

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Chair Bianchi, on January 13, 1993, at 1:05 p.m.

**ROLL CALL**

**Members Present:**

Sen. Don Bianchi, Chair (D)  
Sen. Cecil Weeding, Vice Chair (D)  
Sen. Sue Bartlett (D)  
Sen. Steve Doherty (D)  
Sen. Lorents Grosfield (R)  
Sen. Bob Hockett (D)  
Sen. Ed Kennedy (D)  
Sen. Bernie Swift (R)  
Sen. Chuck Swysgood (R)  
Sen. Henry McClernan (D)  
Sen. Larry Tveit (R)  
Sen. Jeff Weldon (D)

**Members Excused:** Sen. Tom Keating (R)

**Members Absent:** None.

**Staff Present:** Paul Sihler, Environmental Quality Council  
Leanne Kurtz, Committee Secretary

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

**Committee Business Summary:**

Hearing: None  
Executive Action: SB 67, SB 97

**Informational Presentation:**

Roger Thorvilson, Section Supervisor, Waste Management Section, Department of Health and Environmental Sciences (DHES) introduced himself and directed the Committee's attention to the contact sheet for DHES's Solid and Hazardous Waste Bureau (Exhibit #1). Mr. Thorvilson introduced Don Vidrine, Program Manager of the Solid Waste Bureau's Hazardous Waste Program, and Richard Knatterud, a DHES environmental engineer and expert on hazardous waste burning in cement kilns.

Mr. Knatterud referred to the agenda which he distributed among Committee members (Exhibit #2). A diagram of a cement kiln, and an outline of the DHES's permitting process for hazardous waste burning are attached to the agenda.

Mr. Knatterud stated Holnam and Ash Grove are two companies proposing to burn hazardous waste fuel to supplement the coal which fires cement kilns. He described how a cement kiln functions and the types of hazardous waste used. He noted that burning hazardous waste reduces the companies' fuel costs, and provides the "regulated community" with another means for disposal of hazardous waste.

Mr. Knatterud detailed the permitting process, stages of a trial burn, federal boilers and industrial furnaces (BIF) rules, general facility standards, state BIF rules, other laws, and resources to implement BIF requirements (all included in Exhibit #2).

Mr. Knatterud noted that trial burns are necessary to "show acceptable performance under worst-case conditions." He discussed meanings of the following acronyms associated with hazardous waste: destruction and removal efficiency (DRE), a "key element of a trial burn"; products of incomplete combustion (PICS); particulate matter (PM); and grains per dry standard cubic foot (GR/DSCF).

While discussing state BIF rules, Mr. Knatterud noted that the Environmental Protection Agency (EPA) allows interim permitted status for facilities in existence before a certain date. He said DHES does not allow interim status, as it is similar to "burning first and permitting later."

Don Vidrine, Hazardous Waste Program Manager, discussed resources to implement BIF requirements and the state's relationship with EPA. He stated 75% of the program's funding comes from the EPA and 25% from Resource Indemnity Trust (RIT) Funds. Mr. Vidrine explained two bills which DHES will be proposing regarding permit fees and giving the Department authority for an administrative penalty.

Mr. Knatterud and the Committee discussed how state BIF rules compare with federal BIF rules. Mr. Thorvilson said DHES believes that the state rules are more protective than the federal rules. Mr. Knatterud added that public comment has been overwhelmingly in favor of more stringent rules.

Mr. Knatterud and the Committee discussed the details of permitting and permit modifications. Mr. Knatterud mentioned Montana's membership in the Western Governor's Association ensuring that there will be treatment and disposal capacity within the region.

Mr. Knatterud stated that Montana produced 14,000 tons of

hazardous waste in 1992. Holnam's permit application indicates that the company proposes burning 44,000 tons per year, and Ash Grove proposes 15,000 tons per year.

Mr. Knatterud addressed transportation, storage, and access issues. He stated that Montana has no commercial hazardous waste disposal capacity, so the waste is currently shipped elsewhere.

