MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on February 15, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

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

Members Excused: None.

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: SB 338
Executive Action: None.

HEARING ON SB 338

Opening Statement by Sponsor:

Senator Bill Yellowtail, SD 50, said SB 338 would bring order to the process of burning hazardous waste in Montana. He said SB 338 defines the kinds of substances to be burned and sets out criteria for siting facilities that would dispose of waste. Senator Yellowtail directed the Committee's attention to the amendments he asked to be prepared (Exhibit #1).

Proponents' Testimony:

Sara Barnard, Bozeman resident, said last session, the Legislature passed a moratorium on issuing certain permits for the incineration of solid and hazardous waste. She said SB 338 applies to large commercial dangerous waste facilities, excluding medical facilities, hospitals and oil refineries. Ms. Barnard said dangerous waste includes toxic substances defined in the Toxic Substances Control Act. She stated SB 338 addresses hazardous waste, infectious waste and waste that contains two parts or more per million PCB. Ms. Barnard said SB 338 prohibits siting an incineration facility within the following areas: national, state or county parks; designated wilderness and wilderness study areas; 100-year flood plains; 200 feet of active fault lines; areas above unconfined aquifers; 5 miles of existing permanent dwellings; 4 miles of surface waters; and areas where local weather conditions create a risk to public health. She added SB 338 will apply to all facilities not yet permitted. Ms. Barnard read from written testimony (Exhibit #2) and directed the Committee to Utah officials' written comments regarding hazardous waste siting (Exhibit #3).

Representative Bill Wiseman, HD 33, Great Falls, said he is concerned about water quality in the Missouri River, where 90% of his constituents get their water. He said "no community goes after the business of incineration...[because] incinerators put toxic waste in the air." Representative Wiseman added incinerators represent a very real health risk, causing property values to fall in the immediate vicinity. He stated incinerators would threaten nearby agricultural operators, because toxic chemicals in the food chain affect beef, dairy, and grain producers. Representative Wiseman stated the dangerous waste the kilns propose to burn will come from all over the country. He said the nearest cement kilns burning hazardous waste are over 1,000 miles from Montana and Montana's kilns are not competing with them. He stressed this is not a "jobs" issue.

Representative Emily Swanson, HD 79, said Bozeman has expressed concern over the burning of hazardous waste at the Holnam plant in Trident. She discussed the inception of Montanans Against Toxic Burning (MATB), a citizens group based in Bozeman. Representative Swanson said MATB has become well-informed and proactive within the last year, "proposing a reasonable solution to meet a situation of concern." She said she supports MATB's contention that although hazardous waste disposal must be addressed, so must the safety and welfare of the people. Representative Swanson stated siting a facility within 200 yards of a waterway is inappropriate, even if the technology is safe, because human error can cause problems. She stated Senator Dorothy Eck concurs with her comments.

Representative Duane Grimes, HD 75, read from written testimony (Exhibit #4) and discussed an amendment he has proposed (Exhibit #5) to terminate the act until 1997, allowing the Legislature to

review additional data.

Allen Lefohn, chemist and resident of Clancy, submitted written testimony (Exhibit #6) and discussed it.

Connie Bellet, Resident of Ringling and member of the Last Best Place Coalition, stated the proposed medical waste incinerator in Ringling is poorly sited. Ms. Bellet said the Department of Highway Safety told her that there have been 7 major tractor trailer accidents on Highways 89 and U.S. 12, both feeder highways that will be used for bringing waste to the incinerator and hauling ash away. Ms. Bellet also submitted written testimony (Exhibit #6A)

Jim Hoyne, Helena emergency room physician, reminded the Committee members that he spoke to them at an earlier hearing about the medical risks of burning hazardous materials. He said medical science continues to lower what are believed to be safe levels for exposure to toxic heavy metals. Mr. Hoyne said he contacted 82 physicians in the Helena area. Two could not be reached, 12 had no opinion on the subject, and 2 disagreed, leaving 58 physicians who "strongly agree with SB 338."

Steve Gipe, Bozeman emergency room physician and vice president of the Gallatin County Medical Society, said he has spoken with almost all of the physicians in Gallatin County about hazardous waste burning at Trident. Dr. Gipe said the physicians in Gallatin County "overwhelmingly oppose the proposal to burn hazardous waste at the cement plant in Trident because of potential environmental and health hazards." He submitted petitions signed by Gallatin County physicians opposing the plan to burn hazardous waste at Holnam Inc.'s Trident facility and calling for more stringent regulations (Exhibits #7 and #8 -- Exhibit #8 contains numerous pages of individually signed statements from Bozeman area physicians). He noted the petitions represent 75% of the practicing physicians in Gallatin County. Dr. Gipe told the Committee that "there are no, zero, safe levels of exposure to heavy metals such as lead, mercury, cadmium and arsenic, or carcinogenic halogenated hydrocarbons such as dioxin. Dr. Gipe stated these compounds will be distributed to the environment through incineration, as no kiln can burn 99.999% efficiently 100% of the time.

Dick Flikkema, Bozeman area dairy farmer and vice president of Country Classic Dairies, submitted written testimony from Keith Nye, CEO of Country Classic Dairies (Exhibit #9). He said the milk cow is the first thing that defines what is in the air. Mr. Flikkema discussed how toxins affect dairy cows and milk production.

Richard Berg, Northern Plains Resource Council (NPRC), read from written testimony (Exhibit #10).

Ken Jacobs, Bozeman real estate broker, read from written

testimony (Exhibit #11), and read a letter from a prospective buyer. The letter discussed the individual's reluctance to purchase property in areas where permits are pending on toxic incinerations.

Jim McDermand, Medicine River Canoe Club, read from written testimony (Exhibit #12).

Other proponents:

Allan Rollo, Montana Wildlife Federation

Gordon Tallent, chair, Montana City School District (Exhibit #13)

Paul Smietanka, chair, Jefferson County Solid Waste Board (Exhibit #14)

Mary Ann Wellbank, Clancy resident

Kathy Seacat, legislative coordinator for the Montana Congress of Parents, Teachers and Students, submitted written testimony (Exhibit #15)

Deb Berglund, Gallatin County Commissioner, Bozeman City Commission, and former research scientist (Exhibit #16)

Bob Eckey, Greater Yellowstone Coalition

Tim Crawford, resident of the Trident area

Dan Stahly, MontPIRG (Exhibit #17)

Jackie Daggy, Clancy resident (Exhibit #18)

Valorie Drake, Belgrade property owner (Exhibit #19)

Dave Anderson, Jefferson County resident

Rachel Sihrs, Montana City Resident (Exhibit #20)

Marlyn Atkins, Clancy resident (Exhibit #21)

Elin Spitz, Bozeman resident, submitted petitions signed by about 2,100 individuals (Exhibit #22).

Kathy Coleman, Montana City resident (Exhibit #23)

Eric Sihrs, Montana City resident

Kathy Hansen, geography professor, Montana State University

Elizabeth Brewer, Ringling resident

Redge Meierhenry, Clancy resident (Exhibit #24)

Nancy McCaffreet, Forsyth resident

Nicholas Sihrs, Montana City School student

Brian McNitt, Montana Environmental Information Center

Quincy O'Haire, Gallatin County resident (Exhibit #25)

The following submitted testimony in favor of SB 338 at the hearing but did not speak:

Dan and Maggie Pittman (Exhibit #26)
Wayne Shong (Exhibit #27)
Jerry Johnson and Ray Rasker (Exhibit #28)
Joan Montagne (Exhibit #29)
David and Denise Rufer (Exhibit #30)
The National PTA (Exhibit #31)
Dr. Douglas Elson (Exhibits #32 and #33)
Charles Atkins (Exhibit #34)
Anne Johnson (Exhibit #35)

Montanans Against Toxic Burning distributed a handout entitled "Hazardous Waste Incineration in Cement Kilns: Facts versus Myths?" (Exhibit #35A).

A fact sheet compiled by Desert Citizens Against Pollution was also distributed to the Committee (Exhibit #35B).

Opponents' Testimony:

Tom Daubert, representing Ash Grove Cement, asked everyone in the room who opposes SB 338 to stand. Senator Bianchi asked everyone who supports SB 338 to stand. Mr. Daubert said SB 338 asks the Committee to prejudge present proposals that do not yet exist in their entirety, and future proposals from the government or the private sector, relating in any way to energy recovery or incineration. Mr. Daubert stated SB 338 asks the Committee to "set as Montana policy that we will ban any such kinds of concepts from the vast majority of Montana." He said there is no scientific rationale for the siting distance limitation, but added that no technology should be permitted anywhere unless it is safe. Mr. Daubert said Montana has a rigorous permitting process requiring applicants to demonstrate the safety of the technology before a permit can be granted. He stated the cement plants would never be permitted if opponents' concerns were valid. Mr. Daubert quoted from letters Ash Grove has received from people living near other Ash Grove plants that burn hazardous waste in their cement kilns (Exhibits #36, #37, #38, #39, #40, and #41). Mr. Daubert reminded the Committee of Richard Knatterud's testimony at the Committee's informational

hearing on hazardous waste burning. Mr. Daubert quoted Mr. Knatterud, Department of Health and Environmental Sciences (DHES) as stating: "If the facility had not proved to the Department that they can burn safely, they won't be permitted. It's almost that simple." Mr. Daubert gave the Committee copies of test burn results under worst-case conditions (Exhibit #42).

Jerome Anderson, representing Holnam Inc., stated proponents have implied that a majority of Montanans support SB 338, and oppose the burning of hazardous waste in cement kilns. He said Holnam asked Public Affairs Council of Salem Oregon to poll Montanans concerning hazardous waste burning. Mr. Anderson stated 527 Montanans were randomly polled on January 20, 21, and 22, 1993. He said the poll showed that a "substantial majority of the people in Montana support Holnam's proposal to "recycle certain hazardous wastes into energy." Mr. Anderson submitted a summary of the poll (Exhibit #43), and noted that a similar poll taken in early summer 1992 shows that a majority of Gallatin County residents supported hazardous waste burning in cement kilns. Mr. Anderson stated Holnam has burned hazardous waste as an alternate fuel at its plant in Parksville, Missouri for over 6 years. He showed the Committee a photograph of the plant and quoted from a letter from the Pike County Commissioners (Exhibit #44).

Dr. Kathryn Kelly, representing Holnam Inc., and chair of Environmental Toxicology International, submitted written testimony (Exhibit #45) and added SB 338 "makes no scientific and environmental sense."

Stuart Weiss, senior process engineer, Holnam, Inc., read from written testimony (Exhibit #46).

Raymond Sorenson, aluminum worker, Columbia Falls, said his employer is the largest producer of hazardous waste in Montana, generating 6,000 tons per year that is shipped out of state for disposal. Mr. Sorenson discussed the economic impacts of shipping waste out of state.

Tim Smith, Ash Grove employee, said SB 338 will restrict the ability of the plant's union workers to prove that they can safely burn materials that are now being buried in landfills. Mr. Smith said the union contract specifies that if the employees believe the company is unsafe, they can call for an immediate safety review. He added the International Boilermakers Union expressed its support at its 1991 convention for burning hazardous waste in cement plants.

Marie Owens, president, Natural Gas Marketing Company in Butte, said she is an advocate of children, a member of the National Wildlife Federation, and the National Audubon Society. Ms. Owens stated cement manufacturing is a strictly monitored and controlled process. She added the "disintegration of selected hazardous wastes as alternate fuel in cement kilns is economically and environmentally good business." Ms. Owens

stated Ash Grove and Holnam are corporately responsible entities, and they must be allowed the opportunity to remain competitive.

Ron Drake, Helena engineer, read from written testimony (Exhibit #47).

Other opponents:

David Nation, general manager, Special Resource Management (Exhibit #48)

George Schiller, East Helena resident

Curtis Garrett, Ash Grove employee, said this is an economic concern affecting the employees of both Holnam and Ash Grove.

Tony Huso, Ash Grove employee

John VanSwearingen, Ash Grove employee

Stuart McCullough, Lewis and Clark County resident

Mike Collins, Helena resident, said hazardous wastes need to be disposed of safely.

Carl Schweitzer, Montana Contractors Association

David Owen, Montana Chamber of Commerce

Wyatt Frost, Holnam employee

Peggy Trenk, Western Environmental Trade Association

Terry Johnson, Ash Grove employee

The following documents were also submitted by opponents to SB 338:

-- comments by Don Ryan, Columbia Falls Aluminum Company (Exhibit #49)
-- "Putting Waste to Work", a production of the Portland Cement Association (Exhibit #50).

Questions From Committee Members and Responses:

Senator Doherty asked Dr. Lefohn to respond to Dr. Kelly's testimony that there is no scientific basis for the setback requirements.

Dr. Lefohn stated science is important to this issue. He said

the upset records have been documented, adding the risk assessment that was part of the opponents' testimony is based on average emissions, not upsets. Dr. Lefohn discussed the dangers of high concentrations over short periods of time. He said arguments have been based on heat content and efficiency of the engineering, not the content of the materials that would be burned. Dr. Lefohn said EPA and other investigators have not fingerprinted everything that is in the waste being burned. He said a loophole exists in the federal law "and that is that we're not dealing with stringent hazardous waste siting activities. We're dealing with facilities that are being modified, and therefore a whole different set of rules and regulations." Dr. Lefohn discussed the validity of the 5 mile radius setback requirement.

Senator Swysgood asked Dr. Lefohn if evidence exists that the burning of hazardous waste in other facilities in the United States has caused severe health problems. Dr. Lefohn said many of the pollutants have not been identified adding EPA and others agree that these wastes are not completely understood.

Senator Weldon asked Tom Daubert to comment on Representative Grimes' amendment (Exhibit #5). Mr. Daubert stated that the technology has been proven and Montana's permitting process is rigid enough to require site-specific proof that the technology is sound. He added the amendment would delay the potential for Montanans to understand the technology and realize how it could benefit the state.

Senator Weldon asked Brady Wiseman, MATB, to comment on Representative Grimes' amendments. Mr. Wiseman said he agrees that more data is needed before the facilities are allowed to burn hazardous waste.

Senator Keating asked Mr. Daubert if DHES would address upsets during the permitting process. Mr. Daubert stated one of the ways DHES looks at the effects of upsets is through the trial burn process. He said for a trial burn, the facility is required to "spike the fuel" to make it more metallic, and simulate the worst case operating conditions. Mr. Daubert stated the facility must then measure emissions continually. He referred to his handout (Exhibit #42) which shows that under worst-case operating conditions, "all metal emissions were well below the limit of detection...[required by EPA]...in some cases hundreds of thousands of times below the health level."

Closing by Sponsor:

Senator Yellowtail stressed there is uncertainty in the science concerning hazardous waste burning. He added the testimony is conflicting, so the Legislature is under an obligation to make public policy that errs on the side of safety. Senator Yellowtail stated of the 10 surrounding Western states, 8 have

siting criteria, 6 specify setback distances, and 9 address surface and groundwater. He said he has been told that plants currently burning hazardous waste are doing so under temporary rules and temporary permits. Senator Yellowtail stated the scientific information presented to the Committee "is subject to some selectivity." He stressed SB 338 is not a "lock-out bill," and would "not affect the current operation of the cement plants that are presently operating here in Montana."

ADJOURNMENT

Adjournment: 3:00 p.m.

Don Bianchi
SENATOR DON BIANCHI, Chair

Leanne Kurtz
LEANNE KURTZ, Secretary

DB/lk

Amendments to Senate Bill No. 338
First Reading Copy

Requested by Sen. Yellowtail
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 9, 1993

1. Page 2, line 11.
Following: "means"
Insert: "a waste containing"

2. Page 3, following line 12.
Insert: "(8) "Waste" means either a:
(a) solid waste as defined in 75-10-203; or
(b) hazardous waste as defined in 75-10-403."

SENATE NATURAL RESOURCES
EXHIBIT NO. #1
DATE 2/15
BILL NO. SB 338

Sarah Barnard before the Montana State Senate Natural Resources Committee 2/15/93

SB 338 is a simple siting bill. This is lean government. The fiscal note is zero. The siting criteria will be added to the rest of the requirements a permit applicant must meet to be issued a permit. There is nothing new here. The "dangerous waste" designation is from a Washington state model. Many states have location standards. Wyoming is drafting theirs now. Utah supplied the basis for these criteria, and then the **Utah standards were modified to make them less stringent, more appropriate for Montana.**

Is there a scientific basis for these distances? Last Fall I phoned the EQC and the DHES and asked if there was a scientific rationale behind siting distances. Not that they knew of. So I called Utah and explained that the Holnam representatives were challenging the setback distances in the Gallatin County draft Land Use Plan as being unscientific. I spoke to a Legislative Analyst for the state who said, "the cement companies are choosing what to be scientific about". He also suggested this argument be made - "Everything doesn't have to be scientific. It's public policy. If you don't want it there you don't want it there." You have a document from Utah which discusses distances. " **The five mile distance was initially chosen as being adequate for protection from runoff, spills, fire, explosion, and ground and surface water contamination, as well as aesthestic considerations. It was also considered to provide a minimum buffer from air emissions."** Hazardous waste facilities have been sited in Utah under these criteria. Cement kilns proposing to burn hazardous wastes in Utah must meet the siting standards. Utah doesn't ever expect their cement plants to burn hazardous wastes because of plant locations, and cement continues to be produced in the state.

Is SB 338 prohibitive, do these criteria constitute a ban? No. **We've identified at least 11 counties in Montana where dangerous waste incinerators can be sited under these standards. And that is a very conservative estimate,** because it's based on groundwater protection far beyond what is required in this bill.

Will this siting act get us thrown out of the Western States Agreement? No. A 1992 National Governors Association report on the Capacity Assurance Process shows that 70% of all hazardous waste capacity nationwide is unused. There is also excess capacity in the Western Region. Montana's Capacity Assurance Plan, the February, 1992 Submission, concludes "The analysis of the available data would indicate, therefore, that the projected regional demand for hazardous waste management capacity has been or is being met." The February '92 Submission states **"The regional approach to assuring capacity should be viewed as a planning process and not as a committment to develop specific capacity."** Montana does not have to commit itself to the cement kiln incineration of hazardous wastes to fulfill our part in the Western States Agreement, there are many other ways we can provide capacity assurance and we have the time to look at long term solutions. Montana's exportation of hazardous waste, at 7,200 tons in 1991, is viewed as "minimal". Montana's standing in the region and in the CAP process has become an issue because cement company PR men have made it one.

One thing we can be sure of - **any commercial dangerous waste incinerator sited in Montana will be a large importer of wastes.** Holnam proposes to burn approximately 45,000 tons of hazardous wastes a year, Ash Grove 15,000 tons. Less than 7,200 tons of the waste could be contributed by Montana. Montana generates only 10% of the capacity of medical wastes proposed to be burned by Alcotech at Ringling.

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EXHIBIT NO. 2
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SENATE NATURAL RESOURCES
EXHIBIT NO. 3
DATE 2/15/93
BILL NO. SB 338

UTAH

RESPONSE TO COMMENTS
HAZARDOUS WASTE FACILITY SITING CRITERIA
[R450-3-3.2(c)9, 3-23, 8-6.1(a)(3)]

Commentors generally expressed strong support for the implementation of siting criteria for hazardous waste treatment, storage, and disposal facilities. Many commentors thought that specific provisions of the siting criteria needed revision or clarification. Presented below are comments received in written form during the public comment period and as oral statements made at the public hearings. Comments were received from environmental groups, local and regional organizatiions, industry representatives, government officials, and many members of the general public.
Comments have been grouped according to criteria they regard. The item numbers given in the comments and responses reflect the numbering of the revised criteria.

Comment: Numerous comments were received regarding the prohibition against siting treatment, storage, and disposal (TSD) facilities within five miles of residences, schools, churches, etc., and various types of surface waters [R450-3-23 (b)(xii) and (xiii)]. Comments included setting no arbitrary distance, with the appropriate distance determined on the basis of site and local conditions, to suggested increases in the distance ranging from 10 to 50 miles. Most commentors who suggested increases based them on the need for greater protection from incinerator air emissions. It was also suggested that the criterion be limited to existing residences.

Response: The five mile distance was initially chosen as being adequate for protection from runoff, spills, fire, explosion, and ground and surface water contamination, as well as aesthestic considerations. It was also considered to provide a minimum buffer from air emissions. The Utah Air Conservation Committee requires by regulation that every new or modified emission source in the state uses the best available control technology (BACT) to control air emissions. This BACT determination is made on a case-by-case basis and includes, among other things, computer modeling which predicts pollutant concentrations by amount and distance from the source. If the modeling predicts concentrations of any pollutant that would endanger the environment or public health, an approval order could not be issued. The Bureau of Air Quality (BAQ) has commented that, in general, no health impact would be expected to occur beyond the five miles proposed in the siting criteria. However, if a greater distance is necessary, the BAQ is not bound by the five mile rule or any other siting criteria that would conflict with their permitting procedures. The word "existing" has been added to the criterion regarding residences.

Comment: Clarify or further define the phrase "significant ephemeral stream" [R450-3-23 (b)(1)(xiii)].

Response: The phrase "significant ephemeral stream" has been changed to "intermittent stream" which implies the presence of water on a

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE DUANE GRIMES

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COMMITTEES:
JUDICIARY
HUMAN SERVICES
FISH & GAME

For the record I am Duane Grimes, Representative from House District 75, representing Jefferson County and part of Broadwater County. A large number of those attending this hearing are from my district. The cement plant owned by Ash Grove Cement has been a friendly neighbor and an asset to our community for years.

Let me first say that I spent a great deal of time interviewing people on both sides of this issue and particularly those that live close to the cement plant in my district. The surprising thing is that most people feel the same. We don't want to burn hazardous wastes unless it's safe. This issue is totally non-partisan and one's concerns seems to be proportionate to how far they live from the facility.

I have had to do some real soul searching on the abundance of information on both sides of this issue. At the heart of your policy decision is how this siting act will apply to current facilities. I think I've resolved this dilemma within myself and wish to express some conclusions I have come to over the last year.

First, this is predominately a public health issue rather than an environmental issue. No jobs are at stake and the primary focus with regard to the plant in my district is its affect on the surrounding community and the local school.

Secondly I would like you to be aware of the risks involved. No one can really tell you whether its completely safe or not. I commend DHES in their exemplary efforts to ensure the safety of the State's citizens but ultimately they will tell you that in the "soup," if you will, of chemicals subjected to extreme heat, other or even new compounds are formed which pose risks yet to be determined. I encourage you to ask them yourselves.

Some say this legislation is motivated by just fear. There is certainly fear

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involved, but after you've looked at all the evidence in the case there is also a substantial amount of objective data to warrant those concerns.

Fortunately I don't think we have to make the ultimate decision on whether its safe or not. There are a great number of plants around the nation burning this type of material and a number of studies are forthcoming.

The best solution is to wait until the data is in from those other States before safety can be proven before continuing with the permitting process.

This approach is very rationale and fair since there is no jobs at risk, since there currently exists health concerns regarding this method of disposal, and since the there is currently plenty of capacity with in the region to handle our wastes. The burden of proof should be on the facilities desiring to burn these wastes. The siting act will achieve this end of protecting the public health of Montana citizens as well as protecting the plants from future potential liability.

The vehicle by which I propose to consider future data that may allow for the incineration of wastes is contained in a proposed amendment that I offer to the Committee. This amendment will terminate this siting act in 6 years and include language that will allow the legislature to review the additional data which will be available at that time and decide to continue or not to continue the policy decision you make this session.

In my mind this siting bill, with my amendment, presents a rationale and reasonable approach to this issue given the information available at this time. I have a great peace about my final position on this issue because it protects all sides involved and basically because it is the right thing to do.

I wish you the best in your deliberations.

Amendments to Senate Bill No. 338
First Reading Copy

Requested by Rep. Grimes
For the Committee on Natural Resources

Prepared by Paul Sihler
February 15, 1993

1. Title, line 7.
Strike: "AND"
Insert: ","
Following: "DATE"
Insert: ", AND A TERMINATION DATE"

2. Page 1.
Following: line 15
Insert:
"[This act] terminate October 1, 1997. It is the intent of the legislature that, based upon available information, including the results of currently ongoing studies, the 56th legislature review the need for and scope of [this act] and its implementation."

3. Page 5.
Following: line 15
Insert:

"NEW SECTION. **Section 7. {standard} Termination.** [This act] terminates October 1, 1997."

