sure again that we have all the proper things in place to know that the principal party will remain principal for as far as we can foresee it in the future, a minimum of seven generations, I would assume. So, with all of that, it is quite obvious that what Montanans are doing here is not damning waste, but preparing ourselves for the onslaught of waste," Raney concluded.

EXECUTIVE ACTION ON HB 189

Motion:

Motion by Senator Grosfield that HB 189 BE CONCURRED IN.

Discussion:

None

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

Motion by Senator Grosfield that HB 189 BE CONCURRED IN passed unanimously.

EXECUTIVE ACTION ON HB 160

Motion:

Motion by Senator Weeding that HB 160 BE CONCURRED IN as amended.

Discussion:

There was no discussion.

Amendments, Discussion, and Votes:

Motion by Senator Weeding to move Representative's Gilbert's amendments to HB 160 carried unanimously.

Recommendation and Vote:

Motion by Senator Weeding that HB 160 BE CONCURRED IN as amended.

Senator Weeding will carry HB 160.


EXECUTIVE ACTION ON HB 223

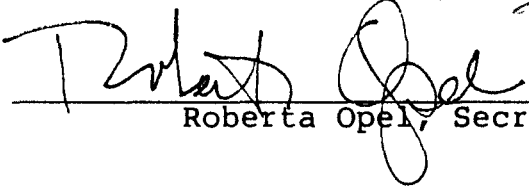
Motion by Senator Keating that HB 223 BE CONCURRED IN.

Recommendation and Vote:

Motion by Senator Keating carried unanimously.

Senator Hockett will carry HB 223.


Lawrence Stimatz, Chairman


Roberta Opel, Secretary

LS/ro

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 160 (third reading copy -- blue), respectfully report that House Bill No. 160 be amended and so amended be concurred in:

1. Page 2, line 18.

Following: "THOSE"

Insert: "paper"

2. Page 2, lines 22 through 25.

Strike: subsection (5) in its entirety

Re-number: subsequent subsections

3. Page 3, lines 1 through 3.

Strike: subsection (6) in its entirety

Re-number: subsequent subsections

4. Page 5, line 23.

Following: "material"

Insert: "that maximizes postconsumer material content"

5. Page 6, line 1.

Strike: "recycled"

Insert: "postconsumer material"

6. Page 6, lines 5 through 7.

Strike: "developed" on line 5 through "organizations" on line 7

Signed: Lawrence G. Stimatz
Lawrence G. Stimatz, Chairman

MA 3-7-91
Ad. Coord.

51L 3-7
Sec. of Senate

10:45

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 223 (third reading copy -- blue), respectfully report that House Bill No. 223 be concurred in

Signed: *Lawrence G. Stumatz*
Lawrence G. Stumatz, Chairman

3-7-91
Amd. Coord.

3-7 10:45
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 189 (third reading copy -- blue), respectfully report that House Bill No. 189 be concurred in.

Signed: Lawrence G. Stimatz
Lawrence G. Stimatz, Chairman

MB 3-7-91
And. Coord.

MB 3-7 10:45
Sec. of Senate

ROLL CALL
Natural Resources
COMMITTEE

DATE 3-6-91

52

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.