#### EXECUTIVE ACTION ON SB 67

##### Discussion:

Sen. Hockett said members of the unified landfill district in his area have expressed concern about the amount of service they have received from the Department of Health and Environmental Sciences (DHES) relative to the fees being assessed. Sen. Hockett stated there will be a meeting on 1/14 for individuals to express their concerns to DHES officials. He discussed his problems with the fee structure and asked the Department what the fees provide.

Jon Dilliard, Program Manager for the Solid and Hazardous Waste Bureau's Solid Waste Program, stated that the fees help fund a solid waste program which would "bring Montana's solid waste management system into compliance with new federal regulations." He described the program's duties and distributed a handout detailing its activities (Exhibit #3). Mr. Dilliard also handed out a list of the program's contacts with the unified refuse district in the Havre area (Exhibit #4).

Motion: Sen. McClernan MOVED SB 67 DO PASS.

##### Discussion:

Sen. Hockett stated he would like to amend SB 67 (Exhibit #5), noting that there are already many public and private clearinghouses that deal with the issues in subsection 9. He suggests DHES concentrate on inspecting landfills and enforcing the laws.

Substitute Motion: Sen. Hockett MOVED to AMEND SB 67.

##### Discussion:

Sen. Swysgood stated the "and" at the end of line 3, subsection 8 should be stricken as part of the amendment. Paul Sihler noted that the amendment had a few inaccuracies, which he would correct when he redrafted the document.

Sen. Bartlett stated SB 67 is intended as a technical housekeeping bill and inappropriate for the kind of substantive amendment which Sen. Hockett proposes.

Mr. Sihler stated the amendment would be allowed under the current title of SB 67.

Sen. Swift stated the amendment "fits well within the purview of the title of the bill", but cautioned that a body was needed to have the last word as a "final clearinghouse."

Sen. Bartlett said she would prefer that Sen. Hockett address the issue of eliminating DHES's clearinghouse function in a separate bill.

Mr. Dilliard stated other private organizations deal with recycling issues and the solid waste program intends only to supplement the activities of these organizations, not duplicate them.

Sen. McClernan and Sen. Grosfield expressed support for the amendment.

**Vote:** MOTION to AMEND SB 67 failed 5 to 4 with Senators Hockett, Grosfield, McClernan and Swysgood voting yes and Senators Bianchi, Bartlett, Doherty, Swift and Weldon voting no. Sen. Kennedy abstained because he had not been present during discussion.

**Discussion:**

Sen. Hockett stated that he would prefer to wait until the meeting at DHES on 1/14 before the Committee voted.

Chair Bianchi suggested that Sen. Hockett could introduce a new bill and stated that he agreed with Sen. Bartlett that the bill was introduced for housekeeping purposes.

Sen. Hockett stated that his concern was with saving the state money by allowing other organizations to perform the clearinghouse functions listed in subsection 9.

**Vote:** MOTION that SB 67 DO PASS carried unanimously.

**EXECUTIVE ACTION ON SB 97**

**Motion:** Sen. McClernan MOVED SB 97 DO PASS

**Discussion:** None.

**Vote:** MOTION that SB 97 DO PASS carried unanimously.

**ADJOURNMENT**

**Adjournment: 2:55 p.m.**

*Don Bianchi*

SEN DON BIANCHI, Chair

*Leanne Kurtz*

LEANNE KURTZ, Secretary

DB/lk

# ROLL CALL

SENATE COMMITTEE Natural Resources      DATE 1/13

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bianchi	X		
Sen. Hockett	X		
Sen. Bartlett	X		
Sen. Doherty	X		
Sen. Grosfield	X		
Sen. Keating			X
Sen. Kennedy	X		
Sen. McClernan	X		
Sen. Swift	X		
Sen. Swysgood	X		
Sen. Treit	X		
Sen. Weeding	X		
Sen. Weldon	X		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 13, 1993

1. PRESIDENT:

We, your committee on Natural Resources having had under consideration Senate Bill No. 67 (first reading copy -- white), respectfully report that Senate Bill No. 67 do pass.