SENATE NATURAL RESOURCES
EXHIBIT NO. 5
DATE 2/15/93
BILL NO. SB 338

TESTIMONY IN SUPPORT OF SB338
SENATE COMMITTEE ON NATURAL RESOURCES
FEBRUARY 15, 1993

SENATE NATURAL RESOURCES
EXHIBIT NO. 6
DATE 2/15/93
BILL NO. SB 338

Allen S. Lefohn, Ph.D.
Clancy, Montana 59634

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

On January 22, 1993, I testified to the Senate Natural Resources Committee on the technical concerns I have regarding the "upsets" associated with hazardous waste burning and the possibility of exposing humans and the environment to unexpected emissions of toxic pollutants. Upsets occur because of power failure, poor mixing, equipment failures, and changes in pressure due to burning reactive or explosive waste. As a follow-up to my January 22, 1993 testimony, I would like to reiterate my technical concerns about permitting hazardous waste burning facilities in Montana without appropriate siting criteria that provide for "buffer" zones to protect people and the environment from unanticipated toxic emissions.

One of the ways to help assess the potential distribution of the emissions associated with dangerous waste burning facilities is to review the past history of emissions and depositions in Montana. One of the major emitters of air pollutants in the United States was the Anaconda Smelter. Stack emissions from the smelters were a major source of environmental contamination in the Anaconda area during the period of operation (1884-1980).

Soils in the vicinity of the Anaconda Smelter have accumulated heavy metals from smelter stack emissions. Researchers conducting studies in the Deer Lodge Valley agree that in general, concentrations of arsenic, cadmium, copper, lead, and zinc generally decrease with increasing distance from the Anaconda smelter stack. The highest arsenic concentrations were within a 2-mile radius of the smelter complex. Arsenic, copper, lead, and zinc in the soils near Anaconda have been found within 5 miles of the Old Works and Washoe Smelter sites. The highest concentrations measured were near the sources. Within 1.5 miles of the smelter complex, the cadmium content was 30 ppb. The concentrations decreased to 3 ppb at approximately seven miles from the facility. Although the emissions from cement kilns are not of the magnitude experienced at the Anaconda facility, it is clear that when "upsets" occur, the greatest exposures to the public and the environment will be very close to the emission stack. Emissions of incompletely burned toxic constituents in the waste can pose significant risk to human health.

Because of these risks, I believe it is necessary that a "buffer" zone be implemented so that those of us who live in Montana can be protected against the emissions that will result from these "upsets." There are several important facts associated with hazardous waste burning that require the creation of buffer zones. These facts include

- Incinerators generate toxic emissions, including heavy metals such as arsenic, cadmium, mercury, chromium, and lead, that cannot be destroyed by incineration. Metals can attach to small particles in the emission gases and ultimately escape the pollution control equipment.

- New products are formed during the burning process. These chemicals are often more toxic than the original waste and include dioxins, considered to be some of the most toxic and dangerous chemicals ever tested.

- Besides dioxins, there are other dangerous chemicals formed that are the result of incomplete combustion. The products of incomplete combustion (PICs) are chemicals that were not in the original waste but are newly formed in the incinerator. These products of combustion are even more toxic than the chemicals originally burned.

- Only a small percentage (less than 20%) of the PICs have been identified in stack gases. Thus, it is realistic to expect that unrecognized organic chemicals are emitted from stack emissions. Many of these PICs may be carcinogenic, with the result that even though the engineering design is meeting EPA guidelines, the public and the environment may be exposed to air pollutants identified at a later date by the EPA as carcinogenic. Thus, a "buffer" zone is needed to provide the "insurance" policy that will protect the public and the environment from undefined PICs.

- Although a trial burn or test burn is required before a facility is allowed to burn hazardous waste, the burn's results are based on the removal of specifically identified chemicals (usually 4-6 chemicals). It is recognized that only a small percentage of the organics are known. Thus, the test burn will not normally provide information about the ability of the facility to reduce the emissions of the most carcinogenic organics.

EXHIBIT #6
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Given the large amount of uncertainty associated with characterization of the products of incomplete combustion, it is mandatory that a well-defined "buffer" zone be created to protect the public and the environment. ***This is our insurance policy.*** An analysis of major emitters in the State of Montana indicates that the largest fallout of stack emissions occurs within 5 miles of the point source. Thus, a 5-mile buffer zone is a reasonable area for providing first-level protection from the toxic emissions that may occur as a result of "upsets."

As a research environmental scientist, much of my work is associated with assessing the potential impact of human activities on the environment. Even the best-designed engineering facilities cease to work as predicted. To protect human populations and the environment, it is important that a worst- case scenario be used and that we predict what the consequences of engineering failure are. Worst-case scenarios are not based on meeting perfect engineering requirements, but instead, on the knowledge that "upsets" occur in a non-perfect world. It is important that Montana's citizens, through the legislative and executive process, be guaranteed that the risks to humans and the environment, associated with the emissions from new and retrofitted facilities that burn hazardous and medical wastes, are kept to a minimum. The adaption of a siting criteria will provide this guarantee.

SENATE NATURAL RESOURCES
EXHIBIT NO. 6A
DATE 3/15/93
BILL NO. SB 336

Ladies and Gentlemen of the Senate:

Thank you for this opportunity to present testimony for the record:

My husband and I are residents of Ringling, and live within one mile of a proposed medical waste incinerator. Our immediate public health concerns are fourfold:

1) What goes in, comes out.
2) What goes up, comes down.
3) Can a spill or other accident be cleaned up?
4) Can our children, incinerator workers, livestock and businesses be kept safe in proximity to an incinerator?

1) Medical wastes contain 14% to 40% plastics. Incineration is an inappropriate technology in the disposal of plastics because it takes a stable, generally non-biodegradable material and breaks it up, releasing highly reactive toxins, including chlorine and heavy metals. As these hot gases cool, chlorine combines with other elements to form organochlorides, including the most toxic substances known to Man, dioxins and furans. These are very tiny molecules, not particulates, that can go right through a scrubber. The EPA now admits that scrubber efficiency now averages between 79% and 83%, not 99.9999% as some companies claim. For every .01% drop in efficiency, pollution increases 400 times. (EPA, 1984)

2) Not all of the incinerator gases go through a scrubber. Whenever a highly volatile substance is exposed to high temperatures, it often explodes, activating the dump stack. These upsets are reportedly quite common, with over 60 incidences observed in a three-month period at the Trident plant. Particulates and dioxins fall onto croplands and watersheds, where they are easily absorbed into living tissue, bioaccumulating and biomagnifying (USEPA, 1985a).

3) The MT Highway Traffic Safety Division has reported seven major truck/trailer accidents in two years on the two U.S. highways that lead into the Ringling area. Five of these accidents involved rollovers. We do not have a HazMat team in Meagher County to deal with a spill of infectious waste or dangerous ash. We are not sure it would be possible to contain and remove the ash, especially as both U.S. 89 and U.S. 12 follow streams for much of their length. A fire or explosion at the incinerator would pose very special problems, especially since there is no local fire department within 22 miles. I am Area Coordinator for the Phoenix Society for Burn Survivors and my husband and I are registered volunteer disaster relief workers for the American Red Cross. We have been asked to become first responders. I might add that there was a tanker spill of denatured ethanol into the old Sixteenmile Creek bed on January 20th. We are immensely grateful that it was ethanol and gasoline, not ash or infectious waste. The spill took place right in Ringling.

4) Incinerator workers are at the greatest risk of exposure to fumes, leakage, and blowbacks. "fugitive emissions and accidental spills may release as much or more toxic material into the environment than direct emissions from incomplete waste incineration. A

potential exists for environmental and human exposure as waste is removed from the generator site, packed and shipped to the incinerator, and moved about within the incinerator facility. (US EPA, 1985). As others will testify, the greatest concentration of pollutants occurs in a seven-mile radius of an incinerator. Children are most at risk because they have the logest time to absorb pollutants into bodies that are least resistant. Livestock, with their shorter lifespans and higher reproductive rates, are most likely to exhibit abnormalities first. Animals and humans may be exposed to incinerator pollutants through inhalation, ingestion of contaminated food, or drinking water. (US EPA 1985a) Our businesses, which include tourism, outfitting, agriculture and real estate, depend on healthy people in a healthy environment. People whose businesses fail or who draw upon our health care resources do not constitute a tax base. Please support SB338, SB339, and HB567. Thank you.

Connie Bellet

Connie Bellet
Box 111
Ringling, Montana 59642

SENATE NATURAL RESOURCES
EXHIBIT NO. 7
DATE 2/15/93
BILL NO. SB 336

January 31,1992

Mr. Dennis Iverson
Ms. Patti Powell
Department of Health and Environmental Sciences
Cogswell Building
Helena, MT 59620

Dear Mr. Iverson and Ms. Powell:

We are writing to you to express our concern regarding the proposal to burn hazardous waste at the Trident Cement Plant in Three Forks, MT as well as our concerns about the BIF regulations surrounding cement plant incineration of hazardous wastes. As physicians in Gallatin county we oppose the plan to burn hazardous waste at the Trident plant because of significant health and environmental risks. We also feel that the federal regulations as outlined in BIF are too lenient and that Montana should adopt stricter regulations regarding the incineration of hazardous waste at cement kilns.

Sincerely,

Steve Shaneyfelt M.D.
Internal Medicine

Peter O'Reilly M.D.
Anesthesia

Pam Hiebert M.D.
Internal Medicine

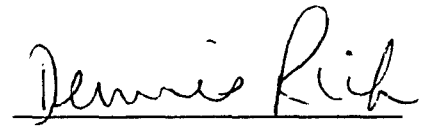
Paul Visscher M.D.
Pediatrics

John Robbins M.D.
Internal Medicine

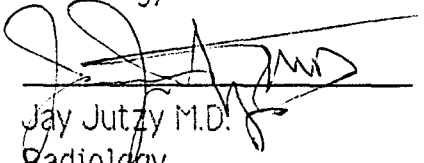
Alice Wong M.D.
Obstetrics/Gyn

George Saari M.D.
Internal Medicine

Curt Kurtz M.D.
Family Practice

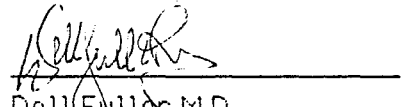


Dennis Rich M.D.
Radiology

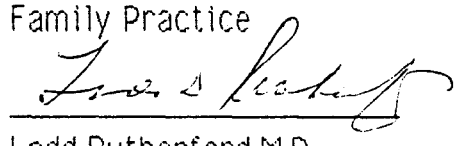


Jay Jutzy M.D.
Radiology

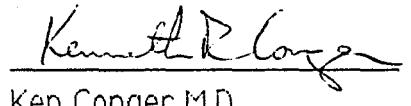
Dean Center M.D.
Family Practice



Dell Fuller M.D.
Family Practice

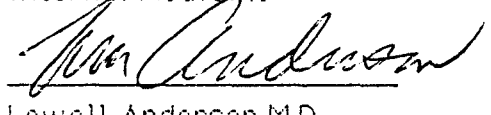


Ladd Rutherford M.D.
Hand Surgery

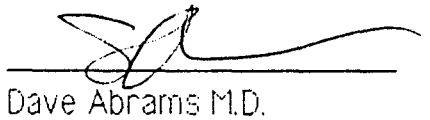


Ken Conger M.D.
Family Practice

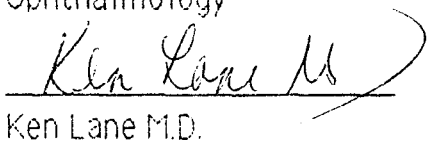
Annie Castillo M.D.
Internal Medicine



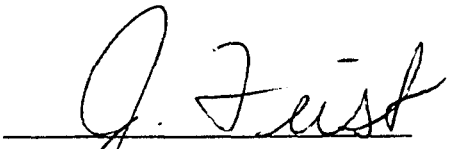
Lowell Anderson M.D.
Orthopaedic Surgery



Dave Abrams M.D.
Ophthalmology



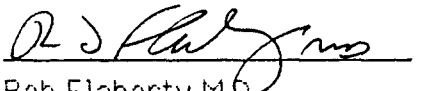
Ken Lane M.D.
Anesthesia



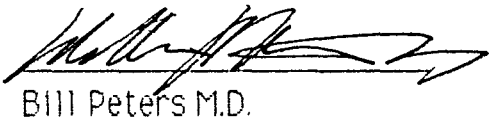
Jim Feist M.D.
Pediatrics

Eric Livers M.D.
Pediatrics

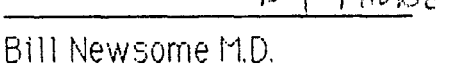
Julie Courtner M.D.
Pediatrics



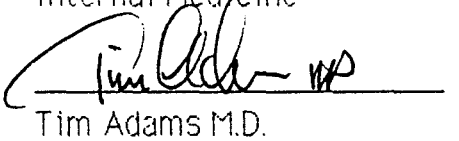
Bob Flaherty M.D.
Family Practice



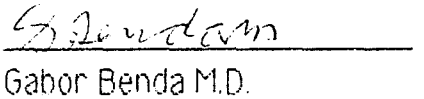
Bill Peters M.D.
Obstetrics/Gyn



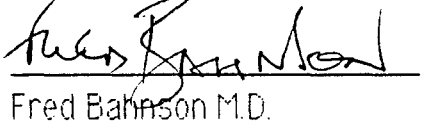
Bill Newsome M.D.
Internal Medicine



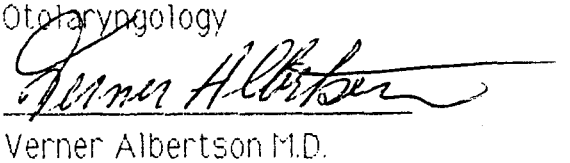
Tim Adams M.D.
Internal Medicine



Gabor Benda M.D.
Family Practice



Fred Bahnson M.D.
Otolaryngology



Verner Albertson M.D.
Radiology

D.C. Lehfeldt M.D.
Pathology

John Mathews M.D.
Orthopaedic Surgery

Dan Gannon M.D.
Orthopaedic Surgery

By PHONE

Frank Humberger M.D.
Orthopaedic Surgery

David King M.D.
Family Practice

Doug Elson M.D.
Emergency Medicine

Steve Gipe D.O.
Emergency Medicine

Charles Fritz M.D.
Emergency Medicine

John Cunningham M.D.
Family Practice

Brian Rogers M.D.
Dermatology

Ralph Berry M.D.
MSU Student Health

Bob McKenzie M.D.
MSU Student Health

By PHONE

Kerry Reif M.D.
MSU Student Health

Kathie Lang M.D.
MSU Student Health

Tom Goldsmith M.D.
MSU Student Health

By PHONE

Marjorie Foulkes M.D.
MSU Student Health

Pat Holland M.D.
Obstetrics/Gyn

Steve Ley M.D.
Anesthesia

Dan Ireland M.D.
Obstetrics/Gyn

John Patterson M.D.
Family Practice

EXHIBIT #7
DATE 2-15-93
SB-338

By PHONE

Ed Allen M.D.
Family Practice

Larry Thayer M.D.
Anesthesia

Tom Hildner M.D.
Family Practice

Dave Siewert M.D.
MSU Student Health

Rich Wallace M.D.
Radiology

Phil Cory M.D.
Anesthesia/Pain Mgt.

John Campbell M.D.
Orthopaedic Surgery

Jim Simmons M.D.
Anesthesia

Peter Townes M.D.
Obstetrics/Gyn

cc: Rep. Joe Barnett
Rep. Beverly Barnhart
Sen. Don Bianchi
Rep. Dorthy Bradley
Sen. Dorthy Eck
Rep. Sam Hoffman
Rep. Bob Raney
Sen. Jack Rea
Rep. Wilbur Spring
Rep. Norm Wallin

Senate Natural
Resources Committee
February 15, 1993
Senate Bill No. 338
Exhibit #8

Exhibit #8 contains numerous pages of individually signed statements from Bozeman area physicians who support SB 338. The originals are stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

DARIGOLD

COPY

February 9, 1993

SENATE NATURAL RESOURCES
EXHIBIT NO. 9
DATE 2/15/93
BILL NO. SB 338

Senator Don Bianchi, Chairman
Montana Senate Natural Resources Committee
Montana State Senate
Capital Station
Helena, Montana 59620

Dear Senate Natural Resources Committee:

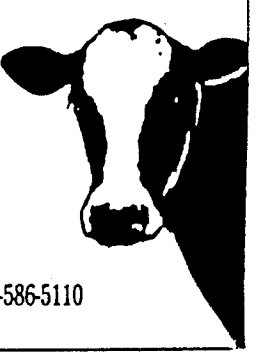
Thank you for the opportunity to make a statement of position on Senate Bill #338 sponsored by Senator Bill Yellowtail and also known as **"Hazardous Waste Burning Siting Bill"**.

This statement of position represents the opinion of our Montana Cooperative Corporation known as DARIGOLD FARMS, headquartered in Bozeman and owned 100% by Montana dairy farmers.

DARIGOLD markets approximately 42% of the fresh cows milk produced in Montana from some 80 Montana dairy farm entities. We believe that Senate Bill #338 provides only minimal safeguarding of our agricultural food producers but this minimum distance requirement of siting is a crucial barrier to somewhat protect our food supply.

We ask each member of this distinguished committee to weigh the economic values involved and the human health issues involved.

First the economic comparisons are totally weighted in favor of the food producers of Montana's agricultural industries versus cement production. Economic importance to Montana in terms of jobs at our own affiliated dairy farms and here at our processing plant in Bozeman are greater than the Holnam cement producing facility at Trident. Montana food producers in total, create an enormous amount of revenue and jobs in Montana. The Montana cement industry still can market cement without burning hazardous wastes in their incinerators. The local Bozeman "Chronicle" newspaper quoted a Bozeman lobbyist on this matter as having proclaimed the "none of Holnam's regional competitors in the cement industry now burns hazardous wastes". To conclude an economic summarization, we would simply state that; it makes no logical economic sense to put such a vast amount of Montana commerce at risk over a minuscule cement industry that is able to operate in Montana at an already competitive scale.



COUNTRY CLASSIC DAIRIES, INC.

1001 N. 7th Ave. • P.O.Box 968 • Bozeman, Montana 59771-0968 • 406-586-5425 • 800-321-4563 • Fax 406-586-5110

Secondly the human health issue seems pretty much top priority to us. The three lobbyists that are working on behalf of the cement industry have provided information to legislators that cement kilns burn so hot that they destroy 99.99% of any hazardous waste materials. Now there is the corker! We suppose the other .01% of the hazardous waste materials residue is ending up in the surrounding air, water or land. This eventually can enter the food chain through grains, grasses, water, air, hay, pork, beef, lamb, poultry, fish, milk, potatoes, wildlife and other food source exposures. Consumers want and deserve foods virtually 100% free of hazardous waste residues, not 99.99%. Would you purchase a food product for your own consumption that was branded 99.99% free of hazardous waste residues? We would not! Tolerance levels for contaminates in milk are measured in parts per billion not parts per hundred. Do you think the F.D.A. would revise standards of a so called safe food supply to permit humans to ingest .01% hazardous waste residue contaminates? The answer is of course NO. Consumers (citizens) want pure food and Montana agriculture can provide that pure food. Montana's agricultural food producing integrity and the livelihoods of our Montana food producers needs to be preserved to measure up to the scrutiny of the consuming public. Please support Senate Bill #338 and go on record with us as a PROPONENT.

Thank you,

Keith Nye, General Manager, CEO
Country Classic Dairies, Inc.
dba DARIGOLD Farms of Montana

EXHIBIT #9
DATE 2-15-93
SB-338

COPY

MEASUREMENT ILLUSTRATION

(one - one hundredth)
0.01% = 1/100 of 1%
(one - one billionth)
.000,000,001% = 1/1,000,000,000 of 1%

Food Safety is not measured in increments of hundreths. When it pertains to contaminates that are considered human health risks. Hazardous waste residues of 1/100% can devastate Montana's Food producing entities.

Northern Plains Resource Council

Testimony of Richard Berg in support of SB 338

My name is Richard Berg, and I am testifying in support of SB 338. I am testifying on behalf of Northern Plains Resource Council and on my own behalf as a fourth generation rancher whose family has lived near the headwaters of the Musselshell river for over 100 years.

Montana has long been a state predominately dependent on agriculture, and agriculture has served it well. Of late Montana has become a hip haven for tourists and the retreating rich. Though occasionally annoying to natives, all things considered, tourism has also been a low impact, economically beneficial industry. But now it seems Montana is facing new industrial choices, namely that of the huge burgeoning waste management industry. Seattle - Portland - Denver - Minneapolis - Chicago are all seeking simple, out of sight solutions to their waste problems. And here Montana sits in the middle. From the outside Montana is often viewed as politically impotent, socially naive, and economically desperate. In other words, we are ripe for invasion and the invasion has begun. It is very well funded and politically slick. Are we ready?

As a cattleman, I wonder if contaminated streams or aquifers or even grasses and soils might in turn contaminate my cash crop which is feeder cattle. (Remember when heavy metals, PCB's, and dioxins go up, they must come down on that which my cattle eat.) It has been shown that dioxins and heavy metals accumulate in beef, chicken, pork, dairy, and eggs in elevated concentrations. (USEPA 1988) Poor reproduction in livestock has been associated with heavy metal contamination of soil and plants. (J. Webber 1980) The potential for loss of productivity and reduced marketability of products makes locating hazardous waste incineration in the vicinity of agricultural areas a very risky business. Are we ready?

As a father, I wonder what effect an incinerator might have on my children at a nearby school. Are we ready?

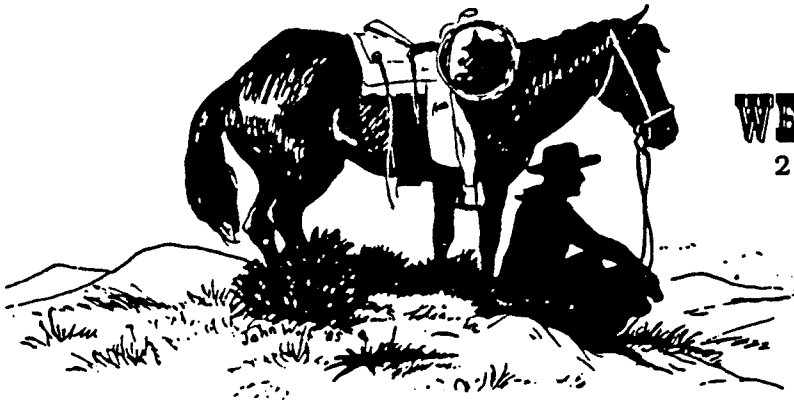
You, as legislators, have been chosen by the people of this great state to represent them. Your awesome responsibility is to see that we approach this opportunity or debacle with farsighted wisdom and acumen - and with great caution. Are we ready?

Well, we have no state siting regulation for these types of incineration facilities. It is absolutely wide open. If we are to allow commercial waste incineration, and perhaps constitutionally we must, then let us proceed with fair but cautious, stringent guidelines to ensure the safety of our citizens and quality of our resources. SB 338 begins that process fairly and cautiously. It will provide a needed framework within which responsible companies can become permitted and, we all hope, operate safely.

For my cows, for my children, for <u>your</u> children, for the economic and environmental viability of Montana's future, I ask you to support SB 338. Thank you for your time and consideration.

Richard Berg
Lennep Route
Martinsdale, MT 59053

SENATE NATURAL RESOURCES
EXHIBIT NO. 10
DATE 2/15/93
BILL NO. SB 338



JACOBS
WESTERN LAND BROKERAGE, Inc.
211 West Main, Suite A • Bozeman, MT 59715
(406) 586-8575

SENATE NATURAL RESOURCES
EXHIBIT NO. 11
DATE 2/15/93
BILL NO. SB 338

February 15, 1993

SUBJECT MATTER: S. B. Bill No. 338 to be presented to the Fifty-Third Legislative Assembly on Monday, February 15, 1993.

A bill for an act entitled: "An act defining and establishing siting criteria for commercial dangerous waste incineration facilities; and providing an immediate effective date and an applicability date."