DATE 5-6-91

COMMITTEE ON Natural Resources

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

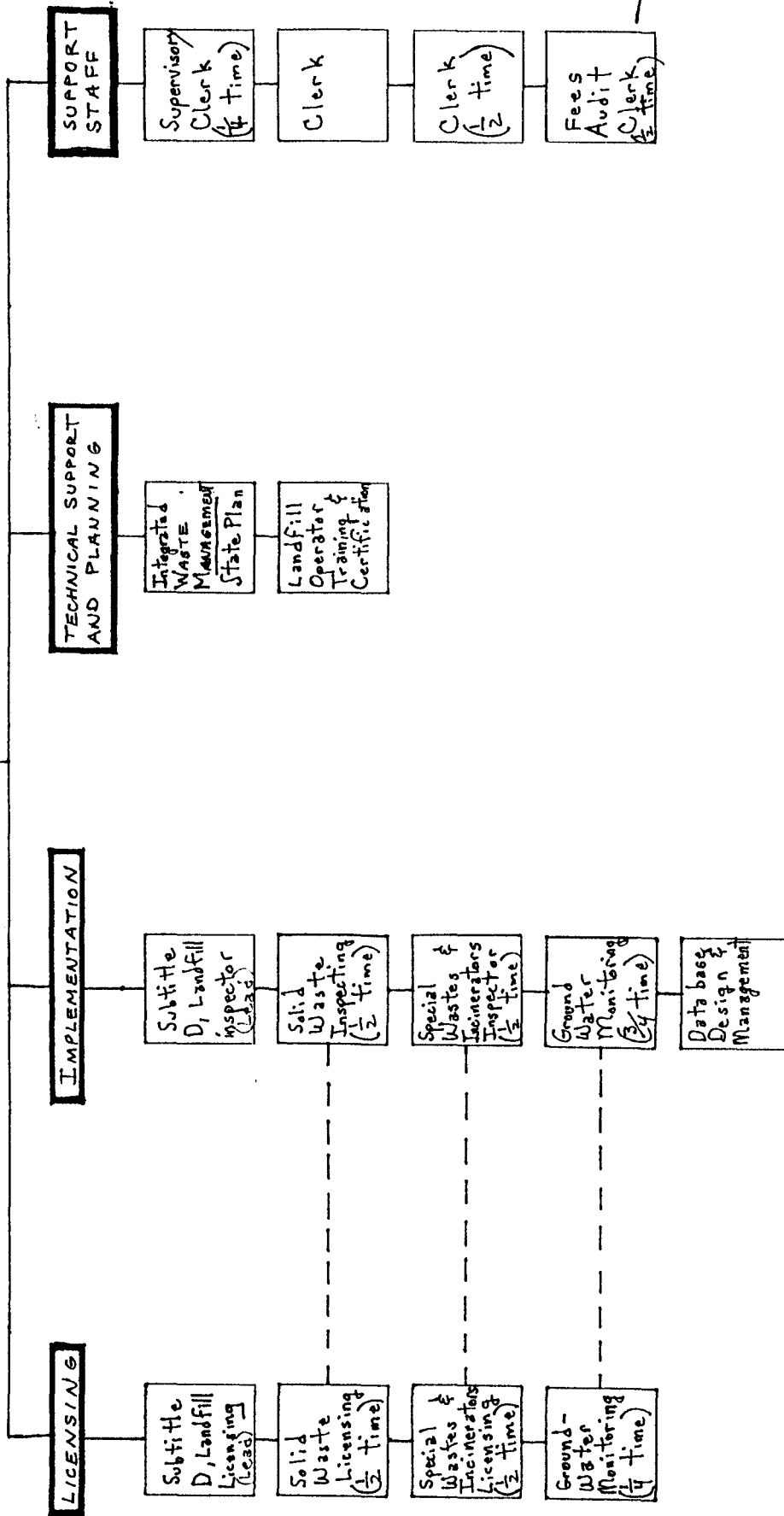
3-6-91
HB 139

AWG 11/13/90

Bureau and Section Level (3/4)

PROGRAM
MANAGER

Attorney



ANTICIPATED SOLID WASTE PROGRAM ORGANISATION IN FY 1995

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

SENATE NATURAL RESOURCES

EXHIBIT NO. 1

DATE 2-6-91

BILL NO. HB 160

FAX #(406) 444-1499

STAN STEPHENS, GOVERNOR

STATE OF MONTANA

OFFICE 836 Front Street
LOCATION: Helena, Montana

MAILING Cogswell Building
ADDRESS: Helena, MT 59620

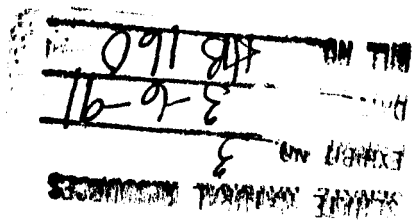
Solid and Hazardous Waste Bureau
(406) 444-1430