Signed: \_\_\_\_\_



Don Bianchi, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 13, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration Senate Bill No. 97 (first reading copy -- white), respectfully report that Senate Bill No. 97 do pass.

Signed: *Don Bianchi*  
Don Bianchi, Chair

# SOLID & HAZARDOUS WASTE BUREAU

- CONTACTS -

Bureau Chief - Duane Robertson (1430)

## Waste Management Section (836 Front Street):

Supervisor - Roger Thorvilson (1430)

Junk Vehicle Program; Manager - Darrell Stankey (1430)

Solid Waste Program; Manager - Jon Dilliard (1430)

Hazardous Waste Program; Manager - Don Vidrine (1430)

## Superfund Section (Steamboat Block Bldg):

Supervisor - Dick Pedersen (449-4067)

Federal Sites Program; Manager - Karen Zackheim (449-4067)

State Sites Program; Manager - Carol Fox (449-4067)

## Underground Storage Tank Section (836 Front Street):

Supervisor - John Geach (5970)

Leak Prevention Program; Manager - Frank Gessaman (5970)

Leak Response Program; Manager - Jeff Kuhn (5970)

SENATE NATURAL RESOURCES

EXHIBIT NO. 1

DATE 11/15

BILL NO.                     

01/13/93

AGENDA

Senate Natural Resources Committee - 1:00 p.m., January 13, 1993

Department of Health and Environmental Sciences -  
Solid and Hazardous Waste Bureau  
Hazardous Waste Program

Presenters: Don Vidrine, Hazardous Waste Program Manager  
Richard Knatterud, Environmental Engineer

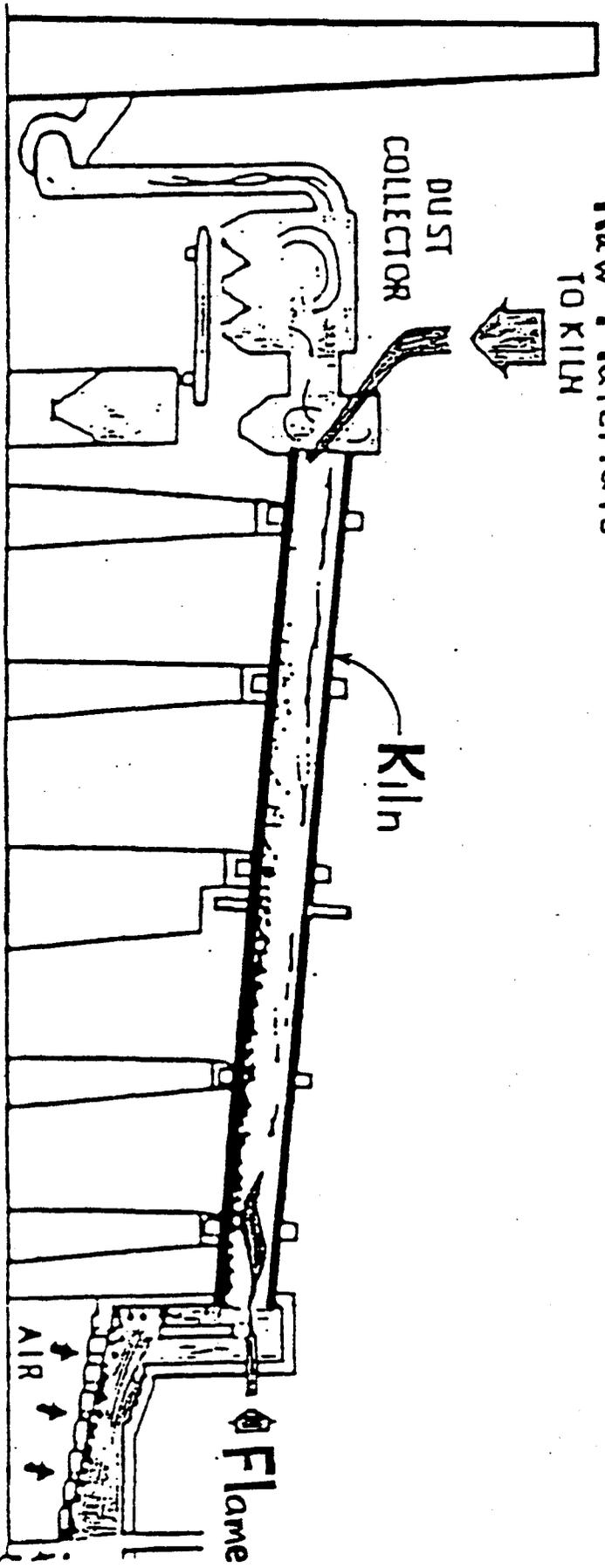
1. Permitting Process
  - a. Steps in the permit application review
  - b. Steps in the trial burn process
2. Existing Laws/Rules
  - a. Overview of the federal BIF rules
  - b. Overview of the general facility standards
  - c. Overview of the state BIF rules
3. Other Laws/Rules
  - a. Air Quality Bureau
  - b. Moratorium
  - c. MEPA
  - d. EPA research
4. Summary statement
5. Resources to Implement BIF Requirements
  - a. Resource needs
  - b. Program funding
  - c. Proposed legislation
    - i. Administrative penalty authority
    - ii. Permit application fees & operating facility fees