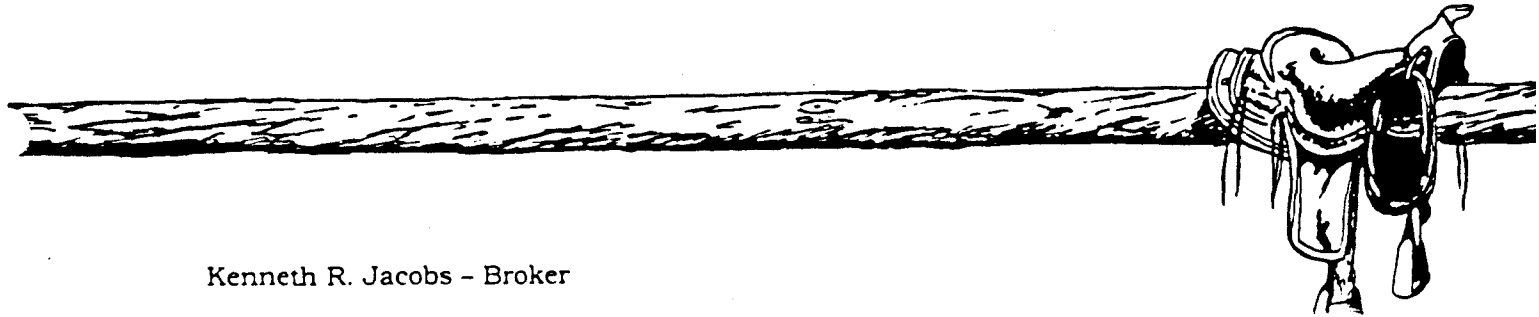
My name is Ken Jacobs. I reside at 3504 Good Medicine Way in Bozeman, Montana.

I am a Real Estate Broker and have been active in Ranch and Land Sales since 1971. I own and operate Jacobs Western Land Brokerage in Bozeman, MT. My firm handles land in a five state area with an emphasis on Montana.

I am in contact with property owners and prospective buyers across the country, on a daily basis. My firm has had a number of phone calls and a couple of letters expressing deep concern about the possible burning of imported toxic and hazardous waste in Montana. One prospective purchaser told me to draw a twenty mile circle around each incinerator and don't even look for property within that area.

Another party is under contract on a property at this time with a contingency that the buyer will only close escrow if a burning permit is denied. There is no question that the burning of hazardous waste is going to have a serious and lasting detrimental effect on property values for many miles around each of the proposed burning sites.

Since there is deep concern about Montana allowing the burning of toxic and hazardous waste at a time when the state is enjoying a reputation for being the last best place to live, I would submit to you that there will be detrimental influence on <u>all</u> property values across the state.



Kenneth R. Jacobs - Broker

A great deal of Montana's agricultural production is exported and the ranchers I deal with are concerned that the burning of toxic waste could damage the reputation of their farm products. The biggest concern seems to be from cattle producers and dairymen.

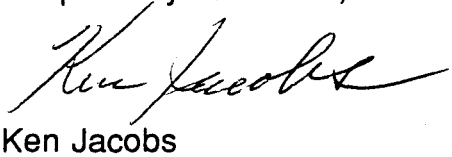
The tourist industry, second only to agriculture in our state's economy, could be the biggest loser of all. Anything that detracts from the public's concept of our pristine environment can only damage our tourist industry.

After doing some basic research and trying to answer a few simple questions, I could come up with no logical reason why our elected officials would even consider allowing such a thing to happen to our state. The profit made by a company with less than a sterling reputation will go out of state, while the lasting effects could haunt us like the super fund project in the Butte and Anaconda area. Montana has a horrendous example of what a smoke stack can do to an area over an extended period of time. Why would we even consider making that mistake again.

Why would we intentionally; drive down real estate values, jeopardize the cattle and dairy industries, tarnish the pristine image and lessen the quality of life for our citizens?

Why would we do that?

Respectfully submitted,



Ken Jacobs

KJ:cl

Medicine River Canoe Club

Great Falls, Montana

February 15, 1993

Senate Natural Resources Committee
State Capitol
Helena, Montana

Chairman Bianchi and Members of the Committee:

My name is Jim McDermand and I am speaking today for the Medicine River Canoe Club in Great Falls.

Our Club does not often take a political stand on issues unless they are directly related to water recreation.

While SB 338 does not fit into this category, without protection to our environment and the health of our citizens, recreation is really a secondary consideration.

We agree with the author's of SB 338 that Montana needs and should have the protection to our air, our water, and our quality of life that SB 338 would give us. All too often in today's society we have seen the prostitution of our resources and environment for the sake of a dollar.

We urge this committee to pass SB 338, it is a quality bill for a quality state. Let's keep it that way.

Respectfully yours,

James W. McDermand

James W. McDermand, Spokesman
Medicine River Canoe Club
3805 4th Ave. South
Great Falls, MT 59405

SENATE NATURAL RESOURCES
EXHIBIT NO. 3 12
DATE 2/15/93
BILL NO. SB 338

Montana City Elementary School
Penny Koke, Superintendent
Dianne Delaney, Principal
Star Route, Box 127
Clancy, Montana 59634
Telephone: 442-6779

SENATE NATURAL RESOURCES
EXHIBIT NO. 13
DATE 2/15/93
BILL NO. SB 338

The Montana City School District #27 Board of Trustees strongly support the Dangerous Waste Facilities Siting Act. Ash Grove Cement Company proposes to burn millions of pounds of dangerous waste one-half mile from Montana City School. The school and playground environment are the recipients of the stack emissions. The emissions from incineration of dangerous waste will include products of incomplete combustion as well as unacceptable amounts of organic chemicals, pollutants, heavy metals and ash. The processing of dangerous waste in cement kilns has not been shown to be safe beyond a reasonable doubt. Cement kilns are designed to make cement and not designed to destroy dangerous waste. Since the long term health consequences of the inhalation and ingestion of the emissions are adverse or unknown and since the board is charged with protecting the welfare of the students of District 27, we recommend that the siting act include a regulation that any facility burning dangerous waste be located a minimum of 10 miles from any school. Until substantial evidence proves that there are no adverse health effects we remain committed to banning the combustion of dangerous waste one-half mile from our school. We hope to be involved and informed about the rules and regulations as they would greatly concern and affect our community.

Sincerely,

The Montana City School Board of Trustees:

Gordon Tallent, Chairperson

James Obie

Edward G. Blackman, Vice-Chairperson

Annette Cade

Sandra Goodwin

FEBRUARY 15, 1993 TESTIMONY OF PAUL A. SMIETANKA
A PROPONENT OF SENATE BILL 338

I'm Paul Smietanka, I live a few miles upstream and often down wind from the Ash Grove Cement plant. I come to you wearing two hats. One as a geographically effected citizen, the other as a member of the Jefferson County Solid Waste Board with an informed appreciation waste disposal issues. I urge you to adopt the minimal siting standards provided in this legislation.

I acknowledge that some very sincere and honorable people believe that hazardous waste can be incinerated safely at either the Montana City or Three Forks facilities. And although reasonable people can disagree on this issue, there is no contest to the fact that the majority of such hazardous waste emissions can neither be identified nor certified safe for this generation or the generations to come.

I'm sure that some of you have had the opportunity to review Ash Grove's clear day promotional video. I now encourage your reflection upon the fact that what goes up and out of its stack just does not disappear. It hangs in the air at the base of Saddle Mountain, frequently migrating up the face of the mountain and down the Prickly Pear drainage towards Clancy. **[I submit unretouched Photographic Exhibits 1. and 2. taken with a pocket camera by me on February 9, 1993.]**

Reasonable hazardous waste incineration siting restrictions are imperative if this Legislature, an elective body, is to delegate its discretion and duty to provide for the public health, and the safety of our environment to a profit making enterprise.

SENATE NATURAL RESOURCES
EXHIBIT NO. 14
DATE 3/15/93
BILL NO. SB 338

The health of this generation and those uncounted generations to follow, should not be entrusted to a business venture, subject to the myriad of pressures of a competitive market place, without specific and reasonable geographic controls on its operations.

This isn't a question of whether or not private enterprise can act responsibly. The questions really are:

1. Can the Legislature guarantee that the health of its citizens and safety of its environment is best served by a commercial enterprise to which such, unclear if you will, health and safety considerations are but ancillary considerations to the profit motive? and; 2. Is not elective government the proper and most accountable steward of the health and environment we all share as Montanans?

Let this Legislature act now to at least establish some bare bones siting if not more stringent operational standards for hazardous waste incineration. Long after the Ash Grove and Trident facilities live out their useful lives and their corporate holding companies dissolve, it will be elective state and local governments that will be left to resolve any aftermath of the profit maximizing decisions that all private enterprises must make to survive and prosper in a competitive market place.

We cannot ignore that the engine of our democracy is driven by the profit motive, we as a society, so revere. And on occasion we have seen the onerous results of that motive gone awry. Therefore, as servants of the electorate, you all must dutifully consider the very real potentials for conflicts between private business interests and the public good.

EXHIBIT #17
DATE 2-15-93
SB-338

Frankly, it's unconscionable to place good and honorable, private sector managers in the untenable position of simultaneously serving the interests of their company and the interests of the public without reasonable restraints upon their ultimate business activities. As Montanans we must not permanently mortgage our future for a quick fix of the short term economic stimulus that geographically unrestricted hazardous incineration might provide.

Before you vote on this initiative I ask each and every one of you to examine your conscience. Truthfully answer to yourself whether you would prefer to live up wind or down wind; 1 mile or 100 miles of a hazardous waste incinerator.

Twenty, fifty or one hundred years from now, we Montanans must be able to look our children and grandchildren in the eye and still say "An ounce of prevention is worth a pound of cure."

Respectfully submitted:

Paul A. Smietanka
94 Blue Sky Heights
Clancy MT 59634
933-5789

Montana Congress of PTSA
Parents, Teachers & Students

SENATE NATURAL RESOURCES
EXHIBIT NO. 15
DATE 2/15/93
BILL NO. SB 338

Testimony S.B. 338
Senate Natural Resources Committee
February 15, 1993

Chairman Bianchi and Members of the Senate Natural Resources Committee;

I am Kathy Seacat, Legislative Coordinator for the Montana Congress of Parents, Teachers and Students. We are commonly known as the Montana PTSA and with 10,250 members are the largest child advocacy organization within the state. The National PTA, our parent organization, is the largest child advocacy organization in the nation with 7 million members. The welfare and safety of children and youth is at the heart of all we do and advocate. One of our objects is to secure adequate laws for the care and protection of children and youth in our state and nation.

Today I am here on behalf of the 10,250 members I represent to address S.B. 338 and to ask you to support this act to define and establish siting criteria for commercial dangerous waste incineration facilities.

"DON'T Shortchange Montana's Future" is the Montana PTSA's theme for legislative action during the 1993 legislative session. Our children are our future. In 1989 we reaffirmed a resolution which required PTA units to alert members to the possible hazards affecting the health, safety, and well-being of communities posed by the production, transportation, storage, and disposal of hazardous wastes. (Copy attached)

Until it can be proven without a doubt that the process of incinerating hazardous waste is not harmful to the environment or children, Montana's lawmakers must protect those in our society who are unable to protect themselves--our children. This bill would provide some safeguards. Other countries and states are just beginning to compile hazardous waste incineration statistics. As the studies are finalized let's hope that we errored on the side of Montana's children and youth and not on the side of industry.

Please support passage of S.B. 338. Thank you for your time and attention.

Kathy Seacat
2710 Tizer Road
Helena, MT 59601
443-6637

SENATE NATURAL RESOURCES
EXHIBIT NO. 16
DATE 2/15/93
BILL NO. SB 338

February 14, 1993

TESTIMONY FROM DEB BERGLUND, GALLATIN COUNTY COMMISSIONER

BEFORE BECOMING A COUNTY COMMISSIONER I WAS A RESEARCH SCIENTIST. I HAVE A MASTERS DEGREE IN CHEMISTRY AND DID WORK IN TWO FIELDS RELATED TO THIS ISSUE; CANCER RESEARCH AND ANALYSIS OF TRACE ORGANIC MOLECULES, WHICH ARE INCLUDED IN THE HAZARDOUS WASTE CATEGORY. I FEEL THAT I HAVE A BACKGROUND THAT ALLOWS ME TO SPEAK AS AN INFORMED SCIENTIST AS WELL AS A COUNTY COMMISSIONER.

LAST YEAR WHEN HOLNAM FIRST PROPOSED TO INCINERATE HAZARDOUS WASTES I DID A SEARCH OF THE SCIENTIFIC LITERATURE AND READ MANY ARTICLES ON THE SUBJECT. I WAS APPALLED AT HOW LITTLE WAS KNOWN ABOUT THE CONSEQUENCES OF INCINERATION OF THESE WASTES. THE CEMENT INDUSTRY WILL CLAIM THAT THERE IS NO CORRELATION BETWEEN THEIR INCINERATION AND ANY HEALTH EFFECTS. I STRONGLY AND ABSOLUTELY BELIEVE THAT THERE IS A DIRECT CORRELATION, ALTHOUGH IT IS HARD TO PROVE THESE THINGS. TAKE AS AN APT COMPARISON THE TOBACCO INDUSTRY CLAIM THAT THERE IS NO CORRELATION BETWEEN SMOKING AND CANCER. WE ALL KNOW THAT IS NOT TRUE. I ALSO ADAMANTLY BELIEVE THAT INCINERATION OF HAZARDOUS MATERIALS CAN BE SAFE, BUT THE ONLY WAY IT CAN BE MADE SAFE IS TO DO IT IN AN UNPOPULATED AND NON-PRODUCTIVE PLACE.

GALLATIN COUNTY IS THE HEADWATERS OF THE MISSOURI RIVER AND A PRODUCTIVE FARMING AREA, AS WELL AS THE FASTEST GROWING COUNTY IN MONTANA. I SPEAK FOR THE PEOPLE OF GALLATIN COUNTY WHEN I SAY THAT WE DO NOT WANT TO HAVE A DANGEROUS WASTE INCINERATOR A FEW HUNDRED FEET FROM THE RIVER AND UPWIND FROM POPULATED AREAS.

I BELIEVE THAT A STRONG SITING ACT FOR HAZARDOUS WASTE INCINERATORS IS ESSENTIAL TO PROTECT THE HEALTH OF MONTANANS. I ALSO BELIEVE VERY STRONGLY THAT MONTANA SHOULD HANDLE ITS OWN HAZARDOUS MATERIALS AND THAT INCINERATION IS PROBABLY A GOOD WAY TO HANDLE THEM. HOWEVER, IT IS A VERY BAD IDEA TO DO IT IN POPULATED AREAS. WE MUST HAVE SITING CRITERIA THAT ALLOWS AND ENCOURAGES INCINERATORS IN REMOTE UNPOPULATED AREAS. I ASK YOU TO PLEASE SUPPORT THIS BILL.

County Commission

311 West Main - Room 301
Bozeman, Montana 59715

Telephone (406) 585-1400
Telefax (406) 585-1403

County of Gallatin

February 12, 1993

Don Bianchi, Chairman
Senate Natural Resources Committee
State Capitol
Helena, MT 59620

Dear Chairman Bianchi:

The Gallatin County Commissioners have the following comments pertaining to the siting of hazardous waste incinerators:

1. We have received expressions of concern and opposition to the Holnam incineration proposal in the form of several hundred letters, and postcards, a petition with four hundred twenty-seven signatures, and numerous telephone calls. In addition, there have been many public meetings with very high attendance in the County. This volume of public opinion is highly unusual and deserves serious consideration. Conversely, we have received only a few letters urging support for the proposal.

2. We are particularly concerned with the safety risks associated with the transport and storage of hazardous materials. While we acknowledge the fact that we generate hazardous substances and need to dispose of them responsibly, we do not wish to import these wastes from other areas. The County road which accesses Holnam is not adequate to support the additional trucks needed to supply the incinerator. The road has virtually no shoulders, and is in very close proximity to the headwaters of the Missouri River in places. A truck accident could have irreparable consequences for the Missouri River. Transportation and storage issues must be considered as part of the permitting process.

3. Holnam is a valued employer and taxpayer in Gallatin County. We do not wish to jeopardize the success of the company in any way. On the other hand, fishing, farming, and tourism are significant facets of our local and state economy and might be impaired by an impression that Montana is becoming a focus for hazardous wastes. Siting legislation must address all safety concerns clearly and effectively.

EXHIBIT #16
DATE 2-15-93
SB-338

4. On July 31, 1991, we sent a letter to the Chief of the Air Quality Bureau requesting that a full Environmental Impact Study be completed prior to allowing Holnam to proceed with their proposal to incinerate hazardous materials. We believe an EIS is a reasonable prerequisite to siting decisions as well. We repeated that request in February of 1992. The permitting procedure must address issues raised by the EIS.

We are confident that you will be responsive to the many thoughtful comments provided by the citizens of Montana as you proceed. It is clear that our citizens are demanding regulations which are considerably more stringent than the EPA regulations, including strict siting laws.

Sincerely,

GALLATIN COUNTY COMMISSION

A.D. Pruitt, Chairman

Deb Berglund, Member

Jane Jelinski, Member

C:\WP52\HOLNAM.DB

MontPIRG

Montana Public Interest Research Group

360 Corbin Hall ❑ Missoula, MT 59812 ❑ (406)243-2907

2/15/93

Testimony In Favor of Senate Bill 338

Chairman Bianchi and Members of the Senate
Natural Resources Committee:

For the record, my name is Dan Stahly, and I was born and raised in Helena, Montana. I currently attend U of M. and am a student board member of MontPIRG.

The Montana Public Interest Research Group (MontPIRG) is a non-profit, non-partisan research and advocacy organization located on the University of Montana campus. MontPIRG represents 2500 student members and 1500 community members statewide.

We rise in support of Senate Bill 338 because it is important and necessary to establish a siting criteria for the incineration of dangerous waste.

The opposition to this bill may suggest to you that the proponents are using an emotional tactic to gain support. However, I want to point out to you my personal reason for supporting the Siting Act. This bill takes a common sense approach to the issue of dangerous waste incineration. The purpose of this legislation is not to ban the burning of dangerous waste in Montana, but rather to locate facilities so that risks to public health and the environment are minimized.

MontPIRG urges you to vote "Do Pass" on Senate Bill 338.

Thank you for your consideration,

Dan Stahly

Dan Stahly
MontPIRG

SENATE NATURAL RESOURCES
EXHIBIT NO. 17
DATE 2/15/93
BILL NO. SB 338

February 15, 1993

Senate Natural Resources Committee
Senate Chambers
Capitol Station
Helena, MT 59620

SENATE NATURAL RESOURCES
EXHIBIT NO. 18
DATE 2/15/93
BILL NO. SB 338

Dear Chairman and Senate Committee Members:

I am a citizen in support of SB 338.

I know and believe that we need to take care of our hazardous waste problem. However, I do believe this task must be done in the most healthy way possible for **all** citizens and our environment. I believe the guidelines set in SB 338, in addition to the State Health Department's rules and regulations will help to get this task done.

Naturally, I am concerned because I am a homeowner within close proximity to one of the proposed sites. However, my real concern is for my children and the approximately 250 students who attend the Montana City School about one-half mile from the Ash Grove Cement Plant. I believe that our children should not have to be put in an unhealthy situation because of an unwise decision. Next comes my concern for the wildlife, air, and scenery which make Montana a unique place to call home and a unique place to invite my friends and relatives to visit. My last concern is that if some siting regulations are not made, Montana will become a target state for incinerating the nations's hazardous waste and in a haphazard fashion.

How many health studies and T.V. documentaries does it take for us to realize that dealing with hazardous waste does have a lasting effect on our health and environment (and at a much higher risk to children than adults). Let's learn from others' mistakes; those made both locally and nationwide.

Let's Keep Montana as healthy and inviting as possible, please support SB 338.

Sincerely,

Jackie Daggy

Jackie Daggy
Clancy, MT

SENATE NATURAL RESOURCES
EXHIBIT NO. 19
DATE 2/15/93
BILL NO. SB 338

NAME Valorie Drake

ADDRESS 1477 Hamilton Road, Belgrade, MT 59714

HOME PHONE 388-1888 WORK PHONE 586-1593

REPRESENTING self

APPEARING ON WHICH PROPOSAL? SB 338

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

I strongly support SB 338, which is proposed by a Senator who is truely responsive to his constituents - a man who cares that our government take some responsibility for protecting the future health of Montana and it's citizens.

It would be irresponsible to allow the siting of dangerous waste storage or treatment facilities near Montana's communities, important water resources, food resources (farm & ranch lands), or hazard prone areas such as flood plains and fault lines.

There are numerous examples of hazardous waste facilities contributing to serious health and environmental problems when located inappropriately. Salt Lake City even has a superfund site as a result of a current plant that was even burning hazardous waste. Utah has learned a lesson from that →

cont.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F11

and has adopted responsible siting legislation in an effort to minimize future pollution, expensive clean-ups, and health problems.

Please learn from the mistakes of others and be responsible. Vote DO PASS on SB 338.

TESTIMONY BEFORE SENATE COMMITTEE
ON SB 338

February 15, 1993

Rachael Raue Sirs
Box 928 MCR
Clancy, MT 59634

SENATE NATURAL RESOURCES
EXHIBIT NO. 20
DATE 2/15/93
BILL NO. SB 338

Chairman and Members of the Committee, good afternoon. My name is Rachael Raue Sirs. I am here to support the Dangerous Waste Incineration Facility Siting Act. My husband, I, and our four children live in the Montana City area. I was born and raised in Helena. Our children attend or will attend the Montana City School, which is 1/2 mile from the Ash Grove Cement plant, 7-1/2 hours a day, 180 days a year, for 9 years. By current profession, I am a full time mom. By degree and prior profession I am a petroleum engineer that had to deal with disposing hazardous waste on a daily basis. So when plans were announced to burn hazardous waste in Montana, I was optimistic.

Then I started reading and researching. I found out why no one - not the cement companies, not the Department of Health and Environmental Sciences, or the EPA, or any expert can tell us what exactly is emitted when a cement kiln burns hazardous waste. Hazardous waste fuels are made up of a variety of chemicals. When all these different chemicals are burned, they are combining and recombining, and we can't keep track of all the combinations. We do know that when blended waste chemicals are burned, portions are emitted in their original forms and some recombine to form new toxic compounds, some even more toxic than the parent compounds, called particles of incomplete combustion, or PIC's. Dioxins and furans are some of the most dangerous PIC's. Studies have iden-

tified few of all the PIC's known to be present in stack gases. Also, heavy metals, such as lead, arsenic, and mercury can not be destroyed or detoxified by fire. As a result, waste burning kilns only redistribute any metals through air emissions, kiln dust, and concrete products. So we have cement kilns dealing with mixtures of hundreds of chemicals, many of which are not well known, and the combinations of which are not well understood. That's why we don't know exactly what is coming out of the stack, or going into the cement product, or going into the cement kiln dust which is disposed of in the old quarry when hazardous waste is burned in cement kilns. Because of all the unknowns, more studies and siting criteria need to be addressed.

My son has chemical allergies. Prior to moving to Montana City from Bakersfield, CA, he had been sick with migraine type headaches for two years. He had been to several specialists and had loads of testing like CAT scans. Then we found out it was just the air that was making him sick. He has been better since moving here except for a few times.

The Department of Health and Environmental Science Boiler and Industrial Furnace rules were completed at the end of November. Companies can now apply for the part B permit to burn hazardous waste. The state regulations are slightly more stringent than the federal regulations but DHES could not address siting - it's out of their authority. We have been told that the only place siting can be considered is in the Legislature. We have also been told by DHES that public opinion, or public outcry, cannot be considered in the permitting process. They have to follow the "rules" strictly.

I would like to address economics. I attended the Baucus sub-commit-

tee hearings in March 1992 on the burning of hazardous waste in cement kilns. Both cement kilns stated there that they would not "go under" if they were not permitted to burn hazardous waste. In a study which compared cement sales to geography, it was found that on the average 60% of cement is used within 100 miles, 23% is used within 199 miles, only 0.5% is used more than 1500 miles, and 74% goes to ready mix. Since the closet cement plants having the so called "economic advantage" of burning hazardous waste are in southern California and Nebraska, we are not competing against them. Ash Grove has increased the number of their employees since I've lived here and they are running at capacity. Other companies aren't going to want to ship cement into Montana to try to compete because of high transportation costs. Living in Montana is unique. Since we are remote we pay more for food, clothing, etc. than in states where factories are closer. If Ash Grove had to charge more for their cement, people would buy it because there isn't any where else to get it - supply and demand.