February 8, 1991

DHES TESTIMONY ON SB 209
SOLID WASTE FEE BILL

DHES supports the adoption of a solid waste fee system to fund increased state solid waste management efforts in Montana. Five significant issues are driving the need for additional staff and resources at the state level now:

- 1) Importation - Montana must regulate the disposal of out-of-state generated wastes in essentially the same manner as in-state generated solid wastes are regulated. Several informal proposals for landfilling or incineration of large quantities of imported special and solid wastes are under consideration across the state. Other states that have attempted to regulate imported solid wastes more stringently than in-state wastes have had their regulatory programs declared unconstitutional.
- 2) State Primacy in Solid Waste - New Federal rules (commonly known as Subtitle-D) for landfill siting, operation, monitoring and recordkeeping are pending. For Montana to retain Primacy in Solid Waste the state must have a system of laws, regulations, and adequate staff and funding to receive a Determination of Adequacy by the Federal EPA.
- 3) Increase in Number and Complexity of License Applications - DHES is now processing 8 solid waste management system license applications. At least 16 other license applications will be filed within the next year. At present there are several landfill license applications under review by program staff that include designs for liners, covers, and leachate collection systems. Several of the pending applications will include similar design components as well as methane monitoring and collection systems. Currently there are no licensed landfills in Montana with either liners or leachate collection systems.
- 4) Broadening Scope of Solid Waste Program Responsibilities - Public interest, changing regulations and emerging technologies are causing the solid waste program to broaden the scope of program activities to include: waste reduction, recycling, incineration, composting, and baling. Also new technologies are required to license the management of special wastes such as: infectious waste, medical waste, used oil, household hazardous wastes, conditionally exempt small quantities of hazardous wastes, tires, and batteries.



March 4, 1991

Senate Natural Resources Committee

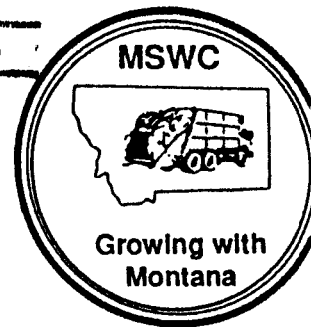
Dear Senator:

Just a brief note to let you know of my personnel support of House Bill 139, a bill to extend the moratorium on importing garbage into Montana.

I urge you to also support H.B. 139.

Thank you

Doug Monger
Star Route Box 935
Clancy Mt 59634

**TESTIMONY OF MONTANA SOLID WASTE CONTRACTORS****March 6, 1990****HB 160 Integrated Waste Management**

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 and landfill owners and operators.

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.

Americans generate almost 160 million tons of trash a year--80 percent more than we did in 1960. Since 1978, an estimated 124,000 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.

HB 160 is one bill of the package of bills introduced by request of the Environmental Quality Council after an intensive two-year study of waste management in Montana. The overall volume of garbage that must be sent to landfills will not decline significantly in the near future, and waste minimization and aggressive recycling will not solve solid waste disposal needs by themselves. HB 160 is a positive step forward in addressing our need for integrated and environmentally protective waste management in our state.

We urge your support of HB 160.

MONTANA SOLID WASTE CONTRACTORS, INC.

36 South Last Chance Gulch

Suite A

Helena, MT 59601

Phone 406-443-1160

Public Attitudes Toward Garbage Disposal

November 15, 1989

Despite deepening public concern over a number of environmental problems facing our nation, Americans in 1989 are exhibiting greater acceptance of options for managing and disposing of solid waste than they did a year or two ago. While still concerned about ensuring adequate waste disposal capacity and about the locations and possible environmental effects of various options, the public shows the following attitude shifts:

- more people actively participating in recycling activities;
- increased acceptance of waste-to-energy, with more people favoring it than opposing it as a local option; and
- less opposition to siting local landfills.

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