SENATE NATURAL RESOURCES  
EXHIBIT NO. 2  
DATE 1/13  
BILL NO.

Raw Materials  
TO KILN



DUST  
COLLECTOR



FAN

DUST  
BIN

Kiln

-ROTATING-KILN

CLINKER  
COOLER

Flame

AIR

**PERMITTING PROCESS STEPS**

- I. PARTS A AND B OF THE PERMIT APPLICATION ARE SUBMITTED
- II. EPA/DHES CONDUCTS COMPLETENESS REVIEW
- III. DHES CONDUCTS TECHNICAL REVIEW
- IV. DHES ISSUES DRAFT PERMIT OR NOTICE OF DENIAL
- V. PUBLIC NOTICE IS GIVEN
- VI. PUBLIC HEARING IS HELD
- VII. DHES MAKES FINAL DECISION AND ISSUES FINAL PERMIT

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**TRIAL BURN**

- I. PRE-TRIAL BURN PERIOD
- II. TRIAL BURN
- III. POST-TRIAL BURN PERIOD
- IV. FINAL OPERATING PERIOD

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**FEDERAL BIF RULES**

- I. DRE OF 99.99%
- II. CO AND HC LIMITS TO CONTROL PICS
- III. EMISSION LIMITS FOR TOXIC METALS
  - A. 1 IN 100,000 RISK FOR CARCINOGENIC METALS
  - B. BELOW REFERENCE DOSES FOR NON-CARCINOGENIC METALS
- IV. EMISSION LIMITS FOR HCL AND CHLORINE
- V. PM STANDARD OF 0.08 GR/DSCF
- VI. AUTOMATIC WASTE FEED CUT-OFF
- VII. FUGITIVE EMISSION CONTROLS

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## **GENERAL FACILITY STANDARDS**

- I. GENERAL FACILITY STANDARDS**
  - A. WASTE ANALYSIS**
  - B. SECURITY**
  - C. INSPECTIONS**
  - D. PERSONNEL TRAINING**
- II. CONTINGENCY PLAN**
- III. PREPAREDNESS AND PREVENTION**
- IV. MANIFEST SYSTEM, RECORDKEEPING & REPORTING**
- V. CORRECTIVE ACTION**
- VI. CLOSURE/POST-CLOSURE AND FINANCIAL ASSURANCE**
- VII. AIR EMISSION STANDARDS - EQUIPMENT & VENTS**