Another item I would like to address is oxygen. Everyone knows you need oxygen for a good burn. Cement kilns need to operate at a very low oxygen level to make a good quality cement. So even though they have a high temperature, they do not have a good fire to burn hazardous wastes.

I urge you to vote for the people, for health, not special interest groups. Vote "DO PASS" on SB 338. Thank you.

February 16,1993

Honorable Don Bianchi, Chair
Senate Natural Resources Committee

Dear Senator Bianchi and members of the Committee:

I write to you again in support of SB338 and urge your approval of this bill.

I believe our state is targeted by many powerful outside interests. I think we are seen as one of those rural" hick" states with lots of land and not enough people to worry about. And unfortunately, we do not have strict enough rules concerning the burning of hazardous waste yet. Now is the opportunity for all of you to make a difference. Let it be known, by passing this Siting Act, that Montana will not be so "easy" anymore.

SB338 will provide stricter guidelines to help protect the health and safety of the citizens, and the land and water of Montana. Please, put the interests of our health and safety above all, and pass this Siting Act. Thank you.

Sincerely,

Marlyn Atkins

Marlyn Atkins
Box 166 MCR
Clancy, MT 59634

Senate Natural
Resources Committee
February 15, 1993
Senate Bill No. 338
Exhibit #22

Exhibit #22 is a petition signed by 2,100 individuals from the Bozeman area who support SB 338. The original is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

SENATE NATURAL RESOURCES
EXHIBIT NO. 23
DATE 2/15/93
BILL NO. SB 338

February 12, 1993

Members of the Senate
Natural Resource Committee
Capitol Station
Helena, Montana 59620

Dear Senators:

This is submitted as testimony in favor of Senate Bill 338.

I ask you, would you think it prudent or wise to site a new hazardous waste incinerator in a residential area, or adjacent to a school, or in a sensitive environmental area? I think not. In fact it is not likely that a "new hazardous waste facility" would be allowed in such areas under current siting or environmental regulations. However, it appears that these regulations do not apply to "existing facilities" wishing to burn hazardous waste even when that was never the intended purpose of that facility in the first place. Senate Bill 338 would ensure that these facilities wishing to burn hazardous waste first meet certain requirements to ensure that the human health and safety, the environment, and the welfare of a population is not adversely impacted as is required under similar regulations for new facilities.

The Ash Grove Cement Plant, in Montana City, has requested to burn hazardous waste as a fuel supplement. Common sense would dictate that burning hazardous waste at a facility only one half mile from a school and residential area, and next to a productive fishery, and located in a narrow valley with poor air dispersion is not a good idea. If the State or anyone else were to site a new hazardous waste facility, it certainly would not be here. Why then would it be ok to let an industry burn hazardous waste in a location that would not be selected under the normal siting process?

I question whether a plant designed to make cement is equally equipped to burn hazardous waste. Is it Ash Groves's intent to continue to make cement or get into the hazardous waste business? Incinerators designed today require constant monitoring to ensure that wastes are completely destroyed and that there are no impacts to the environment. This technology is far from perfected. Example, the Arc Plasma process being tested in Butte at the MHD Facility looks pretty good on paper, but in practice is not quite there. Why should we experiment with the burning of hazardous waste in a cement kiln in such a sensitive area as Montana City.

A siting law is required to ensure that not only environmental impacts are addressed, but that social and economic impacts are addressed as well. Today, if a mine or new industry wants to locate to a community, it would have to address both environmental and economic impacts to that community. If a landfill, power line or dam is proposed environmental, social and economic impacts are typically addressed in an Environmental Impact Statement (EIS). When there are impacts, mitigation of those impacts is then required. This may include improving roads or schools or compensating the community, county or state to offset costs inflicted by the impact or in some cases not proceeding with the project at all.

Although some would argue that the environmental impacts could be mitigated, there would be a real social and economic impact to the residents of Montana City if the burning of hazardous waste at the Ash Grove cement plant is allowed. As evidenced in East Helena, Anaconda, Butte, etc., when there is an actual or perceived environmental or safety threat, property values take a nose dive. Even when attempts to mitigate the actual threats are successful, perceived threats continue to keep property values low. Social and economic impacts to the community of Montana City, the School District and Jefferson County would be severely impacted if hazardous wastes are allowed to be burned at the Ash Grove plant. With the lowering of property values, tax revenue for the school district and county would be lost.

The only way to ensure that impacts to private individuals, the school district and the county are addressed is through an adequate siting law which requires the State to ensure that these impacts will be addressed and that, if necessary, mitigated appropriately. Senate Bill 338 will help insure that impacts to communities like Montana City are addressed and mitigated.

To close, I ask that only a common sense approach be used to regulate the indiscriminate burning of hazardous waste at existing facilities in the State of Montana. Please support Senate Bill 338.

Sincerely,

Charles & Kathy Coleman
954 MCR, Montana City, MT 59634

Don Bianchi
Chair, Senate Natural Resources Committee 2-15-93
Capitol Station
Helena, Montana 59620

Dear Chair Bianchi,

I urge you to support SENATE BILL 338 (THE DANGEROUS WASTE INCINERATOR SITING ACT).

We must prevent the burning of hazardous, infectious, and toxic wastes in areas where great risks to public and environmental health exist. This is critical especially in the siting of the Holnam Cement Plant at Trident, Montana. This facility is located at the headwaters of the Missouri River. There is a strong potential for massive pollution of these source waters for downstream users (i.e., much of Montana and the central United States). Additionally, this Trident site is the home of a large wetland ecosystem, with high biological diversity and a great deal of recreational activity. Downwind from the Trident site is the Gallatin Valley, Montana State University, Bozeman, and many other small cities and communities. The health of the people of Montana are at stake.

WE CANNOT AFFORD TO JEOPARDIZE THE HEALTH OF THE PUBLIC AND THE ENVIRONMENT! VOTE IN SUPPORT OF SENATE BILL 338 !

Thank you, Kathy Hansen

Kathy Hansen
1300 Dry Creek School Rd.
Belgrade, Montana 59714
(406) 388-8313

cc. Bob Hockett
Sue Bartlett
Steve Doherty
Lorents Grosfield
Tom Keating
Ed Kennedy
Henry McClernan
Bernie Swift
Chuck Swysgood
Larry Tveit
Cecil Weeding
Jeff Weldon

SENATE NATURAL RESOURCES
EXHIBIT NO. 24
DATE 2/15/93
BILL NO. SB 338

NAME Kathy Hansen

ADDRESS 1300 Dry Creek School Rd

HOME PHONE 388-8313 WORK PHONE _____

REPRESENTING family + 2

APPEARING ON WHICH PROPOSAL? _____

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

location, geography, siting is critical

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F11

SENATE NATURAL RESOURCES
EXHIBIT NO. 24
DATE 2/15/93
BILL NO. SB 338

NAME Rodge R. Meierhenry

ADDRESS Box 885 Sawmill Rd Clancy, MT 59634

HOME PHONE 442-9805 WORK PHONE 444-2506

REPRESENTING myself

APPEARING ON WHICH PROPOSAL? SB 338

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F11

February 12, 1993

Senate Natural Resource Committee
Senate Chambers Capitol Station
Helena, MT. 59620

Dear Sirs:

This letter submitted in behalf of strong ***support*** for SB338.

I have concerns such as the following that result in support for a siting act.

ECONOMIC

1. Montana does not produce enough dangerous waste. I is estimated 85% of waste will be imported. Montana is target by the industry.

2. Agriculture and tourism are threatened by improperly sited facilities that release heavy metals and toxic chemicals in the air.

3. Value of real estate near Ash Groove and Holnam has declined (I wonder why??).

4. If burning hazardous waste is beneficial and an economic boost; why are communities not competing to attract these "wonderful industries".

5. Montana needs a calling card to compete for business. That calling card is an attractive and safe environment.

HEALTH

1. Hazardous waste is a mixture of carcinogenic, mutagenic and otherwise extremely hazardous chemicals also containing heavy metals and chlorinated compounds.

2. Some of the most toxic chemicals known - dioxins and furans are formed when chlorinated compounds are burned.

3. Heavy metals are not destroyed at any temperature. Like recombined dioxins and furans, heavy metals end up in the atmosphere - in the air we breathe.

We need this legislation to site these dangerous waste facilities like other states such as Utah. We must not become a target for the new method of 'dumping' in America.

EXHIBIT #24
DATE 2-15-93
SB-338

This legislation will provide a necessary framework which companies can operate safely. This legislation will protect the economic will being of the state and long term interests of the people of Montana.

Sincerely,

Redge R. Meierhenry
Sawmill Rd., Box 885
Clancy, Mt. 59634

SENATE NATURAL RESOURCES
EXHIBIT NO. 25
DATE 2/15/93
BILL NO. SB 338

NAME Quincy O'Haire

ADDRESS P O Box 6580

HOME PHONE 586 7926 WORK PHONE same

REPRESENTING Family

APPEARING ON WHICH PROPOSAL? SB 338

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

I support hazardous waste burning under the conditions of SB 338.

Cement Kilns are not incenerators.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F11

Dan + Maggie Pittman
913 Saddle Mtn. Drive
Clancy, MT 59634

February 15, 1993

SENATE NATURAL RESOURCES
EXHIBIT NO. 26
DATE 2/15/93
BILL NO. SB 338

TO: Senate Natural Resources Committee
Hearing on SB 338, 2/15/93

We would like to show our support for Senate Bill 338, the Dangerous Waste Incineration Act, in it's original form, without the BIF amendment.

We are concerned about the health and safety of our children and and the economic well-being of our community. We feel that the original bill, as proposed by Senator Ewer, provides the protection needed to ensure any negative effects of the hazardous waste burning will not be rendered on our children and our neighborhoods.

We do feel it is important to recycle these wastes in areas that are safe and non-impactive.

Thank you for the opportunity to comment.

Sincerely,

Margaret A. Pittman
Dan L. Pittman

February 15, 1993

Honorable Senators:

The people of Montana have two of the most precious commodities in the world. They are clean air and water. There are states in the U. S. that wished they had our water and air. For many years, I've witnessed this deterioration while traveling through out this country. Please do not sell us out for the profitability of a few people. If you do, you are ignoring the future generation of Montana. I don't have any children that will have to suffer this burden. If you allow dangerous waste incineration, your children and grandchildren are the ones that will bear the trauma. We need to be responsible for our own waste but not the rest of the world.

Thank you,

Wayne R. Shong

Wayne R. Shong
B & W Ranches
Box 430
White Sulphur Springs, Mt. 59645
Phone #547-3510

SENATE NATURAL RESOURCES
EXHIBIT NO. 27
DATE 2/15/93
BILL NO. SB 338

Montana State University
Bozeman, Montana 59717

Department of Political Science
College of Letters and Science

Telephone (406) 994-4141

Jerry Johnson
Ray Rasker
February 9, 1993

Honorable Don Bianchi
Chair, Senate Natural Resources
Montana State Senate
Capitol Station
Helena, MT 59620

SENATE NATURAL RESOURCES
EXHIBIT NO. 28
DATE 2/15/93
BILL NO. SB 338

Dear Chairman;

We appreciate the opportunity to comment on the proposed Dangerous Waste Incinerator Citing Act (SB 338). We are very concerned about the effect burning waste in retrofitted cement kilns could have on the regional economy.

As you know, the economy on the upper Missouri River in Madison, Gallatin and Park counties is, when compared to other parts of Montana, doing quite well. Explanations trying to account for relatively healthy growth vary but our research here at Montana State University does point to some clear trends. In 1992 we surveyed almost 500 businesses in the three counties (Madison, Gallatin, Park). We were interested to know what attracted businesses owners to the area and why they remained. Not surprisingly the issue of quality of life was overwhelmingly important to their location decision. For these business owners, quality of life was defined as a sense of ruralness, a quality environment, recreational opportunity and scenic beauty. In other words, the economy of this region is driven in large part by a demand for a quality environmental setting. Our concern with allowing toxic waste to be burned in such a region is that those environmental amenities will be compromised.

Montana has an environment few states can match. If the high amenity regions of Montana become the repository for waste disposal, the perception of pollution, filth, health threats and environmental degradation will most certainly affect the long term economic health of the region. It makes little sense to make environmental concessions to an industry that is not a major factor in the regional and state economy and where such concessions would be to the long run detriment of that economy.

We would urge that toxic burning be allowed only under special instances and with the strictest of environmental quality assurances. We urge you that you support passage of SB 338.

Sincerely,

Jerry D. Johnson, D.A.

Ray Rasker, Ph.D.

EXHIBIT #28
DATE 2-16-93
SB-338

Non-Burn Technology

Sherdder / Autoclave / Sterilizer

Stationary or mobile unit

The unit produces no harmful air emission or liquid discharges and reduces the waste volume by approximately 80%.

The sterilized waste is unrecognizable and ready for disposal in land fills, for recycling or material recovery.

recycling the plastic - several items
① medical waste Containers

Plastics comprised	52-54%
paper	20-23%
glass	9-21%
metal	1-2%

Mayo Clinic 3 unit

Joan W. Montague
1105 South Tracy Ave
Bozeman, Montana 59715

SENATE NATURAL RESOURCES
EXHIBIT NO. 29
DATE 2/15/93
BILL NO. SB 338

Henry McClernan
Senate Natural Resources Comm.

Dear Henry:

I urge you to SUPPORT SB 338 the Dangerous Waste Incinerator Siting Act that prevents the burning of hazardous, infectious and toxic waste in areas where the burning poses the greatest risks to public health.

My concerns stem from my work with organic beef cows in Willow Creek near Three Forks. This is a value-added product marketed as organic Montana raised beef. Our organic hay is certified.

Please vote YES.

Sincerely,

Joan W. Montague

David M. Rufer
Denise L. Rufer
12905 Clarkston Rd.
Three forks Mt. 59752
2-15-93

SENATE NATURAL RESOURCES
EXHIBIT NO. 30
DATE 2/15/93
BILL NO SB 338

To; Senate Committee,

Senate Bill 338, introduced by Sen. Yellowtail the siting bill for hazardous waste incinerators, must be enacted.The Department of Health and Environmental Sciences has stated it is the lawmakers job to enact siting.

As neighbors of Holnam Inc. we live by a cement plant. We cannot live by a hazardous waste incinerator. We would be playing russian roulette with our health and well being and the health and well being of our children. By having a hazardous waste incinerator as a neighbor, our land and our home will be completely devalued. No one calls their real estate agent and asks to purchase property near a hazardous waste incinerator.

As lawmakers it is your job to pass laws that protect your constituents. Do your job and help protect us. Vote yes for Senate Bill 338.

Thank you,

David M. Rufer

Denise L. Rufer

NATIONAL PTA
700 NORTH RUSH STREET
CHICAGO, ILLINOIS 60611-2571
(312) 787-0977

R E S O L U T I O N

(Adopted by the 1980 convention delegates, reaffirmed 1989)

HAZARDOUS WASTE MANAGEMENT

WHEREAS, PTA principles state that all children and youth should live in an environment free from avoidable physical hazards; and

WHEREAS, Current practices of productions, transportation, storage, and disposal of hazardous wastes endanger the health, safety, and well-being of communities as a whole, therefore be it

Resolved, That the National PTA urge compliance with health and safety regulations that:

A. Require safe transportation, storage, and disposal of hazardous waste;

B. Establish an effective program of surveillance and monitoring that insures proper management of hazardous waste;

C. Minimize the amount of hazardous waste produced by encouraging more efficient plant operations, resuing materials, and/or trading wastes with other industries; and be it further

Resolved, That the National PTA urge local units, councils, districts, and state PTA/PTSAs to be aware of land-use plans and alert members to the possible hazards affecting the health, safety, and well-being of communities posed by the production, transportation, storage, and disposal of hazardous wastes.

SENATE NATURAL RESOURCES
EXHIBIT NO. 31
DATE 2/15/93
BILL NO. SB 338

SENATE NATURAL RESOURCES
EXHIBIT NO. 32
DATE 2/15/93
BILL NO. SB 338

Senate Testimony of Douglas R. Elson M.D. regarding Senate Bill 338. February 15, 1993.

Senators:

My name is Doug Elson. I am a physician in Bozeman, MT. I received an undergraduate degree in Biology from Middlebury College, Middlebury, Vermont. I attended the University of Washington School of Medicine through the Montana WAMI program and completed a residency in Family Practice at Swedish Hospital Medical Center in Seattle, Washington. I am now in full time practice in Emergency Medicine at Bozeman Deaconess Hospital in Bozeman, MT. I have several concerns regarding the potential health risks of incinerating hazardous waste at cement kilns in general and at the proposed Trident Cement plant in Three Forks, MT in particular. These concerns are primarily around the toxicities of heavy metals to a great degree and organic hydrocarbons to a lesser degree. The site of hazardous waste incineration directly affects the impact that these toxicities can have upon human populations, and thus prompts my written testimony to you today. I am not a toxicologist, and do not consider myself an expert in this field. I am however a physician, and thus a health care advocate for my patients. As such I have spent a fair amount of time researching this subject and would like to share my concerns

with you.

I first became concerned about this issue after attending an informational forum regarding the proposal by the Holnam Company to burn hazardous waste at the Trident Cement plant. That meeting included speakers from the State Department of Health and Environmental Sciences as well as speakers from what is now Montanans Against Toxic Burning (MATB). As a result of this meeting my partner Dr. Steve Gipe and I asked the president of the Gallatin County Medical Society, Dr. Ladd Rutherford, to bring this issue to the medical community of Bozeman so physicians could be informed about the potential health impacts of burning hazardous wastes. At the December meeting of the Gallatin County Medical Society, speakers from Holnam, the Environmental Toxicology Institute (ETI), a consulting firm employed by Holnam, and representatives from Montanans Against Toxic Burning addressed both sides of this issue. The meeting was not well attended, and no strong consensus other than the statement that potential health risks exist and more study is needed was obtained. Although the majority of the medical community was not represented at this meeting, a large proportion had responded to an informal poll conducted by Dr. Steve Gipe. This poll showed widespread opposition to Holnam's proposal on the basis of potential health risks to the community. A majority of respondents felt that the site of the incineration was a significant concern as the proposed plant was directly next to the Missouri river. As a result, a letter was drafted to Dennis Iverson at the

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DATE 2-15-93
SB 338

Department of Health and Environmental Sciences, a copy of which I have supplied to you. This letter was signed by 57 of the approximate 72 physicians in Gallatin county, including 7 of 8 Primary Care Internists, 10 of 13 Family Physicians, 4 of 4 Pediatricians, 4 of 4 Obstetricians and 3 of 3 Emergency Physicians representing 31 of 33 primary care physicians in Gallatin County. In talking with most of these physicians I do not believe this was a hasty decision, but well considered regarding the potential health risks to their patients. Several weeks later I was asked to speak before the Gallatin County Health Board by County Commissioner Deb Bergland. As a result of that meeting the Gallatin County Health Board also endorsed the same statement as the 57 local physicians.

With regard to my specific concerns, I will start with what I feel is the most important, the concern regarding heavy metal toxicities. As you know, the hazardous waste to be burned at cement kilns will have varying amounts of the heavy metals, including lead (Pb), mercury (Hg), cadmium (Cd) and arsenic(As). The fact that these metals are toxic in relative large doses has been well known for quite some time. What is becoming apparent, however, is that there are significant toxicities to heavy metals at very low doses, especially in children, and especially with long term, chronic exposure. The symptoms of chronic heavy metal exposure are very non-specific and difficult to diagnose, often being mistaken for psychosomatic illnesses or chronic fatigue. In addition, the threshold levels that

are considered acceptable for these metals has been decreasing. The most well known example of this is lead. The threshold level of concern for lead poisoning that was 60 in the 1960's has been reduced each decade, and recently was again reduced to 10 by the Center for Disease Control. The concern is highest in children, where chronic low level lead poisoning is associated with decreased cognitive abilities and behavioral disturbances such as hyperactivity and poor attention span. Recent evidence has shown that very low level methyl mercury ingestion in pregnant monkeys results in behavioral and cognitive defects in the offspring. The researchers concluded that there may very well be no safe threshold for mercury ingestion during pregnancy. Mercury and lead are probably the best researched of the heavy metals. I have significant concerns that the other heavy metals could well have significant toxicities at levels far below what is now considered "acceptable".

With regard to the current BIF regulations, I feel that there are several problems concerning the heavy metals. First, the allowed concentrations are based upon a risk of no greater than 1/100,000 additional cancer cases. As discussed above, the primary toxicity of heavy metals is not cancer, but subtle neurologic manifestations, and this toxicity occurs at significantly low levels of exposure. In addition, I question the assumption, as have others, that there is any truly safe threshold for exposure to children and pregnant women. All of the heavy metals that are transported to the kiln will stay in the area. Heavy metals are not

EXHIBIT # 32
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destroyed, but just redistributed in either particulate emissions or in the residue of the burning process, fly ash and kiln dust. Heavy metals all tend to bioaccumulate in the food chain, and mercury, in particular, bioaccumulates in fresh water fish, a frequently eaten item in Gallatin Valley. Siting thus becomes a major concern as cement plants, the primary proposed burning facilities, are often located near waterways.

There are conflicting studies with regard to the amount a heavy metal that is distributed through emissions. ETI, Holnam's consulting group, states that there is no significant increase in the amount of heavy metal emissions from traditional coal fired cement kilns compared to hazardous waste burning kilns. They have not presented any data on this except their own studies. In contrast there are several studies that show significant increases in the heavy metal emissions, up to 16.6x that in coal fired plants. It appears that there are varying study designs and fuels that account for these differences, making the actual amount of heavy metal emissions difficult to assess. Monitoring of heavy metal emissions would certainly be difficult considering the varying fuel composition with regard to heavy metal concentration. As emissions may well be a substantial form of exposure, it would be prudent to locate these facilities away from any population sources.

With regard to the organic hydrocarbons, I have several concerns. Dioxins and furans are known potent carcinogens. What is more concerning are the products of

incomplete combustion (PIC). These are the recombination of halogenated hydrocarbons in the stack, and they are poorly characterized. The potential toxicities of these PICs is high, and according to the EPA they may be more toxic than their parent compounds. PICs tend to occur during "upsets" at the kiln, periods when the kiln puts out black smoke. Cement kilns seem to be prone to these upsets, and in fact the Holnam plant has had more than 70 upsets in the past 10 months. Since upsets appear to occur periodically, again I would argue that if hazardous waste is to incinerated it should be done away from any significant population centers.

It appears reasonable that if we are to burn hazardous waste, we should choose a site that will have the least impact on health and the environment. The site would ideally be away from population centers and food producing areas, be away from waterways that could distribute toxic materials, and be in a geologically stable area. Utah has in fact adopted regulations addressing some of these concerns. Inherent in the problem of cement kiln incineration of hazardous waste is the fact that the plant already exists, and therefore site concerns can not be entertained. This is demonstrated in the Trident case where the proposed hazardous waste incinerator is within 1/4 mile of the Missouri river, clearly not the best place to locate such a facility. It is expedient to use cement plants to burn hazardous waste, and cheap. The risks, however, are high.

As a physician, I often must make decisions based on a risk/benefit ratio. Most

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of the things I do carry risks to my patients, and the potential benefit must outweigh the risk. I feel this same thinking can be applied to burning of hazardous waste in less than optimal sites. The benefits of defeating the site proposal would primarily include its expediency. By allowing this proposal to fail,cement plants that are already in place will be allowed to burn hazardous waste. This would allow destruction of toxic compounds without the need to construct additional facilities. In addition, cement companies would clearly benefit by the use of cheap fuels as well as the substantial fees generated from the destruction of hazardous waste. While a few jobs may be created, the overall employment picture will not change substantially. The risks of defeating the siting bill, I believe are quite high. It is clear that there are significant toxicities to heavy metals at much lower concentrations than has previously been recognized, and the placement of burning facilities near population centers and waterways allows many more people to be exposed. The fact that heavy metals, particularly mercury, bioaccumulate in fresh water fish is quite worrisome. In addition, I feel regulation would be very difficult for the state with limited funds for this type of regulation. Finally, I think that plants burning hazardous waste can actually impose an economic burden on an area of high population. An example of this is the Gallatin valley where I live. This area is currently experiencing economic growth. Tourism and real estate values could well suffer, and business may choose not to relocate to the Gallatin Valley. In fact, Patagonia, an outdoor equipment and

clothing company, has publicly stated that they will not relocate other aspects of their company to Bozeman if Trident is allowed to burn hazardous waste.