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## **STATE BIF RULES**

- I. TEST SOILS, STREAMS, ETC.**
- II. RESTRICT HAZ FUEL BURNING WHEN AIR QUALITY IS POOR**
- III. RESTRICT AND TEST FOR DIOXINS**
- IV. REQUIRE ANNUAL EMISSIONS TEST**
- V. REQUIRE ADDITIONAL INSTRUMENTATION - IF WARRANTED**
- VI. FIVE YEAR PERMIT REVIEW**
- VII. ELIMINATE EXEMPTIONS**

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## **OTHER LAWS/REGULATIONS**

- I. AIR QUALITY BUREAU**
- II. MORATORIUM**
- III. EPA RESEARCH**
- IV. MEPA**

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EXHIBIT # 2

DATE 1-13-93

I

**SUMMARY STATEMENT**

**FACILITIES WILL BE SUBJECTED TO RIGOROUS REVIEW DURING THE PERMIT APPLICATION AND TRIAL BURN PROCESSES. IF THE FACILITY CAN SATISFY THE DHES THAT THEY CAN MEET THE BIF RULES AND OPERATE IN A MANNER THAT IS PROTECTIVE TO HUMAN HEALTH AND THE ENVIRONMENT, THEN THEY WILL BE PERMITTED. IF THE FACILITY CAN NOT PROVE TO THE DHES THAT THEY CAN BURN SAFELY, THEN THEY WILL NOT BE PERMITTED.**

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**RESOURCES TO IMPLEMENT BIF REQUIREMENTS**

- I. RESOURCE NEEDS**
- II. PROGRAM FUNDING**
- III. PROPOSED LEGISLATION**
  - A. ADMINISTRATIVE PENALTY AUTHORITY**
  - B. PERMIT APPLICATION FEES & OPERATING FACILITY FEES**
  - C. AQB 75-2-215**

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SOLID WASTE MANAGEMENT PROGRAM ACTIVITIES

	1990	1991	1992
INSPECTIONS	49	86	254
APPLICATION FOR LICENSE RECEIVED	6	21	28
CLOSURE PLAN REVIEWS	7	15	35 (including current)
GROUNDWATER MONITORING PLAN REVIEWS	0	2	29
COMPLAINT INVESTIGATION	N/A	N/A	107
PUBLIC MEETINGS A) LICENSING	1 30 PEOPLE	2 300 PEOPLE	4 730 PEOPLE
B) STATE PLAN	0	0	15 500 PEOPLE
MEETINGS WITH TRADE ASSOC., BUSINESSES, INDUSTRY, & INDIVIDUALS AFFECTED BY H.B.660	0	0	82

OTHER MAJOR ACTIVITIES

- 1991      Designed and implemented solid waste management license fee collection systems.
- 1991      Developed and adopted landfill groundwater monitoring regulations (16.14.701 ARM).
- 1992      Developed composting guideline for public distribution. Rules in progress.

SENATE NATURAL RESOURCES

EXHIBIT NO. 3

DATE \_\_\_\_\_

BILL NO. \_\_\_\_\_

- 1992 Developed contaminated soil landfarming guidelines. Rules to be developed in 1993.
- 1992 Designed, printed, and distributed used oil recycling sign to all Montana wholesale oil distributors (H.B. 145-1991).
- 1992 Revised solid waste management rules to bring Montana's rules into compliance with Federal Subtitle D Regulations (40 CFR 258). First draft currently undergoing in house and EPA review.
- 1992 Prepared final working draft of Montana's Integrated Solid Waste Management Plan. First draft will be ready for review 2/1/93.
- 1992 Developed and adopted Solid Waste Management License and Operation Fee Rules (16.14.401).
- 1992 Funded a Manager of Landfill Operations (MOLO) training course conducted by the Solid Waste Association of North America in association with Montana Association of Counties and Montana Extension Service for all Montana landfill operators.
- 1992 Assisted Montana Extension Service in the funding and development of a household hazardous waste education curriculum and materials for Montana school grades K - 12. (H.B. 858-1991).
- 1992 Developed a working draft of rules for infectious waste management. Currently undergoing in-house review and revision. (H.B. 239 - 1991)
- 1992 Promoted and coordinated the development of source reduction and recycling plan for all state government agencies. (H.B. 160 - 1991).