It is my opinion that the risks clearly outweigh the benefits. In my opinion and in the opinion of my colleagues in Bozeman's medical community, we should not allow the incineration of hazardous waste at locations that are not optimal for hazardous waste incineration. While it is financially expedient to allow this to occur, it is not in the best interests of the people of this state. I urge you to pass the proposed senate bill #338, the dangerous waste incinerator siting act.

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DATE 2/15/93
BILL NO. SB 338

Health Implications of Hazardous Waste

Douglas Elson M.D.

There are several health concerns that should be addressed with regard to the incineration of hazardous wastes. While the exact composition of the hazardous waste material can not be specifically known, it as apparent that there will be heavy metals in the mixture as well as organic hydrocarbons. As these two substances have well known health consequences, I shall direct my concerns to these substances. It should not be assumed, however, that these substances solely account for the health risks surrounding hazardous waste incineration, as other less well defined toxic substances also may be present that may add to or potentiate the risks from heavy metals and organic hydrocarbons.

When hazardous waste containing heavy metals is incinerated, the heavy metal is not altered during the process, but remains to be distributed either in particulate form in the smoke or in the kiln dust residue. Both of these substances will remain in the environment and will not be degraded by organic processes. There are numerous heavy metals that have well known toxicities at high levels. What has become increasingly clear in the last few years is that heavy metals can have significant toxicities at levels previously considered safe. The most well studied of these is lead (Pb). In the 1960's a "safe" level of lead was felt to be <60, as outright symptomatic disease was only rarely manifested at lower levels.

As research was continued, however, it became apparent that there are subtle neurologic symptoms that occur at much lower levels. These symptoms include cognitive and behavioral changes that can occur in people with levels as low as 10-20. Recent studies have shown cognitive changes in children with statistically significant reduction in IQ as lead levels rise from 10 to 35 that are independent of confounding variables such as socio-economic level, race, or family structure. The degree of this decrease appears to be in the 5-10% range, and has been persistent for at least the ages 1-7 years old. Further research will continue to follow these children to see if this deficit continues into adulthood. The Center for Disease Control (CDC) has revised its acceptable level for lead to now be less than 10 as a result of these studies. Higher levels of lead toxicity have more overt symptoms, including anemia, gastrointestinal symptoms, liver toxicity, encephalopathy and death. Chronic lead exposure can cause hypertension and other cardiac and renal abnormalities.

Mercury (Hg) has also been well studied with regard to potential toxicities. Studies in Japan characterized mercury intoxication in adults as ranging from mild neurological symptoms (fatigue, tremor, memory loss) to quite severe (ataxia, mental deterioration, blindness, and death). Recent studies have indicated that children have both immediate and long-term neurologic sequela from relatively low level mercury exposure. Primate studies have demonstrated behavioral and neurologic deficits from both prenatal and postnatal exposure to

mercury at low levels. Some researchers have speculated that there may in fact be no threshold level for mercury damage, and that there may in fact be no "safe" level of mercury intoxication. As with lead, mercury will not biodegrade, and will bioaccumulate, particularly in fresh water fish. Studies in Denmark have shown delayed walking in infants associated with maternal Hg levels of 20 to 80 ppb, levels that could easily be reached by eating fish with the currently acceptable level of 5 ppm.

Numerous other heavy metals have not been as extensively studied. While their toxicities at high levels are well known (primarily non-specific neurologic and constitutional symptoms), it is unclear if they exhibit the same cognitive toxicities as lead and mercury at low levels in children. Epidemiological studies of heavy metal superfund sites have shown statistically significant excesses of chronic kidney disease, heart disease, skin cancer, and anemia as compared to control groups. In addition there was a statistically significant increase in deaths from hypertension, ischemic heart disease, and stroke in the study group compared to controls.

Dioxins and furans are organic hydrocarbons that are known potent carcinogens. Several studies have shown these to be associated with cancer, primarily sarcomas and lymphomas, at chronic low level exposure. Higher level exposures can lead to skin problems called chloracne as well as hepatic, renal, and neurologic disease. Animal studies have shown dioxins to be both teratogenic and

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fetotoxic. In addition, under burning conditions these chemicals are altered, combining with halogens to form additional substances called products of incomplete combustion (PIC's). The potential toxicities of these PIC's is unknown as the exact chemical composition of the PIC's has not been determined, but according to the EPA they may be more toxic than their parent compounds.

Selected References:

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Charles H.Atkins
P.O. Box 166 M.C.R.
Clancy, MT 59634

February 14, 1993

SENATE NATURAL RESOURCES
EXHIBIT NO. 34
DATE 2/15/93
BILL NO. SB 338

Honorable Don Bianchi
Chairman, Senate Natural Resources Committee

Dear Senator Bianchi and Members of the Committee,

I write to urge your support of SB338.

As a fifth-generation Montanan, I am appalled at the cavalier attitude of those short-sighted opportunists who would jeopardize the health and welfare of their neighbors by allowing indiscriminate siting of hazardous-waste-burning facilities.

Granted, we must dispose of hazardous waste, but we need not hastily gather toxic substances and make a bum's rush to the nearest furnace. The citizens of our state deserve the same sane guarantee offered to citizens of other enlightened states-- that hazardous waste treatment, storage, and disposal facilities (TSDFs) will be PROPERLY SITED ACCORDING TO CAREFULLY PRESCRIBED REGULATIONS. Remember, according to the federal CERCLA regulations, handling hazardous waste results in long-term liabilities. Failure to carefully site TSDFs, today, will result in devastating litigations, tomorrow.

The Ashgrove Cement Plant near Montana City, for example, is, precisely, the kind of facility that should NOT BE SITED for hazardous waste burning. Even if it were not a maintenance-intensive, antiquated facility (prone to breakdowns and, already, liable for numerous environmental infractions), its proximity to an elementary school, to residential housing, and to State waters would eliminate it as a choice for hazardous waste disposal. Furthermore, the Montana City location is subject to winter inversions and fluctuating wind eddies that could trap and concentrate toxic smoke plumes, thus imperiling the entire Helena valley.

As an environmental engineer (M.S., MT TECH), I am in favor of building PROPER incineration facilities for the purpose of eliminating hazardous waste, exclusively, rather than retrofitting antiquated kilns to do a job that they are not intended to do. In any case, we must have PROPER SITING REGULATIONS in order to suitably locate these facilities in the future.

Lastly, we Montanans are proud caretakers of our quality air, water and land. We cannot let monied outside-interests turn our enviable habitat into the nation's dumping ground for hazardous waste.

Sincerely,

Charles H Atkins

SENATE NATURAL RESOURCES
EXHIBIT NO. 35
DATE 2/15/93
BILL NO. SB 338

NAME Anne Johnson

ADDRESS 6981 Patterson Rd

HOME PHONE 586-8371 WORK PHONE _____

REPRESENTING Self + family

APPEARING ON WHICH PROPOSAL? SB 338

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F11

Hazardous Waste Incineration in Cement Kilns: Facts Versus Myths?

Importation

"... most of the (hazardous) waste will come from industry in Montana." from Holnam Press Release, Bill Springman, Holnam's Trident Plant Manager.

Holnam Inc. has applied to burn 44,895 tons of solid hazardous waste per year at its cement kiln at Trident near Three Forks. Ash Grove Cement proposes to incinerate at least 15,000 tons of solid hazardous waste a year at Montana City. Between the two cement plants that would be a minimum of 60,000 tons of hazardous wastes a year.

The DHES figures for 1991 put Montana's hazardous waste generation at 13,605 tons of which **7,215 tons** were disposed of out-of-state. The rest was dealt with in state through treatment and recycling. If Holnam could receive all of the 7,215 tons this is still only 16% of what they have applied to burn.

Carrying our Share

"Montana may find itself kicked out ot a waste-managing pact with other Western states if it continues to dump its problems on others according to (Bob) Buzzas." from Bozeman Chronicle, 12/20/92. (Buzzas is a consultant/lobbyist for Ash Grove.)

According to the EPA there is still excess capacity for disposing of hazardous waste in the region. There is also excess capacity nationally. Montana has not been required to establish incineration facilities.

Cement Kilns versus Commercial Hazardous Waste Incinerators

"Cement kilns are more effective at destroying wastes than incinerators." - Tom Daubert, lobbyist and PR person for Ash Grove concerning the cement industry, Independent Record, 1/26/93.

"And, even the EPA acknowledges commerical kilns built specifically for disposing of hazardous waste are more efficient and safe than kilns built to make cement." - Bozeman Chroniclel's Editorial for 1/3/93.

Tough Regulations In Montana?

"DHES adopted 'the most stringent' rules on hazardous waste burning in the nation." - Dennis Iverson, lobbyist for Ash Grove, Bozeman Chronicle 2/3/93

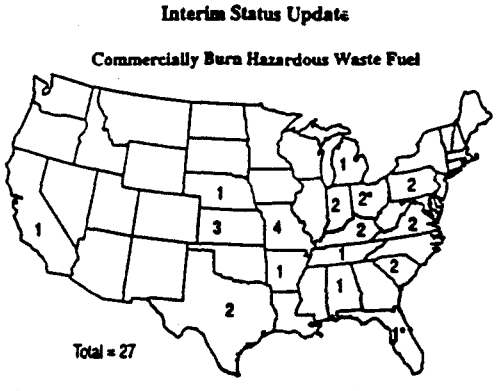
Considerably stricter laws or regulations can be found in Utah, Texas, Washington, and Florida. On the contrary, Montana's lack of regulations has attracted potential hazardous waste incineration interest.

Staying Competitive - Protecting Jobs

"Now ... is no time to rashly say no to a way of maintaining existing jobs and creating new ones, a way of keeping an essential industry operating in Montana." Tom Daubert, lobbyist and PR person for Ash Grove concerning the cement industry, Independent Record, 1/26/93

The nearest cement companies using hazardous waste for fuel are in Nebraska and California far from Montana market areas. Neither Ash Grove or Holnam has said that they would close down their cement operations if they were unable to burn hazardous wastes. Some Ash Grove and Holnam cement plants located in other states have previously proposed to burn hazardous wastes and were denied. These cement plans are still operating and making cement.

Where Hazardous Waste is Burned in the United States
from the EI Digest, August, 1992, page 27.



* Southwestern Portland Cement in Ohio and Florida Solite are temporarily not burning hazardous waste fuels, although they are counted here.

When we burn dangerous wastes in Montana, let's site the facilities properly! Support the Dangerous Waste Incinerator Siting Bill (SB #338). This bill is modeled after Utah's siting standards in Utah.

For more information contact Montanans Against Toxic Burning - a non-profit grassroots citizens group, PO Box 1082, Bozeman, MT 59715.

DESERT CITIZENS AGAINST POLLUTION

FACT SHEET - NATIONAL CEMENT PLANT

National Cement operates a cement kiln which burns hazardous waste solvents as part of their fuel. The plant is on land owned by Tejon Ranch and is located on Highway 138, nine miles east of Interstate 5.

According to the June 12, 1990, California Environmental Affairs Agency report National Cement's pollutant emissions into the air are as follows:

1,1,1- Trichloromethane
1,2- Dichlorobenzene
Acetone
Benzene
Chlorinated Fluorocarbon (Freon 113)
Dichloromethane
Ethylbenzene
Isopropyl Alcohol
Methyl Isobutyl
Naphthalene
Styrene (Monomer)
Tetrachloroethylene
Toluene
Trichloroethylene
Xylene
Glycol Ethers
Methyl Ethyl Ketone
N-Butyl Alcohol

In it's 12-30-88/1-12-89 report, the Kern County Air Pollution Control District indicated that emission limits were exceeded for Arsenic, Beryllium, Cadmium, Chromium, Mercury, Lead, Dioxins, and Furans. Dioxins and Furans are the most potent cancer causing compounds known to man. These compounds also build up in your system.

At present, National Cement incinerates approximately 74% of all hazardous waste solvents produced in the state of California. It is also accepting hazardous solvents from outside the state.

According to a document from the Kern County Air Pollution Control District, National cement has requested to burn hazardous liquid wastes as 100% of its fuel usage. Apparently, they are not satisfied with the State of California's present restriction of 40%.

During the year 10-15-88 to 10-14-89 National Cement was out of compliance with their hazardous waste burning permits for 164 days out of 251 days of operation. For these infractions they were fined $100,000 out of a possible $4,000,000 by the Kern County Air Pollution Control District and $350,000 by the State of California.

In September and October of 1989, for 42 days National Cement burned carbon black purchased from a toxic site north of Rosamond. In February 1990, they were fined $4,000 for burning the carbon black, a substance not on their allowable fuel list. They were also fined $1,000 for the accompanying air pollution.

Since these dates, the bag house has exploded spewing asbestos fibers into the air. A dangerous nuclear probe has been lost. And now ground water contamination has been discovered.

On October 9, 1990, The California Regional Water Quality Control Board, Lahontan Region, issued a clean up and abatement order for the discharge of pollutants from a landfill at the cement plant site. Organic compounds were detected in the soil and water to a depth of about 43 ft. The landfill is located in an area containing many springs and seeps. The contaminates discovered were as follows:

Dichlorodifluoromethane	1,1 DCA
C1S 1,2 DCE	1,1 DCE
1,1,1 TCA	Carbon Disulfide

The cleanup notice names the land owners, Tejon Ranch; the former operators, Lafarge Corporation; and, the present lessee, National Cement as the responsible parties for the contamination and clean-up.

The toxic solvents at the cement plant are stored in four 25,000 gallon tanks and then mixed prior to burning in a 300,000 gallon tank. the four smaller tanks sit in a shallow cement retaining wall and the large tank sits directly in a gravel base surrounded by a shallow gunnite berm. The facility is located between two active earthquake faults, the Garlock and San Andreas. The plant itself resides above several fissures.

All trucks and products entering and leaving the plant cross over the open California aqueduct.

SUMMARY:

Hazardous waste incineration is riddled with unknowns, but one thing certain - the health and the environment of communities in which incinerators are sited are at risk. Incinerators release unknown quantities of unknown chemicals, presenting health threats of unknown magnitude and unknown duration to the people and ecosystems of neighboring communities.

Incineration's appeal lies in its ability to make hazardous waste seem to vanish into the air. With increasing restrictions on other forms of disposal, incineration is being promoted as a simple and cheap "permanent" solution to the vast quantities of hazardous wastes produced today. In reality, incineration is a controlled and officially sanctioned "toxic waste leak" through stack emissions and ash disposal.

For further information contact - ~~(805) 724-1674 Helen~~
(805) 256-2101 Stormy
~~(805) 948-8781 Barbara~~

July 7 87 AV Desp

3 Points examines shared illnesses

Residents fear problem similar to recent cancer clusters

By SHERRY ROUSH
Staff Writer

LAKE HUGHES – Residents of the Three Points area will be meeting to discuss common ailments, which some fear could be the result of toxic substances in the environment.

Helen Thornburg's phone has been "ringing off the hook" since she has posted fliers in her neighborhood calling for people with certain symptoms of illness to speak up.

"Discoveries at places like Rosamond and McFarlane have made us more aware and concerned about what might be happening to us," said Thornburg, who lives in the tiny community – about 10 miles west of Lake Hughes – near factories that she feels may be burning toxic substances.

Thornburg and a group of concerned residents who called her after seeing the fliers, will meet July 20 to discuss the medical problems and their possible causes. The fliers ask people if they have had symptoms such as severe headaches, respiratory problems, nausea, rashes or runny eyes.

"It's just too coincidental for so many people here to be showing one or more or all of the symptoms," Thornburg said. "Some people have gone to the hospital with strange sicknesses sort of like pneumonia, but doctors aren't sure what's wrong with them."

She added, "One person had all of the symptoms. Another was vomiting green stuff. People are getting very concerned and wonder if Three Points won't be another Rosamond or McFarlane."

Thornburg said that people here started smelling "something burning" over a year ago. "Some describe the smell like kerosine, others like, I don't know, cigarettes."

"Most, I guess, said 'Oh, it's just me' but they're realizing it's not just them," Thornburg said.

The group fears the smell may be from a nearby cement factory, but Thornburg is quick to say that it is too soon for the group to point fingers.

"That is why we need to get a group together, to find out what, if anything, the factory is burning, what other causes (of the symptoms) might be, if the symptoms are related."

Thornburg also showed interest in joining forces with the group Southern Kern Residents Against Pollution to examine the situation.

"It's scary. This really makes me sound like a do-gooder," Thornburg said with a laugh. "Really, I'd rather be doing something else, but I just can't sit by."

People who would like more information about the meeting should call Thornburg at 724-1674 between 8 a.m. and noon, Monday through Friday.

Rosamond and McFarlane are communities where cancer clusters have turned up and investigations are continuing into their causes.

Letter to State Toxicologist from a neighbor of National Cement.

9-10-84

Dear Mr. Holtsen-

My Name is Sara Jane. Widmer. I was born in This Valley 8 years ago.

I now have nose Bleeds and A Sore throat and my eyes are hurting. I Want to Breath.

Please help

Aug 24 '89 AV press

Complaints match signs of exposure to toxic chemicals

EXHIBIT # 35-13
DATE 2-15-93
SB-338

By SHERRY ROUSH
Staff Writer

THREE POINTS – Health complaints of some residents here match symptoms of exposure to hazardous chemicals described in a State Health Department report, a spokeswoman for residents said Wednesday.

Included in the 1988 report, "Toxics: Are We Poisoning Ourselves?" are lists of chemicals, their common uses and symptoms they may cause in humans or animals after acute or chronic exposure.

In July, residents of this community on the western edge of the Antelope Valley met to discuss common health complaints, including severe headaches, runny noses, rashes, nausea or respiratory problems.

Since then, people have come forward complaining of metallic tastes in their mouths and burning sensations in their throats and noses. A couple of residents went to the hospital with what they suspected were initial symptoms of a heart attack.

In the state's report, acute exposure to benzene may cause depressed nervous systems or upset cardiac rhythms. Acute or chronic exposure to arsenic, may cause burning sensations in the mouth, nausea, vomiting or leave metallic tastes in the mouth, the report said.

For another heavy metal listed in the report, beryllium, the symptoms include skin rashes and lung problems. For nearly all the elements listed, too much exposure could prove fatal to humans and animals.

Arsenic and beryllium were only two of the nine heavy metals and chemicals that were found by the Kern County Air Pollution Control District in April to have exceeded emission limits at the National Cement Plant, located northwest of Three Points.

Among chemicals that reportedly exceeded emission limits at the plant was polycyclic aromatic hydrocarbons, a chemical similar to benzene, according to Dr. Rick Kretzer with the state's toxicology and epidemiology division. The other chemicals exceeding limits were sulphur, cadmium, chromium, mercury and lead, the county's compliance test review stated.

"I think it would be too early to say there is a link," Kretzer said. "Dr. (Bob) Holzer is more involved in that issue anyway." Holzer, who is also with toxicology and epidemiology, has visited the cement plant site and interviewed some local residents, but was unavailable for comment Wednesday.

Helen Thornburn, with the Three Points Residents Against Toxics, has said that three doctors with patients in the Three Points area have requested a list of the heavy metals that the cement plant incinerates as an alternative fuel to burn with petroleum coke.

She said the doctors may be looking into the possibility that some of the residents' health problems may be linked to plant emissions.

Thornburg estimated about 40 people have either called her or come to one of the two meetings the group has held to discuss health problems they have.

"But who knows how many more may have health problems, but just dismiss them as no big deal," Thornburg said. "It's just too coincidental for all the people to have the same health problems."

Letter to State Toxicologist from a neighbor of National Cement.

9-10-89

Dear Mr. Holtsclaw

My Name is Sarahjane. Widmer. I was born in This Valley 8 years ago.

I now have nose Bleeds and A Sore throat and my eyes are hurting. I Want to Breath.

Please help

Sarahjane

letter to State Toxicologist from a neighbor to National cement.

San Joaquin Valley Unified Air Pollution Control District

Kern Zone

INSPECTION/INVESTIGATION REPORT

PLACE OF INSPECTION/INVESTIGATION: National Cement Company
Company Number 1128004
Gorman Area

INSPECTOR(S)/INVESTIGATOR(S): Michael Amundsen

DATE OF INSPECTION/INVESTIGATION: March 25, 1992

CONTACT(S): Mr Byron McMichaels TITLE; Plant Manager

RESULTS OF INSPECTION/INVESTIGATION: Notice Of Violation for Rule 401(a) issued.

ng an unannounced inspection at the National Cement Plant near Gorman this investigator noted a visible plume from four transfer points along the clinker outside storage conveyors. Chuck Kellet from National Cement was told of the possible violation of the District's regulations. The investigator set himself up for a visible emission evaluation and proceeded to document the violation of Rule 401(a). A Notice of Violation for Rule 401 (b) was left with Mr Kellet.

llet, of National Cement stated that clinker was not normally stored outside but a slowdown in the sale of cement and continued production of clinker forced the use of the outside storage. The clinker cannot be wetted down at the transfer points to reduce dust because of the damage to the clinker, and there were no dust collectors or pickup points at the transfer from conveyor to conveyor. The visible emission evaluation was performed at three different transfer points as the clinker was moved to the outside storage points. The three emission points were all documented as separate violations.

dumping cement on the ground. no market for the cement. have to keep burning Topics anyway

Cement firm agrees to pay $5,000 for illegal burn

By TOM MAURER
Californian staff writer

National Cement Co. has agreed to pay $5,000 in new fines for illegally burning an unpermitted hazardous waste fuel in its cement kiln near Lebec.

Meanwhile, desert residents who oppose the permitted hazardous waste burning at the plant have sent letters to President Bush, Gov. Deukmejian, state and congressional representatives, and county supervisors urging a full environmental evaluation of the plant and the rescission of all permits to burn hazardous waste. National Cement is the only cement plant in the state licensed to burn limited amounts of hazardous waste in its cement kiln.

The $5,000 settlement with Kern County Air Pollution Control District comes four months after National Cement paid the county $100,000 to settle charges it burned excessive amounts of hazardous waste last year, thereby violating its county permit.

National Cement officials also are negotiating a settlement with the state Department of Health Services, which also has cited the company for excessive hazardous-waste burning beyond its state-permitted levels of 1,200 gallons per hour, or 40 percent of its total fuel.

The new settlement was for National's burning of carbon black, a potentially hazardous material that is used to make tires. National Cement purchased carbon black from Columbia Chemical Co. in Mojave and burned the material even though it is not listed on its permit as a permissible hazardous waste.

National Cement President Donald J. Unmacht said he still believes carbon black is a non-hazardous substance but said he agreed to the $5,000 settlement. He said the company could amend its permit to accept the material, but will not.

"Carbon black typically is more expensive than petroleum coke, which is our main source of fuel," Unmacht said Tuesday. "It's not readily available and we just happened to catch someone who was going out of business and we bought their inventory."

Unmacht said the company also uses natural gas and diesel fuel in its kiln, especially during start-up operations. He said the county agreed to add natural gas to the existing permit as a permitted fuel, but said National Cement must apply for an "authority to construct" permit to add diesel fuel.

"We've used both these fuels for several years; in

Please turn to BURN / B2

BURN: Group demands report

Continued from B1

fact, we've used natural gas since the plant was built," he said. "But Kern County now wants to dictate the type of fuel we can use and wants us to file for a permit for any new fuel we use."

Clifton Calderwood, compliance manager for the county Air Pollution Control District, said he didn't think use of diesel fuel was a problem.

"But since the ownership of the company has changed and there have been changes to the permit, there was some confusion about exactly what fuels they were permitted to use," Calderwood said. "We just want them to list all the fuels on their permit."

The carbon black issue has further incensed members of Desert Citizens Against Pollution, who have vestigate the company's use of hazardous wastes.

"If they are willing to take one thing, like carbon black, that is not on their permit list, then what else are they taking that's not on their list?" said Helen Thornburg, a Lake Hughes resident who lives near the cement plant.

The group's letter demands an environmental impact report and overall risk assessment study on the cement plant and its use of hazardous-waste solvents.

"Incineration of hazardous and toxic waste produces dioxins and furans, the most carcinogenic compounds known," states the letter, signed by Thornburg and Rosamond resident Stormy Williams. "No reliable method exists to measure or monitor the performance of hazardous-waste incinerators. ... The citi[illegible] who live around the plant are

Radioactive sensor disappears

EXHIBIT # 35-B
DATE 2-15-93
SB-338

By TOM MAURER
Californian staff writer

Plant unable to trace device

A sensor containing low levels of radioactive material has been missing from the National Cement Co. plant near Gorman for at least two weeks, prompting unsuccessful searches of the county landfill at Lebec and the company's property.

The radioactive sensor, one of 19 at the cement plant, might have accidentally been shipped overseas with scrap metal or thrown into a trash bin, said Byron McMichael, plant manager. The company's president, Donald J. Unmacht, said he was unaware of the missing sensor until Thursday when questioned by reporters.

The sensor is used to measure the density of fuel and clinker material inside the cement kiln and throughout the plant. Plant workers removed the sensor March 9 to relocate it and apparently misplaced it within the plant's electrical shop, McMichael said.

"We were getting ready to mount it to the new location when it turned up missing," McMichael said. "We've been looking everywhere for it since and haven't found it."

Plant officials were not authorized to relocate the device without state permission, according to Don Bunn of the state Department of Health Service's radiologic health division.

"They already have violated their permit because they were not authorized to move it," Bunn said. "We're also considering other escalated enforcement action against the company."

Bunn said that although the device emits only low levels of radioactivity, state officials are concerned about its disappearance.

"The only harm to people would be if they had immediate contact with the radioactive material or exposed to the sensor for a long period of time," Bunn said. "But we don't like the idea of it being out in the community. They are making every effort locate it."

The sensor contains 20 millicuries of gamma-emitting radioactive material. Such radioactivity is similar to light energy except that it can penetrate through several

Please turn to SENSOR / B2

SENSOR: Landfill, plant searches find nothing

Continued from B1

inches of steel or other dense material, according to the sensor manufacturer, OHMART Corp.

The amount of radioactivity is compared to a glowing incandescent lamp, according to the OHMART information. Energy from the lamp is only harmful at excessive doses or exposure. Once encased in insulation, as the sensor is, only long-term exposure is harmful, the manufacturer stated.

The radioactive material is contained within a foot-long container and labeled as radioactive material, McMichael said.

National Cement President Unmacht referred all questions about the sensor to McMichael.

"I didn't know anything about it until the reporters called me today," Unmacht said Thursday. "I had no idea it was missing. But I don't see it as a concern because there are a lot of nuclear-type devices used in the construction industry for soil compaction. This sensor is less hazardous than those devices. I'm just hoping it will show up at the plant facility."

Workers initially thought it might have been placed in a trash container and sent to the county landfill. But state and plant officials searched the Lebec landfill Monday, including excavating a portion where other cement plant material was dumped, without finding the sensor. State officials also searched the plant with sensitive radioactive devices without finding it, McMichael said.

"One of our employees said it might have been placed in a metal hopper that we use to throw scrap metal in," McMichael said.

When asked what happens to the scrap metal, McMichael said, "It gets sent to the (Los Angeles) harbor and is shipped overseas. The hopper is emptied every week."

McMichael said his workers will continue to search for the device, which costs an estimated $2,000.

"We'd like to have it back. It's relatively expensive," he said. "We'll continue to interview our employees who work in other areas to find out if they've seen it. We're hoping it will show up."

Waste-burning company to pay county $100,000 for violations

Cement firm also agrees to rigid monitoring

By SALLY CONNELL
Californian staff writer

The only cement company licensed to burn hazardous waste in California has agreed to pay a $100,000 settlement to the Kern County Air Pollution Control District.

The Lebec-area National Cement Co. agreed to the settlement in a special meeting with county officials Monday. The meeting and settlement came just four days after the county announced it had cited the company for violating its permit to burn hazardous waste.

While company officials denied the county's charges, they acknowledged the settlement announcement was correct. In addition to the $100,000 settlement — the largest in the air district's history — the company has agreed to more monitoring and reporting requirements.

The county had alleged that the company exceeded its permit an estimated 66 days. It is permitted to burn hazardous waste as 40 percent of the total fuel for its cement kiln. The waste includes solvents, motor oils and other fuels considered hazardous under state and federal law.

Please turn to VIOLATIONS / A12

Bakersfield Californian 10 Oct 89

VIOLATIONS: Firm to pay county $100,000

Continued from A11

But the county alleged National had burned on many of the suspect days more than 40 and 50 percent, "and one day where it was spiked up to 71 percent of its total fuel," APCD compliance manager Cliff Calderwood said.

Donald Unmacht, National Cement Co. president, said the company will have a news release today"We reached a settlement. It wasn't an admission of guilt on our part," Unmacht said when contacted in his Bakersfield hotel room.

National is the former General Portland Cement Co., which received a permit to burn hazardous waste on a research basis in the early 1980s, which later became permanent.

Under both state and county permits, it is limited to burning the hazardous waste fuel as 40 percent of its total fuel. The state Department of Health Services is reportedly also looking at the county's evidence that the permit restrictions were exceeded, but no action has been filed by the state against National.

Monday's settlement is indirectly the result of a well-planned assault on the company by community groups upset with the plant. Reports of illness in the area around the plant, which is just north of the border between Los Angeles and Kern County in the Lebec-Lake Hughes area, have increased in recent months.

Helen Thornburg, a Lake Hughes resident, has gathered signatures and reports of illness and presented them to state and county health officials. She was upset at the $100,000 settlement, calling it "a slap on the hand so they can continue doing business as usual."

Calderwood said the maximum fines could have amounted to $25,000 per day for all 66 days or almost $1.5 million, but the county would have had to litigate that extensively. He said that the $100,000 settlement was proposed by the county in a letter to the company.

He pointed out that the county APCD had been against National's research permit back in 1982, and it always has been concerned about the company permit. "But we were overruled," he said.

The agreement also calls for National to report its fuel use on a daily basis to the county air district as well as performing additional emissions testing on an annual basis.

"The daily reporting will be a much-improved surveillance tool," Calderwood said. He noted that there will be additional ways to check the daily reports against the manifests received on hazardous waste to ensure compliance.

It was only after an outcry from Thornburg and other residents of the west end of the Antelope Valley that the county agency began to review National's track record.

But Calderwood said it will be impossible to close the plant with the current information the county has. Such closure is being advocated by many residents in the area.

"The Board of Supervisors could revoke their permit to operate in a public meeting," Calderwood said. "But that is very unlikely to occur unless there is an incredible body of evidence, more than we have now."

Hazardous-waste burning costs firm $350,000

9 March 1990
Bakersfield Californian

By TOM MAURER
Californian staff writer

The state Department of Health Services on Thursday fined National Cement Co. and its fuel supplier $350,000 for burning excessive amounts of hazardous-waste fuel during a 127-day period at its cement kiln near Lebec.

The action comes five months after the Kern County Air Pollution Control District fined National Cement $100,000 for excessive hazardous-waste burning during the same period between October 1988 and October 1989.

"This is one of the largest settlements we've reached in a long time and it's definitely the largest this year," DHS spokesman Ron Baker said. "We see this as being very significant."

The state could have fined the company at least $3.1 million, but chose to settle the case against National Cement and Systech Environmental Corp., which supplied the fuel and contributed to the excessive burning. National Cement is the only cement company in the state licensed to burn limited types of hazardous waste in its kiln.

The fine did not fully satisfy nearby residents who have opposed the plant's waste burning.

"We won't be happy until the permits are pulled," said Stormy Williams, an organizer of Desert Citizens Against Pollution. "We will not be content as long as they are burning any hazardous waste."

Helen Thornburg, who lives in Lake Hughes near the plant, said she was glad "the state finally caught up with them. But I'm not happy they didn't go further."

National Cement and Systech executives said Tuesday they admittedly violated their permits, but did so unknowingly because of contradicting provisions of the state and Kern County permits.

Both permits allow the company to burn hazardous waste as a maximum of 40 percent of its fuel, but the state permit limits the amount to 1,200 gallons per hour. Because of the high volume of fuel burned, National Cement repeatedly exceeded the 1,200-gallon limit even though executives say they were burning less than 40 percent. However, computer records show that National Cement also repeatedly exceeded the 40 percent limit, according to both state and Kern County investi-

Please turn to BURN / B2

Continued from B1

gations.

"A major investment of time and money was made attempting to get these agencies to increase the burn rate to the same level," National Cement President Donald J. Unmacht said Thursday in a Bakersfield news conference.

"Unfortunately, despite our best efforts, we ended up with two permits — issued at different times — with conflicting conditions. The difference in assessed penalties and the settlements agreed upon were caused by that difference in burn-rate permit conditions. We were not as prudent as we should have been in regards to our interpretation of those permits."

Unmacht said employees of both companies have been instructed to keep hazardous-waste burning well below the 1,200-gallon and 40 percent limits. Currently, the company's hazardous-waste use is less than 20 percent of its fuel supply. A 1,200-gallon limit would equate to about 34 percent hazardous-waste mixture, Unmacht said.

However, before National Cement can return to burning a maximum of 1,200 gallons, it must install carbon monoxide probes at the plant, update its administrative records of hazardous-waste use, calibrating more than 1,200 gallons per hour, test waste oil that is used to lubricate the chains that turn the kiln and complete a new health risk assessment for the plant.

The company recently spent $200,000 to test emissions from the plant bag house and smokestacks to comply with state and county requirements. The results of that test burn will be used for a new risk assessment.

"Once they send us all of that, we'll decide within 30 days if they can go back to 1,200 gallons," Baker said.

State officials will continue to monitor the plant, Baker said, and could cite the company again for previously undiscovered violations.

Unmacht said that although the fines are substantial, "the citations have not charged us with any health or environmental problem that we created."

He said both companies have "cooperated fully with both of these agencies," including supplying hourly computer records that were used by state and county investigators to document most of the violations.

The facility uses common industrial waste solvents from paint, coating and ink industries, as well Baker said. The solvents are used for the oxidation of limestone during the cement-manufacturing process.

Baker said the state fines were based on the violations of the permit as well as profits earned by the facility during the time National Cement was burning excessive amounts of hazardous waste.

Profits were considered because National Cement must pay for its main fuel — petroleum coke — but is paid by hazardous-waste generators to accept their waste. By burning excessive amounts of hazardous waste, the company saved money on its own fuel costs and earned more money for accepting hazardous waste.

Unmacht said his company believes burning hazardous waste is a safe alternative to disposal.

"The use of waste derived of fuels to replace fossil fuels in a long, dry cement kiln is a proven technology for safely managing these waste products with the least environmental impact," Unmacht said.

"We are confident that the exhaustive series of recently conducted environmental tests at the plant site will prove that using the type of hazardous wastes we burn in our cement kiln does not increase health

National Cement to face state cleanup directive

By HARVEY DRUT
Staff Writer

THREE POINTS – The state will order National Cement Co. to reduce the levels of a hazardous material in the water table beneath a former landfill on the plant site, officials said Thursday.

The Regional Quality Water Control Board is expected to issue the controversial plant a cleanup and abatement order to reduce the levels of chlorinated hydrocarbons in the water table, said Hisam Baqai, supervising engineer.

Water board officials at the office in Victorville are reviewing reports of water studies completed by a consultant of National and could issue the order by the end of the month. The water board, after receiving complaints from nearby residents, required the studies to evaluate the level of hazardous materials in the ground water supply.

Baqai said the garbage from the landfill may have caused some seepage of the waste product into the water table. He said excessive levels of potentially toxic hydrocarbons were discovered there in recent tests.

Upon receipt of the abatement order, Baqai said National will have to report the amount of contamination and clean up the hazardous material before being granted a clearance to proceed with water discharge. The company currently does not have a water discharge permit, according to Baqai.

The possibility of receiving the order does not come as a surprise to National President Don Unmacht, who said the company has known for some time that an abatement order was forthcoming. He said National knew about the landfill site when it set up its operation in 1985.

"We fully expected to see an abatement order, but we have never used that landfill for dumping purposes; it was inherited from the previous land operator," Unmacht said.

Residents in the sparsely populated area surrounding the plant, located at the west end of the Antelope Valley, have consistently complained to county and state officials about poor air and water quality, and they are concerned about the latest findings.

Some of them have formed groups to fight National in its attempts to burn hazardous waste solvents as a supplemental fuel source.

"There are just too many problems associated with the operation and the goal of our groups is to see to it that the plant is shut down permanently," said Helen Thornburg, a spokeswoman for the Three Points Residents Against Toxics.

Leaking Landfill - Barrels of Solvents

Dust pile concerns

Concerns about pH levels (which express the acid and alkaline concentration) in the kiln dust left over after incineration, and the density of dust particles in the air, have essentially been eliminated.

Baqai said his office tested the kiln dust, which is piled up in one section of the plant site, and found pH levels higher than the standard permitted for alkaline. He concluded that National may be regulated for pH levels in the future.

However, Unmacht said the test is deceptive because the dust material was mixed with water and allowed to stand before a reading was taken. He said that could not happen at the plant because the dust does not come in contact with any water supply. He feels that National should be given a waiver for pH testing.

Kern County Air Pollution Control Board spokesman Cleighton Smith said Thursday that National is in compliance with the standards set for dust particle emission, with the exception of a minimal excess of sulfate, but not enough to cause severe health effects for humans or animals.

"When we set a level, we're conservative because we want companies to meet the greatest possible standards and given the concerns of the residents I'd say it is highly unlikely that there would be any health risk considering the disbursement rate of the particles," Smith said.

Other problems

At the end of June, the State Department of Health Services gave authorization for National Cement to resume burning hazardous waste solvents at the rate of 1,200 gallons per hour, up from the 625 gallons per hour the company voluntarily reduced to when it was fined for violation of air quality standards by the county Air Pollution Control Board at the end of last year.

National became the target of public outrage last year for violating regulatory agency standards and creating potential health risks. Upon inspection by Kern County Air Control officials, the company paid a total of $1 million in fines, testing fees and delays in production, and those costs could increase substantially if additional action is taken.

Bakersfield Californian Feb 8, 1991

EXHIBIT # 35-B
DATE 2-15-93
SB-338

Feb 8, 1991

Lebec cement dust hazardous, state says

Firm denies piles threaten groundwater

By TOM MAURER
Californian staff writer

More than 1 million tons of cement kiln dust stored in piles at the National Cement Co. plant in Lebec are hazardous waste and pose a threat to groundwater, according to state water officials.

But a company official said the ash piles are non-hazardous and disagrees with a pending state order for extensive plastic liners to protect the shallow groundwater. He also said previous owners should be responsible for any cleanup or costs.

The dust, which is collected as cement mixtures of limestone deposits and additives heated in a kiln, is considered a hazardous mining waste because it has a pH level greater than 12.5 and contains enough water to seep underground, according to the state Regional Water Quality Control Board, Lahontan region.

The dust also contains liquid remnants of hazardous solvents used as a fuel in the kiln. National Cement is the only cement plant in the state licensed to burn hazardous-waste solvents as a supplemental fuel.

Desert environmentalist Stormy Williams, who has opposed the burning of hazardous wastes at the plant, said she hopes the state water board will be more strict with National Cement than other government agencies have been.

"We're tired of state and Kern County agencies closing the barn door after the horse is out of the gate," she said.

The dust piles, which have been used for 15 years, encompass 31 acres at the plant in the foothills of the Tehachapi Mountains. The cement process generates about 250 tons of ash per day, which is stored in at least three piles. The dust is sprayed with water to form a crust to prevent the wind from blowing the dust. Most of the pile has been covered with six inches of soil and grass, a state report shows.

Although monitoring wells at the cement plant have shown no groundwater contamination from the ash piles in six years, the state might issue an order next month requiring National Cement to install liners and liquid collection systems to protect groundwater.

National Cement President Don Unmacht said the state has not required liners and water-collection systems for ash piles at any other cement plant in the state.

"There's nothing peculiar about our kiln dust that would set it apart from any other cement plant's kiln dust," Unmacht said. "The residue from the hazardous-waste solvents are negligible. But the fact that we have the hazardous-waste burning permit has subjected our dust to much more scrutiny than other cement kilns."

Unmacht insisted that the ash is not hazardous by itself and is not sprayed with enough water for ash residue to seep into the groundwater.

"In order to get the pH levels they have, you have to assume there's going to be enough free water in the pile, which there is not," Unmacht said. "But, certainly, you could take the ash substance into a lab and add enough water to achieve a pH level they had."

The proposed state order, which likely will be considered by the water board in March, requires National Cement to prepare a study by Aug. 15, 1991, showing how it intends to treat the ash piles and if plastic liners are necessary to protect the groundwater.

"The burden of proof is on us to show that the liners are not necessary," Unmacht said. "That means we'll have to prove that the ash is not hazardous and will not migrate into the groundwater."

NEIGHBORS CONFIRM: WASTE-FUELS DON'T AFFECT HEALTH, ENVIRONMENT OR PROPERTY VALUES

Letters from neighbors of
Ash Grove Cement Company's
Waste-Fuel-Using Cement Plants
in Foreman, Arkansas, and Chanute, Kansas

presented to
MONTANA SENATE NATURAL RESOURCES COMMITTEE
February 15, 1993

City of...

CHANUTE, KANSAS

MUNICIPALLY OWNED GAS, WATER, AND ELECTRIC UTILITIES

January 15, 1993

Dan Peterson
Plant Manager
100 Montana Highway 518
Clancy, Montana 59634

JAN 19 1992

Dear Mr. Peterson:

For approximately five years, the Chanute Ash Grove plant has been utilizing waste derived fuels, primarily paint thinners, paint residues and cleaning solvents, in the two kilms to partially replace fossil fuels used to make cement. The Ash Grove plant is located in the northern part of the City near the Neosho River and has both rail and highway access. Waste derived fuels are delivered daily by rail and semi-trailor trucks crossing the river and in some instances, passing directly through the City. There have been no incidents relating to the transportation, storage or burning of the waste derived fuels since their use was started in 1988.

The City's sole source of water is the Neosho River which flows by the Ash Grove plant and the City's raw water intake is downstream from the plant and rail and highway access routes. The City does not consider transportation or use of the fuels as a potential threat to the public or to other property, nor does the City view the operation as a threat to the City's water supply or irrigation.

A transportation spill is not considered a serious threat, especially when compared to other commodities that are routinely transported by rail or highway through our community including much more highly toxic or health threatening products. Also, the company has a contingency plan to deal with any incident stressing preventative measures.

In our opinion, the process used provides environmental benefits far outweighing any potential risks. Recycling, as opposed to disposal, achieves an environmental goal benefiting the local area as well as others. We believe the process utilized by Ash Grove posses no threat and represents a win/win solution for all concerned. If you need any additional information, please let me know.

Very Truly Yours,

Robert H. Walker
City Manager

RHW/bb

SENATE NATURAL RESOURCES
EXHIBIT NO. 36
DATE 2/15/93
BILL NO. SB 336

CITY OF ASHDOWN

250 North Second Street
P.O. Box 135
Ashdown, Arkansas 71822
Telephone (501) 898-2622

FEB - 1 1993

HELEN RUSSELL
Mayor

CURTIS DANIEL
Clerk/Treasurer

January 25, 1993

Mr. Dan Peterson
100 Montana Hwy 518
Clancy, Montana 59634

Dear Mr. Peterson:

The use of hazardous waste materials as fuel has made it possible for Ashgrove Cement's Foreman, Arkansas plant to be more profitable. Many of the hazardous waste materials are items that are found in our households such as nail polish, hand and body lotions, and other items used in our homes for cleaning, etc.

The Foreman plant has a state of the art lab on their premises to test the waste as it is delivered. They do not accept materials containing pcb's or pesticides. I have toured the plant twice, recently. There were no unpleasant odors and the area where the waste enters the kiln was neat and orderly. I visit the city of Foreman often and have never detected any odor caused by the Ashgrove plant.

I have spent most of my life in Little River County. I attended the Foreman schools through junior high school. My husband and I have raised our children here in Ashdown, the county seat, which is 16 miles from Foreman. It is my opinion that the great majority of Little River County's citizens feel good about the Ashgrove Cement Plant and its use of hazardous waste.

Sincerely,

Helen Russell

Helen Russell
Mayor

HR/tp

SENATE NATURAL RESOURCES
EXHIBIT NO. 37
DATE 2/15/93
BILL NO. SB 336

SMITH & MOUNTS, INC.
REALTORS
156 DAUGHERTY STREET
ASHDOWN, ARKANSAS 71822
FARMS — RANCHES — HOMES — CONSTRUCTION
(501) 898-2429

JAN 28 1992

January 25, 1993

Dan Peterson
Plant Manager
100 Montana Highway 518
Clancy, Montana 59634

Dear Mr. Peterson:

For five years, the Ash Grove Cement plant of Foreman, AR, has been using waste derived fuels, primarily paint thinners, paint residues and cleaning solvents, in the two kilns to partially replace fossil fuels used to make cement. The Ash Grove plant is located southwest of the city and has both rail and highway access. Waste derived fuels are delivered daily by rail and semi-trailer trucks that may pass directly through the city. To my knowledge, there have been no incidents relating to the transportation, storage or burning of the waste derived fuels since their use was started in 1988.

The city does not consider transportation or use of the fuels as a potential threat to the public or to other property, nor does the city view the operation as a threat to the city's water supply or irrigation.

A transportation spill is not considered a serious threat, especially when compared to other commodities that are routinely transported by rail or highway through our community including much more highly toxic or health threatening products. Also, the company has a contingency plan to deal with any incident stressing preventative measures.

In my opinion, the process used provides environmental benefits far outweighing any potential risks.

Very truly yours,

Jim Mounts, CRB CRS
Smith & Mounts, Inc.

JM/sf

SENATE NATURAL RESOURCES
EXHIBIT NO. 38
DATE 2/15/93
BILL NO. SB 336

City of Foreman

P. O. BOX 10
FOREMAN, ARKANSAS 71836

PHONE (501) 542-7434

JAN 27 1992

January 21, 1993

Mr. Dan Peterson, Plant Manager
Ash Grove Cement Company
100 Montana Highway 518
Clancy, Montana 59634

Dear Sir:

In regards to your question about the burning of waste derived fuel at the cement plant in Foreman, I will answer from a personal view and from my daily dealings with our local citizens.

I have visited the plant on several occasions and find no problem in the use of waste derived fuel. It is handled in a safe and responsible manner. It appears that the company has made all necessary provisions for proper handling, training, testing and planning for emergencies.

In the City of Foreman, we cannot detect any difference in the environment since this procedure commenced. In my daily dealings with our local folks, the subject does arise from time to time. I do not hear any negative comments about the use of waste fuel. I believe it is generally felt that this is a very good method of handling acceptable materials that must be dealt with and in so doing put them to a worthwhile use.

Sincerely,

D. D. Hector

D. D. Hector, Mayor

SENATE NATURAL RESOURCES
EXHIBIT NO. 39
DATE 2/15/93
BILL NO. SB 338

MARION H. CRANK
HOME PHONE 542-6270
ROUTE 1, BOX 75
FOREMAN, ARKANSAS
71836

February 8, 1993

SENATE NATURAL RESOURCES
EXHIBIT NO. 40
DATE 2/15/93
BILL NO. SB 338

Montana Senate Natural Resources Committee
c/o Senator Don Bianchi, Chairman
Montana Legislature
Capitol Station
Helena, Montana 59620

Dear Senator Bianchi:

I have been contacted regarding the proposed legislation which would restrict the location of any facility processing waste material.

Please be advised that I am a former member of the Arkansas House of Representatives, having served for 18 years. During this time I served as Speaker of the House, 3 terms as chairman of the Joint Budget Committee and 17 years as a member of the Legislative Council. I was the Democratic nominee for Governor in 1968. I have had the pleasure for many years of knowing and working with former Governor Bill Clinton and now our President. He is one of the most knowledgeable and likable young men I have ever known.

Our home is located approximately 1/2 mile from the site of the waste disposal. We have lived in this home since 1943 so we have had on hand experience in being the nearest resident to the Ash Grove Cement plant where the waste material is being incinerated. There has been no difference in our living conditions before or after the installation of this process.

Ash Grove has been processing this waste material for the past seven years. There have been no detrimental effects on our environment or health. Our personal experience, we believe, completely contradicts any fears that might have been expressed by your people. The waste material is transported in a very safe manner with no problems in handling these waste fuels by the plant.