CONTACTS WITH UNIFIED REFUSE DISTRICT AND HAVRE AREA

Date	Who	What
September 11, 1991.	FPC	Phone survey on fees.
October 28, 1991	RS	Letter to City of Havre concerning old landfill maintenance.
October 30, 1991	JW	Received Hydrogeological Analysis on landfill and expansion area.
January 28, 1992	EdT	Citizen complaint, blowing litter.
February 25, 1992	CAS	Landfill visit, discussion.
February 25, 1992	CK, CAS	Public meeting on State Plan; 28 people present.
March 3, 1992	EdT	NOD on Hydro report, 6 pages.
March 6, 1992	EdT	Reply to request for copy of license.
March 6, 1992	EdT	Reply to request for comment on CDBG project in Hill Co.
March 16, 1992	JW, CAS, EdT	Meeting with District personnel and consultants concerning drainage issues, Gw monitoring, and Subtitle D compliance.
April 7, 1992	EdT	Reply on subdrain proposal.
July 1, 1992	Prog	Consolidated and renewed license
July 30, 1992	PP, JW, EDT	Meeting with District personnel and consultants concerning Hydro report and expansion plans.
August 17, 1992	LAD	Letter to mayor of Chinook re: unlicensed burn at container site.
September 21, 1992	EdT	Inspection of Unified landfill.
September 21, 1992	EdT	Chinook container site inspection.
September 21, 1992	EdT	Baltrusch landfill inspection.

SENATE NATURAL RESOURCES

EXHIBIT NO. \_\_\_\_\_

DATE \_\_\_\_\_

October 1, 1992	PP	Received letter use of waste supply well for Gw monitoring.
October 7, 1992	PP	Letter responding to well use
October 14, 1992	PP	Received proposed workplan for Gw monitoring study.
October 19-23, 1992	Staff	2 attendees from Unified landfill at MOLO course.
November 5, 1992	PP	Letter approving Gw workplan.
November 13, 1992	EdT	Letter on Asbestos plan.

AMENDMENT TO SB 67

OFFERED BY SENATOR BOB HOCKETT

Page 4, line 4: Strike all of subsection 9 (lines 4 through 7).

SENATE NATURAL RESOURCES  
EXHIBIT NO. 5  
DATE 1/13  
BILL NO. 67

DATE 1/13/93

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: \_\_\_\_\_

Name	Representing	Bill No.	Check One Support Oppose	
Dan Peterson	Ash Grove Cement			
Joe Scheeler	ASH GROVE CEMENT			
Jordan Shapiro	Mont PIRG			
DAN STAHLY	Mont PIRG			
Tom Daubert	Ash Grove Cement	—		
Rosa Thorvilson	DNES - SHNB	<del>_____</del>		

**VISITOR REGISTER**

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

ROLL CALL VOTE - On Amendment to

SENATE COMMITTEE Natural Resources BILL NO. SB 67

DATE 1/13 TIME \_\_\_\_\_ A.M. P.M.

NAME	YES	NO
Chairman Bianchi		X
Vice-Chairman Hockett	X	
Sen. Bartlett		X
Sen. Dehesty		X
Sen. Grosfield	X	
Sen. Keating	---	---
Sen. Kennedy	---	---
Sen. McLernan	X	
Sen. Swift		X
Sen. Swysgood	X	
Sen. Tveit	---	---
Sen. Weeding	---	---
Sen. Weldon		X
	4	5

Leanne Kurtz  
SECRETARY

\_\_\_\_\_  
CHAIR

MOTION: to Amend Title

1/13/93

I vote do pass on SB 67;  
I vote do pass with any amendments  
I vote against any amendments to change  
the fee structure.

I vote do pass on SB 97  
I vote do pass with any amendment

Senator Steve Doherty