There is always discussion about property values when anticipating such a program. This just has not occurred in our area.

As one legislator to another let me urge you not to abolish any possibility of considering this excellent manner of a final disposition of waste material.

I will be happy to talk with any member of your committee regarding this proposal if they so desire. (Telephone No. 801-542-6270)

I wish you success in your endeavor as you consider this important proposal.

Sincerely yours,

Marion H. Crank

MHC:c

County of Little River

JAN 28 1992

Clyde Wright
County Judge

Office of the County Judge
351 North Second Street
Ashdown, Arkansas 71822

(501) 898-7202

January 22, 1993

Mr. Dan Peterson
Plant Manager
100 Montana Hwy 518
Clancy, Montana 59634

Dear Mr. Peterson:

As County Judge of Little River County, I have had close contact with AshGrove Cement Plant. I am aware that they burn hazardous materials in the making of their cement.

The cement plant has to adhere to all the rules and guidelines of both Federal and State EPA. I believe they are most conscientious in burning this material. Therefore, I do not have any objections to their handling of this material. Over the years, we have had very few objections from private citizens of this county.

AshGrove has proven many times over, what a good neighbor they are. They have always been ready to assist in any situtation. The cement plant is a major factor in holding our county together.

Sincerely,

Clyde Wright
County Judge

CW/cac

SENATE NATURAL RESOURCES
EXHIBIT NO. 41
DATE 2/15/93
BILL NO. SB 336

Documentation:
CEMENT KILN EMISSIONS ARE SAFE WITH WASTE-DERIVED FUELS

The following charts report actual emissions monitored during government-supervised trial burns under "worst-case" conditions at Ash Grove cement plants that burn waste-derived fuels.

These findings and the methodology used for the tests are part of the public operating record of the plants involved, approved by and filed for the record with the U.S. Environmental Protection Agency.

"Worst Case"

(1) During the tests, the fuels were deliberately "spiked" with maximum levels of metals. Permit conditions require that the metals levels always be *less* than the levels tested in these trial burns.

(2) Operating conditions during the trial burns were required to be set to deliberately create a "worst case" situation (i.e., low temperatures, low oxygen intake, and detuned pollution control devices; in contrast, permit stipulations *require* operating conditions better than those used for testing).

(3) As a result of trial burns being conducted under maximum possible metals feed rates, and under worst-case operating conditions, one can be assured that *emissions under normal operations will always be less than those that occurred during the trial burns.*

Results

At all the Ash Grove plants that use waste-derived fuels, during the trial burns under worst-case conditions, *no metals emissions were detected* by E.P.A.'s test methods. The E.P.A. detection limits used in these trial burns were 10-to-more-than-100 times *lower* than the health-risk-based emission limits required by the B.I.F. rules.

Comparison to Montana City Plant

In addition, during these trials all of the kilns were using a far higher proportion of waste-derived fuel than Ash Grove proposes to use in Montana City. For example, the kilns in Foreman, Arkansas were using over 80% of their fuel in the form of waste-fuels, whereas Ash Grove proposes to use no more than 20% of its Montana City fuels in the form of solid, nonpumpable Chem-Fuel[R].

Safety Factor

The column titled "Safety Factor" shows how low the actual emissions were: One would have to multiply the actual "total emissions" by the "safety factor" in order to reach the "allowable emissions" that comprise the required, health-risk-based limit.

The data from these trial burns demonstrate that even under severely distorted operating conditions, while using fuels higher in metal content than allowed by permit specifications, the Ash Grove kilns emitted far less metals than the regulations allow.

How the Permitting Process *Lowers* Emissions -- Below "Allowable" Levels

The B.I.F. regulations require that when a trial burn demonstrates a kiln's ability to emit lower levels of metals than allowed, the operating conditions under which those lower levels were achieved will define the operating parameters within which the kiln will always have to be operating whenever using waste-derived fuels. Operating conditions are required to be monitored continuously, and if any of these parameter-limits is approached, use of waste-derived fuels must stop. Thus, in such instances, actual emissions for a permitted kiln are always below the originally allowed levels.

Ash Grove predicts that if allowed to prove the safety of its proposal for Montana City in the course of the research required by the permitting process, this kind of "racheting down" of emissions will occur in Montana City.

This is just one of the ways that the permitting process is designed to be both site-specific and to create technology-based emissions requirements that are far stricter than the health-risk-based limits.

* * *

FOR MORE INFORMATION, CONTACT:
Tom Daubert, lobbyist for Ash Grove Cement Company
449-2095

EXHIBIT # 42
DATE 2-15-93
SB-338

Ash Grove Cement Company
Chanute, Kansas
Compliance Test Burn - Kiln No. 1
April 7-10, 1992

	Total Input (lb/hr)[a]		Total Emissions (lb/hr)	Total Allowable Emissions (lb/hr)	Safety Factor
	WDF	RM			
Feed[b]		148000.000	24.3	44.700	1.84
Solid WDF[b]	4370.000				
Liquid WDF[b]	13500.000				
Arsenic	0.279	0.428	Below the Detection Limit of 0.00285	0.507	178
Cadmium	0.255	0.057	Below the Detection Limit of 0.00460	1.230	267
Chromium[total]	6.120	2.530	Below the Detection Limit of 0.00805	0.183	23
Lead	15.500	1.770	Below the Detection Limit of 0.0773	19.700	255
Antimony	0.135	0.428	Below the Detection Limit of 0.0321	66.100	2060
Barium	12.500	11.600	Below the Detection Limit of 0.0303	11000.000	363000
Beryllium	0.003	0.028	Below the Detection Limit of 0.00100	0.923	923
Mercury	0.116	0.003	Below the Detection Limit of 0.0318	66.100	2080
Silver	0.024	0.086	Below the Detection Limit of 0.000907	661.000	729000
Thallium	0.072	0.640	Below the Detection Limit of 0.00287	110.000	38300

Notes

[a] Inputs are divided into two categories to show the input of metals through raw materials and input of metals through waste-derived fuels (solid and liquid).

[b] All input rates are an average of the maximum rolling hourly averages from mode A-1 runs 1-4.

Ash Grove Cement Company
Chanute, Kansas
Compliance Test Burn - Kiln No. 2
March 24-30, 1992

	Total Input (lb/hr)[a]		Total Emissions (lb/hr)	Total Allowable Emissions (lb/hr)	Safety Factor
	WDF	RM			
Feed[b]		154000.000	17.5	44.700	2.55
Solid WDF[b]	4970.000				
Liquid WDF[b]	12400.000				
Arsenic	18.900	0.445	Below the Detection Limit of 0.00272	0.507	186
Cadmium	1.650	0.059	Below the Detection Limit of 0.00752	1.230	164
Chromium[total]	29.400	2.200	Below the Detection Limit of 0.003	0.183	61
Lead	49.800	0.742	Below the Detection Limit of 0.194	19.700	102
Antimony	1.080	4.450	Below the Detection Limit of 0.0331	66.100	2000
Barium	12.000	17.800	Below the Detection Limit of 0.0349	11000.000	315000
Beryllium	0.002	0.030	Below the Detection Limit of 0.00104	0.923	888
Mercury	0.030	2.970	Below the Detection Limit of 0.00502	66.100	13200
Silver	0.048	0.089	Below the Detection Limit of 0.000776	661.000	852000
Thallium	0.074	0.892	Below the Detection Limit of 0.00298	110.000	36900

Notes

[a] Inputs are divided into two categories to show the input of metals through raw materials and input of metals through waste-derived fuels (solid and liquid).

[b] All input rates are an average of the maximum rolling hourly averages from mode A-1 runs 1-4.

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DATE 2-15-93
SB-338

Ash Grove Cement Company
Foreman, Arkansas
Compliance Test Burn - Kiln No. 1
July 21-24,1992; August 5, 1992

	Total Input (lb/hr)[a]		Total Emissions (lb/hr)	Total Allowable Emissions (lb/hr)	Safety Factor
	WDF	RM			
Feed[b]		118000.000	17.5	19.500	1.11
Solid WDF[b]	3200.000				
Liquid WDF[b]	12200.000				
Arsenic	13.000	0.870	Below the Detection Limit of 0.00580	0.067	12
Beryllium	0.121	0.020	Below the Detection Limit of 0.000459	0.122	267
Cadmium	0.683	0.053	Below the Detection Limit of 0.00577	0.163	28
Chromium[total]	30.500	0.481	Below the Detection Limit of 0.00181	0.024	13
Lead	34.400	0.438	Below the Detection Limit of 0.277	2.620	9
Antimony	6.850	0.745	Below the Detection Limit of 0.0350	8.750	250
Barium	16.200	3.250	Below the Detection Limit of 0.06040	1460.000	24100
Mercury	0.017	0.003	Below the Detection Limit of 0.00240	8.750	3650
Silver	0.017	0.075	Below the Detection Limit of 0.00116	87.500	75800
Thallium	0.094	0.613	Below the Detection Limit of 0.00716	14.600	2040

Notes

[a] Inputs are divided into two categories to show the input of metals through raw materials and input of metals through waste-derived fuels (solid and liquid).

[b] All input rates are an average of the maximum rolling hourly averages from mode A-1 runs 1-4.

Ash Grove Cement Company
Foreman, Arkansas
Compliance Test Burn - Kiln No. 3
July 25-27,1992; August 6, 1992

	Total Input (lb/hr)[a]		Total Emissions (lb/hr)	Total Allowable Emissions (lb/hr)	Safety Factor
	WDF	RM			
Feed[b]		182000.000	6.6	27.000	4
Solid WDF[b]	4940.000				
Liquid WDF[b]	14500.000				
Arsenic	14.500	1.670	Below the Detection Limit of 0.00494	0.100	20
Beryllium	0.164	0.042	Below the Detection Limit of 0.000269	0.183	681
Cadmium	2.550	0.071	Below the Detection Limit of 0.00137	0.245	178
Chromium[total]	57.400	0.613	Below the Detection Limit of 0.00148	0.0362	24
Lead	31.400	0.732	Below the Detection Limit of 0.0206	3.920	190
Antimony	0.176	0.847	Below the Detection Limit of 0.0429	13.100	305
Barium	26.300	4.990	Below the Detection Limit of 0.0358	2180.000	60900
Mercury	0.010	0.006	Below the Detection Limit of 0.00168	13.100	7800
Silver	0.070	0.108	Below the Detection Limit of 0.00124	131.000	105000
Thallium	0.240	0.888	Below the Detection Limit of 0.00612	21.800	3560

Notes

[a] Inputs are divided into two categories to show the input of metals through raw materials and input of metals through waste-derived fuels (solid and liquid).

[b] All input rates are an average of the maximum rolling hourly averages from mode A-1 runs 1-4

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MAXIMUM METALS FEED RATES*
ASH GROVE CEMENT COMPANY
Montana City, Montana

Constituent	Raw Feed (lb/hr)	HWDF Feed (lb/hr)	Total Feed (lb/hr)	ppm of Total Feed
Raw Materials	136,000.00	4,000.00	140,000.00	
Antimony	0.49	17.50	17.99	128
Arsenic	2.61	0.88	3.49	25
Barium	21.17	350.53	371.70	2655
Beryllium	0.47	0.07	0.54	4
Cadmium	0.33	1.75	2.08	15
Chromium	1.88	26.24	28.12	201
Lead	2.46	35.00	37.46	268
Mercury	0.33	2.10	2.43	17
Silver	0.40	17.50	17.90	128
Thallium	0.40	17.50	17.90	128

* Represents maximum hourly average feed rate limits. Annual feed rate averages will be below these limits.

SENATE NATURAL RESOURCES
EXHIBIT NO. 43
DATE 2/15/93
BILL NO. SB 336

4070 Trident Road
Three Forks, Montana 597
406/285-3895
Fax 406/285-3100

HOLNAM INC

IDEAL CEMENT
PACIFIC REGION

CONTACT:
Bill Springman
Plant Manager
406-285-3241

MONTANANS SUPPORT CEMENT KILN RECYCLING TO CONSERVE RESOURCES AND REDUCE HAZARDOUS WASTES, ACCORDING TO STATE-WIDE SURVEY

State residents favor by more than two to one (54 percent to 22 percent) the proposal by Holnam's Trident cement plant near Three Forks to recycle selected hazardous wastes as fuel as part of the cement making process. After listening to the pros and cons presented by the polling organization, those surveyed said they favored the proposal by a four to one margin (66 percent to 16 percent with 18 percent not sure).

The scientific poll, which was conducted during mid January, also indicates that support for Holnam's proposal increased when respondents were given other hazardous waste options such as landfilling and burning the material at the lower temperatures of a commercial hazardous waste incinerator.

When asked a series of questions pertaining to how hazardous waste should be disposed of, Montanans preferred recycling of hazardous waste in a cement kiln where temperatures reach 3400 degrees Fahrenheit (65 percent to 15 percent). Only 48 percent of respondents favored placing hazardous waste in special permitted, lined landfills, with 34 percent opposed. Burning the materials in incinerators, which operate at lower temperatures than cement kilns, was the least popular option, with 37 percent favoring this approach and 38 percent opposing it.

The survey also revealed that, by an overwhelming majority, Montanans feel that the state should take care of its own hazardous wastes. When asked the question "Do you think Montana should be responsible for disposing of its own hazardous waste generated within its boundaries?", 92 percent of respondents said yes, while only 5 percent said no.

-more-

"The survey shows that the residents of Montana are prepared to take a common-sense approach to the problem of hazardous wastes by safely recycling them in a manufacturing process which helps contribute to the economy of the state and the livelihood of a number of its residents," said Bill Springman, manager of Holnam's Trident plant. "The data tells us that a majority of Montanans recognize that the 'Not in my backyard' philosophy is not a realistic way of dealing with a serious problem," he added.

Support for Holnam's proposal increased when respondents were supplied with important additional information. For example, support jumped to 80 percent vs. 10 percent (with 10 percent unsure) when respondents were informed that more than 99.99 percent of the organic material in the solid hazardous wastes proposed for the Holnam fuel program would be destroyed in the burning process.

Likewise, when respondents were informed that the Trident plant would meet or exceed all state and federal regulations for the handling, storage and transportation of the materials, 76 percent favored the proposal, while only 14 percent opposed it (again, 10 percent remained unsure).

Montana residents also were more inclined to favor the proposal (76 percent to 13 percent, with 11 percent unsure) when they knew that it would conserve fossil fuels by reducing the plant's use of coal and natural gas.

However, respondents also sent a strong message that they are uncomfortable about the prospect of taking wastes from other states for use as fuels in cement kilns. Sixty-one percent of those asked said they would oppose a plan under those circumstances, with only 26 percent favoring the plant. Thirteen percent were not sure.

"We understand the reluctance of Montanans to take hazardous wastes from other states," said Springman. "That's why our program focuses on wastes generated right here in Montana. We are going to make every effort to get appropriate waste fuel from Montana sources first."

-more-

EXHIBIT #43
DATE 2-15-93
SB-338

Holnam recently announced that it was modifying its hazardous waste recycling program to focus on three primary wastes -- spent potliner created as a result of the aluminum manufacturing process, selected refinery wastes, and used filters and lint generated by commercial dry cleaners. None of these wastes has any free flowing liquids. By modifying its application, Holnam eliminated the number of Environmental Protection Agency waste codes -- the system by which individual elements in the waste materials are identified -- from more than 500 to just 12.

The survey was conducted by Public Affairs Counsel, a national public opinion research firm located in Salem, Oregon. The firm randomly polled 572 residents. That sample size gives the data a margin of error of plus or minus 4.0 percent.

The Trident, Montana plant is one of thirteen operated by Holnam Inc. in the United States. Holnam is one of the largest cement manufacturers in North America.

-30-

ROBERT TURPIN
PRESIDING COMMISSIONER

GENE S. MILLER
EASTERN COMMISSIONER

HAROLD R. DIETLE
WESTERN COMMISSIONER

Pike County Court

Phone 314-324-2412
Bowling Green, Missouri 63334

February 12, 1993

JIM FORD
CLERK OF THE COUNTY COURT

EDNA BROWN
DEPUTY CLERK

JANET MILLER &
ANN HILES
DEPUTY CLERKS
VOTER REGISTRATION

Mr. Jerome Anderson
Power Block Building
Suite 4E
6th Avenue & Last Chance Gulch
Helena, Montana 59624

SENATE NATURAL RESOURCES
EXHIBIT NO. 44
DATE 2/15/93
BILL NO. SB 338

Dear Mr. Anderson:

This is to show support for proper hazardous waste burning in a cement kiln.

We, the undersigned, have been familiar with the hazardous waste facility at the Clarksville cement plant since it starting burning in 1986 and have found it to be nothing but a benefit to the community and to the county.

We know of no problems when burned properly in cement kiln as Clarksville has demonstrated over the years.

Such burning has been beneficial to the community in that it added over twenty additional jobs and allowed the Clarksville plant to remain competitive in the cement industry. The Holnam plant of Clarksville has been a tremendous community asset and good neighbor and we and our constituents in the community feel that there is no adverse effect because of the burning of hazardous waste.

Thank you for allowing us to express our opinions and should you have any additional questions, don't hesitate to ask.

Sincerely,

Robert Turpin
Robert Turpin, Presiding Comm.

Gene S. Miller
Gene S. Miller, Eastern Dist. Comm.

Harold R. Dietle
Harold R. Dietle, Western Dist. Comm.

GSM/ah

TESTIMONY OF DR. KATHRYN KELLY,

ENVIRONMENTAL TOXICOLOGY INTERNATIONAL, SEATTLE,

BEFORE THE SENATE NATURAL RESOURCES COMMITTEE

LEGISLATURE OF THE STATE OF MONTANA

IN OPPOSITION TO SB 338

FEBRUARY 15, 1993

Good afternoon. My name is Kathryn Kelly and I am a toxicologist and President of Environmental Toxicology International and Alden Analytical Laboratories in Seattle. My particular area of expertise is in assessing the health effects of hazardous waste incineration facilities, which I have studied for the last thirteen years. This was also the subject of my doctoral dissertation in public health at Columbia University. I have also studied toxicology at the New York University Institute of Environmental Medicine, and I have an undergraduate degree in human biology from Stanford University. I was appointed to the first Washington State Science Advisory Board, and I have several professional affiliations including the American College of Toxicology and as a Reviewer for the National Academy of Sciences Board on Environmental Studies and Toxicology and also for selected US Environmental Protection Agency reports on incineration.

I supervise an independent group of about 30 scientists, primarily toxicologists and chemists, who research the effects of toxic environmental contaminants on humans and the environment. We work on behalf of government, industry, and citizen's groups, such as the citizens of Valdez, Alaska. We are neither "for" nor "against" incineration of hazardous wastes in combustion devices such as cement kilns -- in fact, we have opposed hazardous waste incineration facilities where excessive risk to nearby residents could be shown. We actively encourage environmentally responsible practices of hazardous waste management. I have also been actively involved in developing siting criteria and siting hazardous waste management facilities in several states and countries, from Alaska to Texas to Australia. It is this expertise that leads me here today to provide testimony in opposition to SB 338.

We have particular expertise in the subject of burning hazardous waste in cement kilns. Over the past three years, we have taken a close look at the available data regarding the health and environmental impacts of cement kilns burning hazardous waste fuels, to assess the safety of this widespread practice and resolve concerns we had about potential impacts. I have been asked by Holnam today to present you with the results of that research, published last year. This report is entitled "All Fired Up" and a copy of this report will be provided for your review if you have not already received it. It is without a doubt the most comprehensive report ever written on the subject of burning hazardous waste in cement kilns, and it is the same report Senator Rae was gracious enough to refer to as "very informative" during public testimony on January 25.

SENATE NATURAL RESOURCES
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BILL NO. SB 338

I think you will find some of our report's conclusions of interest to these hearings. I would like to briefly highlight some of the report's conclusions with regard to the proposed siting bill, and also correct any mistaken impressions you may have been left with in prior testimony from others who have read incomplete passages of our report into the record.

Conclusions of "All Fired Up"

Our report makes some very simple yet striking conclusions. One, U.S. cement kilns are unique in their low impacts to public and occupational health and the environment, despite over a century of operation and several generations having been exposed to plant emissions. Plant employees and their families often live for decades in close communities at the boundary of the cement plants, as did their fathers and grandfathers before them. Holnam Trident and Ash Grove Montana City are two such plants. Despite this intense exposure of thousands of workers throughout the US, there has never been high rates of disease associated with making cement, such as there are with other dust-generating industries, including mining, tobacco, cotton, textiles, and chemicals.

Epidemiologically speaking, this situation of high exposure over a sustained period with no documented effects is very unique and speaks highly of the safety of cement kilns and their emissions in the United States. In fact, according to Department of Labor statistics, the greatest hazard associated with making cement is dermatitis due to the alkaline nature of the cement, which is why we all wear gloves when we mix cement to make concrete. In terms of incidence of occupational illness compared to other industries, making cement statistically ranks with newspaper printing and making costume jewelry. Trident's safety record bears out those conclusions.

These occupational data are also important with regard to estimating the health of surrounding residents, as workers will be exposed to higher concentrations of substances of concern than the local residents, so worker health is often a good indicator of potential public health concern. If risk to workers is low, we would expect -- and the data show this to be true -- that impacts to surrounding residents are lower still.

Two, it is now abundantly clear that the emissions of primary health concern, metals like arsenic and lead and chromium, have been emitted from cement kilns and will continue to be emitted, with or without the use of hazardous waste fuels. The reason is that the raw materials -- the shale, the limestone, the fly ash, and so on -- all contain significant quantities of all these metals naturally. Even more of these same contaminants are contained in many conventional fuels, like coal and petroleum coke.

That's why when you use hazardous waste fuels like solvents in place of conventional fuels like coal, you generally see a net *reduction* in emissions of metals, not an increase, because hazardous waste fuels represent a *replacement* of fuels with high levels of metals already, not an addition of fuels with new contaminants.

The same is true of organic emissions -- the vast majority of organics originate with the raw materials, and the extremely high temperatures assure

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virtually complete destruction of all organics before being emitted. Dioxin most emphatically is not a public health or environmental problem, whether in ambient air or in the cement kiln dust or in the clinker product -- not a toxic problem either at the measured concentrations, or relative to other sources of dioxin widely found in our communities such as in cars, woodstoves, and pesticides. It is not widely known that dioxin contamination from such major hazardous waste disasters as Times Beach and Seveso was actually destroyed in hazardous waste incinerators, chosen as the most effective means to destroy the dioxin waste once and for all. The temperature of cement kilns are about twice as high as the incinerators used to destroy those dioxin wastes, and are even more effective at destroying dioxins.

Three, this report documents that emissions from cement kilns, which have been emitted for decades in significant quantities, are still not emitted in amounts high enough to cause adverse impacts to surrounding communities. In fact, the emissions of these contaminants are actually *decreasing* over time, first because of stringent federal controls in place for twenty years under the Clean Act which greatly reduced emissions of cement kilns, and even further now due to the limits imposed by the new Boiler and Industrial Furnaces rule of 1991. These rules apply to cement kilns burning hazardous waste fuels in place of conventional fuels. The emissions will reduce further still under the requirements of the new Clean Air Act.

As a result, according to current data, emissions of most hazardous constituents from cement kilns burning hazardous waste are actually equal to or *less* than kilns burning conventional fuel. The two metals emitted in higher concentrations according to the data we received, lead and mercury, are not emitted in high enough quantities to impact surrounding communities, as clearly documented in our report, although every effort should be made to exclude these compounds from the waste stream, as Trident has. So the impacts of properly-operated cement kilns burning hazardous waste are basically equal to or less than the impacts of cement kilns not burning hazardous waste.

Four, the same conclusions hold true of the cement kiln dust and the clinker product. There are no statistically significant differences in the product of cement kilns burning hazardous waste versus those that do not, according to every report published on the subject containing quantitative data. Hazardous waste-derived cement does not leach metals any differently than cement made without hazardous waste fuel, and the EPA has clearly shown in their site reports that there are no Superfund sites that have been declared so because of leaching of metals from cement kiln dust. Our report includes tables and summaries of these data should you wish to research these issues further.

Texas Air Control Board Study

Following the publication of our report, the Texas Air Control Board released an astonishing amount of data of air samples they had taken in the vicinity of cement kilns burning hazardous waste in Texas. These kilns together burn about 110,000 tons of hazardous waste each year within three miles of each other. That is about twice the amount Holnam and Ash Grove propose to burn each year, many miles apart.

To date this state agency has completed almost 7,000 analyses of about 150 compounds over a 20-month period. They tested mostly air, but also soil, water, and a variety of other samples requested by local residents. They then compared the results to very conservative screening criteria established by Texas and the Centers for Disease Control.

What they found was perhaps surprising given the large volumes of hazardous waste handled at these kilns: not one sample of ambient air in over 5,000 analyses exceeded federal or state health effects screening criteria due to operation of the cement kilns. A summary of these data can be made available to the Senate Committee if you wish. Importantly, several hundred people live within five miles of these plants.

In summarizing their sampling and analytical data, the Texas Air Control Board issued a series of memos in which they stated no fewer than nine times that "no adverse health effects" would be expected as a result of exposure to the measured concentrations. As the exposure conditions at the two Montana facilities would be lower than the Texas study, I would say these Texas results speak very favorably to the lack of potential for adverse impacts at the Trident site.

Setback Provisions in Siting Bill SB 338

The intent of siting criteria is to protect public health in the face of uncertain impacts from new facilities are processes. However, I would point out that the impacts of cement kilns burning hazardous waste are not that unknown or that uncertain, which indicate that setbacks are likely not appropriate for the existing facilities in Montana.

To be specific, U.S. cement kilns are unique in their lack of adverse health impacts to surrounding communities, despite over a century of operation in some locations. At Trident and elsewhere, it is well documented that most cement plants have had company employees and their families living literally at the front door of the facility, often for several generations, without adverse impact to themselves or their families. This includes the Trident and Montana City facilities.

This information is important because it means that those exposed the highest at work are also those exposed highest at home, and that despite these exposures, these thousands of individuals throughout the country have not been adversely affected. If those exposed to the highest concentrations are not adversely impacted, it follows that those in nearby communities who are exposed to less concentrations will be even less impacted. Trident's safety record with public and occupational health is already well established under the worst possible conditions of exposure -- a lifetime of living at the border of the plant.

Further, we know from epidemiological data there is a distinct lack of impacts to nearby communities due to cement kilns despite decades of operation. Even Ed Kleppinger, advocate of incineration facilities and opponent of cement kilns, has publicly stated here in Montana that there are no documented reports of adverse health impacts from any cement kiln whatsoever that he knows of -- either to a worker or a nearby resident. None. Brady Wiseman has similarly testified he knows of no such impacts, despite the fact that according to

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Greenpeace 1.8 billion pounds of hazardous waste are currently being fed each year into these same kilns. One would strongly expect to have seen by now some evidence of health or environmental impact given these high volumes, if in fact such impacts were expected which (as we have shown they are not at facilities such as Trident).

Finally, we know that the health-based emissions limits published by USEPA will ensure the current levels of emissions will likely *decrease* for several metals of concern -- not increase -- for cement kilns using hazardous waste fuels, simply because there are now emission limits on many of these metals where formerly there were none, even with all the metals in the raw materials and conventional fuel. This means a cement kiln using hazardous waste as supplementary fuels may well emit *lesser* amounts of substances of concern than a kiln not burning hazardous wastes, as that kiln would not be held to the same strict standards.

What all this means is that a setback for cement kilns in general and Trident in particular makes no scientific or environmental sense whatsoever. Trident's safety record with public and occupational health is already well established under the worst possible conditions of exposure -- a lifetime of living at the border of the plant, even including upset conditions, over its 80-year history. There is no industrial process that operates without upsets, and I have seen no evidence of any adverse impact to public health or the environment from Trident's 80 years of operation -- as a result of both normal and upset conditions. In their testimony of last month, MATB concurred with this observation.

Far from being a potential hazard, properly-operated cement kilns such as the Trident plant can 1) reduce use of fossil fuels and landfills, 2) effectively and permanently destroy unwanted waste with 3) literally no increase in environmental impacts, 4) recycle the energy value of the waste, and 5) make a useful construction product as well -- cement -- that is not chemically or physically different from cement made without hazardous waste fuels from the standpoint of potential health or environmental impacts. As described in this report, burning hazardous wastes in well-operated cement kilns can be a truly elegant solution to a seemingly intractable problem. The data clearly speak for themselves to anyone taking the time to review the substantial amount of information available on this subject.

Comments on Specific Sections of SB 338

This section summarizes some of the specific reasons the proposed legislation is ill-founded and not worth your support.

Section 2. (i) and (j) describe setbacks of 4 and 5 miles from residential areas, surface water, and other areas of potential health and environmental impact. The implication seems to be that keeping an industrial process such as a cement kiln burning hazardous waste as far from people and drinking water would be a safeguard for inevitable offsite impacts from such processes. This is evidenced by such testimony as I read in the January 22 testimony, where one witness, Brady Wiseman, stated his objective was to "put it in a place where it's not going to hurt people."

I would suggest to you this is a flawed approach, and reminiscent to some of what might be called the "Bhopal" mentality -- i.e., "put an industrial process far enough out of town and everyone will be safe." Such thinking is particularly prevalent in areas of low population density, such as Montana or Australia. **We now know from the Bhopal disaster and others that these facilities must be sited, designed, and operated safely enough that they can be sited even in the middle of town without risk of adverse health impacts, to limit the temptation that these facilities can be in any way held to lower standards just by virtue of being "out of sight".** In fact, we see many cement plants today near major population centers, including where I live in Seattle, operated safely.

The fact is, however, you can't be far away from anything anymore; there will always be something or someone within that five-mile radius requiring protection just as much as those outside the so-called buffer zone. It is clear from past experience that a 5-mile setback is no guarantee of public health.

More to the point, however, we have nearly a century of data from residential areas and surface waters near these plants to show they can be operated safely without adversely impacting the health and environment of the surrounding community. This approach of siting and operating facilities such that workers and residents are safe, no matter whether they are 5 feet or 5 miles from the plant, is I believe the only way to protect public health and the environment in the long run. The USEPA Boiler and Industrial Furnace Rule is designed to accomplish exactly that objective.

Section 2. (k) prohibits facilities in areas where local weather conditions create a quantifiable risk to public health. Here the term "quantifiable" needs to be clarified, because it does not make sense as written. Virtually all risk can be quantified; the question is more a matter of whether that risk is above a threshold of adverse effect. For example, there is a quantifiable risk to public health from breathing the air in this room, but that doesn't mean the quantifiable levels are therefore cause for evacuating the room. The USEPA regulations are designed to both quantify risk and ensure that a facility will not pose risks above a level it deems acceptable for public health, even under worst-case meteorological conditions. Thus this criterion is already addressed in a more useful way in the federal regulations.

What does this mean with regard to the proposed siting criteria? It means that setbacks of four and five miles are no longer relevant for cement kilns such as Trident, because setbacks are meant for new facilities or processes where there is a need to protect public health in the face of uncertain impacts. It is a means of choosing an appropriate location for a well-designed and well-operated facility. But Holnam's Trident cement plant, in operation for over 80 years with many residents living within a quarter mile of the plant, has by virtue of a lack of any adverse health or environmental impact already established that it is in the appropriate location, and that a setback is not necessary to ensure protection of public health -- under both normal and upset conditions -- by virtue of the similarity of emissions from the plant with or without burning hazardous waste. This will be clearly documented as part of the federal requirements for burning hazardous waste at the Trident plant.

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Summary

At the end of the day, it all comes down to a question of health. Do cement kilns pose a significant risk to surrounding communities or not? The obvious conclusion from the compiled data is that cement kilns offer the most environmentally beneficial means of destroying many types of wastes our society generates, by recycling their heat value into a useful product like cement and without increasing impacts to the surrounding community. That is why well-intended efforts such as imposing setbacks around well-operated plants such as Trident make no scientific or environmental sense. These facilities can and must be built and operated such that they are safe for surrounding communities, whether 5 feet or five miles away. This is the only way to ensure long-term protection of public health and the environment in Montana.

The data supporting these conclusions are quite clear, unlike many scientific decisions which are made without much supporting information. The report's key conclusions are based on actual, not estimated, emissions data taken through August 1991 from the major cement kilns in the US. Given the number of cement kilns in existence and the many years in which they have been in operation, generally within a quarter mile of nearby residents, this report's conclusions are therefore based on some of the most comprehensive actual data available on any environmental issue today.

Since the relevant scientific information is now available, I would encourage you to make yourself familiar with the factual basis of this issue before you make any final decision on limitations on a viable technology. Burning hazardous waste in cement kilns is evidently the best available means of disposing of many types of wastes our society generates and keeping these hazardous wastes out of landfills where they remain for future generations to deal with. This is not exactly the legacy I think we want to leave our children. Further, generations have lived near cement kilns without adverse impact from decades of operations, and it is a record the cement plants have publicly stated they intend to keep. These are important issues to me and I would hope they are important to you also.

Thank you for the opportunity to present these recent findings and hopefully dispel some of the myths surrounding this important subject.

Testimony of Stuart Weiss
before the
Senate Natural Resources Committee
Legislature of the State of Montana

February 15, 1993

Mr. Chairperson and Members of the Committee:

My name is Stuart Weiss and I am Senior Process Engineer for Holnam Inc. In my position, I work with our thirteen plants around the country on technical operating issues such as the recycling of waste fuels in our Trident cement plant.

In this capacity, of course, I have also been given this opportunity, and others, to speak before this committee. I am grateful for this forum and appreciate the time you are giving us. We believe that this forum has provided valuable opportunities to discuss the broader reasons for the safe and effective use of waste fuels as well as to address specific issues such as are raised by S.B. 338.

Today, because of time constraints, and because we have already had opportunities to discuss the merits of the Trident plant's proposal, I would like to limit my remarks to presenting evidence as to why this bill is unnecessary.

Mr. Chairman and Members of the Committee, specifically I will now review the reasons that, by adhering to the existing DHES rules, Trident's recycling program will be safe for human health and the environment, right where the plant is situated now.

One reason is the risk assessment which will be conducted as part of the permitting process. Per regulations, the risk assessment that we will do at the Trident plant is conservative and assumes a person is standing at the very location where the air concentrations are highest. That hypothetical person must stay at that spot 24 hours a day, 365 days per year for 70 years. It does not make any difference if that spot is five feet or five miles from the plant.

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That location is found by looking at meteorological data and characteristics of the plant - not by an arbitrary mileage limit. The risk assessment considers both the metals and dioxins (if there are any). If it is safe for that person sitting there for 70 years, a five mile limit is not necessary.

Beyond the risk assessment, according to DHES rules, Trident will be monitoring the soil, ground water, and surface water both before and during operation of the new facility. If there is any adverse impact on these resources, the DHES has the authority to shut the facility down. But that kind of impact is very unlikely, given the emissions limits that Trident will comply with.

There are several other issues that DHES looks at when considering health risk. One is kiln dust. As shown in the studies already provided to this committee, the use of waste fuels in a properly operated cement plant will result in no increase in health risk from the dust.

As I've already stated, our Trident plant has been in operation for over eighty years. That's a lot of dust returned to our quarry. The same metals that many are concerned about are normal constituents of kiln dust. To be sure that there has been no impact from that dust, Holnam contracted Bison Engineering, a local testing firm, to test our ground water for metals and organics both upgradient and downgradient of the plant. They also tested the river water.

The results show -- and I'm quoting now -- "no difference in surface water quality in the Missouri River upstream and downstream of the Holnam site. It can be concluded that the facility is not impacting water quality in the Missouri River. Groundwater monitoring has also shown that groundwater quality in the alluvial aquifer has not been affected by plant activities."

Mr. Chairman and Members of the Committee, that is eighty years of safe operation. The Trident operation will remain safe.

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In addition, the Air Quality rules provide for demonstration that there will be negligible risk to public health, safety, and welfare and to the environment associated with our project. You can be sure that demonstration will be extremely conservative.

And then, if we do get a permit, we will subject ourselves voluntarily to any corrective action that the DHES chooses, even our quarry and our machine shop. Our site will end up far safer than the filling stations or furniture refinishers in your communities.

Mr. Chairperson, and members of the Committee, the fact is that a properly operated cement plant permitted accordance to DHES rules will be safe, no matter where it is sited. Period. There will be no exceptions and no alternatives.

That is Holnam's commitment and that of our parent company, Holderbank of Switzerland. Holderbank has experience all over the world with cement kiln recycling - including in Switzerland. It is a practice that has safely rid communities around the world of hazardous wastes and has kept these materials out of landfills. Holnam and Holderbank take this responsibility very seriously.

We are committed to protecting that man sitting there for seventy years as well as our employees, their families and the rest of our community. A law siting a facility some arbitrary distance from anything protects nobody and will prevent Montanans from doing what they want to be able to do - manage their own wastes in a safe manner.

During previous hearings, we have heard comments made about the safety of using hazardous wastes to fuel cement kilns. Specifically, there have been some issues raised in recent hearings that I would like to briefly address.

One of the issues that has received a great deal of attention regards emissions, particularly dioxins and heavy metals. While these subjects are not problems for the Trident plant, these are terms loaded with emotion. I believe the public deserves more than emotion -- they and you deserve the facts.

The Trident plant has shown and will continue to document that because of the way it will operate under existing stringent regulations, any allegations of excess emissions of dioxins or heavy metals are false. They are false because these concerns do not apply to Trident's kiln which will comply with the Department of Health and Environmental Sciences (DHES) rules.

Here are the controls which will assure that such allegations are now and remain false.

We will limit our input of metals in the fuels. This puts a cap -- a true ceiling -- on what can possibly come out of the stack.

We will be able to control our input of metals because we are controlling the mix of materials, which will also make dioxins a nonissue.

Finally, and as required by state and federal regulations, we will demonstrate that our emissions will be well within health risk-based standards for these materials.

Another issue that I would like to address relates to the potential impact on emissions as a result of kiln upset conditions. On this issue, the data shows that, according to the operating limits and standards of the Trident plant, as in the case of other cement kilns, the Trident plant's emissions will be safe -- even during an upset.

Here are the reasons why, even during an upset, the emissions from the Trident plant will be safe.

The fuel is turned off both automatically and immediately. No additional fuel is released into the kiln.

The temperatures within a kiln continue to exceed that of a waste incinerator. At these temperatures, any remaining waste fuels are destroyed.

Studies, some of which have been distributed to this body have determined that any dust emitted will not pose a health risk.

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Furthermore, our trial burn, as regulated by the state and federal governments will show that even under conditions far from the norm, the process is safe.

A final thought on this issue. All combustion-based industrial processes have upsets, including cement kilns that do not use waste fuels. For the last 80 years, the Trident cement plant has been operating in Montana. No data has ever shown Trident's emissions to be anything but safe. It's a very well run plant.

A third issue is the use of data and selected quotations to refute our position. We certainly understand that those who favor this bill would want to present the best side of their argument. We have a problem, however, when their sincerity produces misleading information. And, there has been a number of such occurrences.

In fact, we have listened to selected quotations at past hearings -- some even attributed to the EPA -- that are taken out of context. Or these quotes were from an individual from the EPA and do not in any way reflect the position of our nation's environmental watchdog. I think it is at least it is worth remembering that the EPA has approved of the use of waste fuels in cement plants like Trident.

Since the rules address the proponents' concerns conservatively, the recourse used to oppose the Trident proposal is to support permit rules that are not health-risk based. This is the fundamental flaw of Senate Bill 338. The trend across this country is to adopt health-risk based regulations. Holnam, as well as most of the regulated community believe that this is the proper way to regulate.

Thank you for your attention. I am available to answer any questions you might have.

DRAKE
ENGINEERING
INCORPORATED

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Helena, MT 59601
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Chemical, Hydrogeological, Civil

Ronald N. Drake, P.E.
President

Vivian M. Drake
Vice President

TESTIMONY IN OPPOSITION TO
SENATE BILL NO. 338

Mr. Chairman, Members of the committee, for the record my name is Ron Drake. I reside at 75 Lincoln Road West in Helena. I am a registered Montana professional engineer with over 22 years of experience and expertise in chemical process design, hazardous waste treatment, safety analysis, and risk assessment.

I am here today to testify in opposition to Senate Bill No. 338.

My professional opinion is that this Bill represents a thinly veiled subterfuge to prohibit a specific commercial activity, and its introduction as a siting criteria bill is extremely disingenuous.

Restrictive siting criteria should only be considered after properly conducted safety analyses and risk assessments show that implementation of the best technologies and proper administrative controls are not sufficiently protective of human health and the environment. In any event, siting criteria should be based on good science and promulgated to address only those high and unavoidable risks which can only be reduced through proper siting. Examples of facilities for which stringent siting criteria may be appropriate include rocket launch pads, gunnery ranges, chemical weapons manufacturing facilities, and fireworks or explosives manufacturing facilities.

In contrast, risks from hazardous (dangerous) waste incineration facilities can be reduced and maintained at very low levels through proper application of proven and readily available technologies. Existing regulations and permitting requirements are sufficient to ensure that prospective incinerator operators will design, construct, maintain, and operate their facilities in a manner such as to protect their on-site work force, the general public and the environment.

Siting criteria should be a method of last resort to reduce or control potential risks from waste incineration. For example, surface waters, aquifers, buildings, and farmlands are not subject to significant risks from properly regulated incineration facilities. Much greater risks are presented by more mundane sources of pollution such as municipal run-off, transportation accidents, chemical spills, landfill leachate, sewage treatment effluent, fertilizer and pesticide application, and domestic wood burning.

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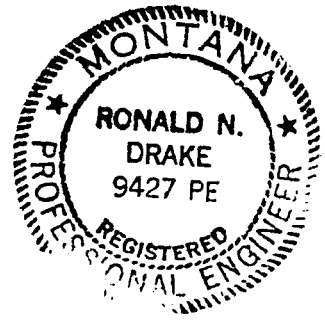
TESTIMONY IN OPPOSITION TO
SENATE BILL NO. 338

Use of an exceedingly harsh siting bill to address a future, and perhaps negligible problem defies logic. In addition, the legislation may be laden with unintended consequences. A major consequence of this bill is forecast in its statement of intent. We will continue to generate dangerous waste in Montana. For many of these so called dangerous wastes, incineration continues to be the safest and most economical means of disposal. If this Bill becomes law, incineration in Montana will be performed at small, disbursed, unregulated and unsafe facilities while larger, financially sound, well regulated, and safe facilities will be prohibited for want of a site. If siting decisions are based on fear and prejudice rather than science and reason, Montana citizens and their environment will be placed in greater danger, business will be stifled and our economy will suffer.

I urge you to not support Senate Bill 338.

Ron Drake



Mr. Chairman and members of the committee:

My name is David Nation and I am General Manager of Special Resource Management, Inc. I am also a Registered Professional Engineer in Montana. I appreciate the opportunity to speak with you today about SB 338 which I am urging you to oppose.

Last Friday, I spoke to this committee about our view of how appropriate siting criteria and public involvement provides real value to the process of selecting sites for waste management facilities. Our company has been involved with numerous siting studies over the last several years. We know from experience that objective, measurable criteria provide a good framework to evaluate more subjective perspectives so that all parties concerned can resolve their often times competing interests. The regulatory and permitting procedures already in place do work to balance the needs and interests of both the applicant and the public.

Senate Bill 338 does not enhance or improve this process; in fact it will unnecessarily complicate established site selection procedures carried out during the permitting process without providing any benefit to the public beyond that which already exists. The following points support this contention:

> The proposed definition for "dangerous waste" creates a new regulatory category that combines different waste types, each type which is already regulated, into one grouping that ignores the different risks and characteristics that are unique to each type of waste.
>
> Similarly, the definition of "commercial dangerous waste incineration facilities" does not focus on the technical aspects of incineration, only on the commercial aspects of a proposed facility. This distinction has no technical justification.
>
> The siting criteria listed in Section 2, 1 (a) - (g) on pages 3 and 4 are redundant to criteria already set forth in regulations where these factors apply to a certain type of waste management facility. These regulations recognize the differences between waste types and disposal methods, and effectively deal with these differences as they may affect proposed sites.
>
> The criteria in Section 2, 1 (h) - (k) on page 4 are arbitrary as well as so restrictive and subjective that they would likely preclude the permitting of a commercial facility in any area in Montana, either at existing facilities or at new locations. These exclusionary criteria are solely based on the commercial nature of proposed facilities instead of the facts of incineration technology.

In summary, we believe in the value of rational siting criteria which establishes an objective, measurable framework to identify and resolve competing interests and protect public health. Senate Bill 338 does not establish this framework and provides no real benefit to the public beyond what already exists in the regulations and permitting process. I strongly urge you to oppose this bill. Thank you.

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COMMENTS TO MONTANA
LEGISLATIVE COMMITTEE ON
HAZARDOUS WASTE DISPOSAL

HELENA, MONTANA, JANUARY 18, 1993

DONALD F. RYAN
COLUMBIA FALLS ALUMINUM COMPANY

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material, while eliminating the cyanide constituent for which it was listed as a hazardous waste, fulfills completely the RCRA objectives.

In March of 1988, approximately 40% of the 130,000 tons of SPL produced in the US was scheduled for incineration by the cement, steel wool and steel industries. As a result of the March 15, 1988, EPA relisting of SPL, none of this material is presently being recovered. Virtually all of it is now being shipped to landfills. In point of fact, EPA will soon place SPL on the list of wastes for which land disposal is banned unless the material is pretreated. Ironically, the only pretreatment technology presently available for cyanide destruction in SPL is incineration. Reynolds Metals Company has developed the technology which has been EPA-approved. Unfortunately, for every pound of SPL treated, 2.5 pounds of waste results which is then landfilled. We are figuratively and literally losing ground in our efforts to dispose of our waste.

<u>To Incinerate Or Not To Incinerate</u>

This brings us back to the cement industry and incineration of hazardous wastes. There is presently a ground swell of opposition to any incineration of hazardous waste. This is clearly an overreaction and must be readdressed in light of the many positive aspects of incineration for recovery of heat and chemical values from wastes. Properly handled, cement-kiln incineration can

result in the total recovery of energy and chemical values of wastes. There are no disadvantages.

This committee must be very careful when evaluating bills relating to the disposition of hazardous waste. Montana must develop and encourage the use of environmentally sound technologies for handling hazardous wastes produced by Montana industries. We can't continue to expect other states to accept our wastes for disposal. The project being developed by Holnam is both an environmental and economic plus for Montana. The legislature should ensure that unreasonable regulatory barriers are not enacted.

Thank you for the opportunity to present our viewpoint on this very important issue.

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Reynolds Metals near treating potliner from own primary smelters

By EDWARD WORDEN

NEW YORK — Reynolds Metals Co. is poised to treat its own spent potliner from primary aluminum smelters while still weighing the viability of recycling the material.

Moreover, negotiations are being held with "one large generator" of potliner to lease or purchase part of Reynolds' treatment capacity, while other smelters are looking at the situation and want to submit potliner samples for testing, according to a Reynolds official.

E. Jack Gates, general manager of the reduction and reclamation division, said the company's $50-million project at Gum Springs, Ark., is intended to be up and running by April 1, 1993.

Gates noted that time is of the essence for smelters that currently take potliner to landfill sites. The federal Environmental Protection Agency intends to implement a landfill ban for untreated potliner in early 1994 and will require that the potliner be treated with the best available technology at the time, Gates said. Pre-treatment will be required prior to disposal.

The new Reynolds plant will include two gas-fired kilns, each with capacity to treat 60,000 metric tons of potliner a year. Small amounts of cyanide will be destroyed by the heat, and fluorides will be made insoluble, Gates said.

But of the 120,000 tons in capacity, only 30,000 tons will be required to treat Reynolds' own potliner from the company's 848,000-tons-a-year primary capacity in the United States and Canada. Consequently, Reynolds will be able to get into the custom treatment business for other companies' potliner, Gates said.

Bechtel Group Inc. called it a "state-of-the-art facility for handling waste created during aluminum production." Bechtel's mining and metals unit is designing and retrofitting the facility for Reynolds.

The recyclability of material from the new Reynolds plant is yet to be determined. Gates said he has seen dense bricks produced from the ash-type residue, and that one avenue being investigated is the use of the material in refractory-type applications.

The company previously said it would consider going into similar ventures overseas, but that Reynolds for now is getting in at the ground floor, since other facilities would presumably be a long time from obtaining necessary permits (AMM, March 10).

Spent potliner is a carbon-based material that comes from electrolytic reduction of alumina into aluminum. The EPA has cited at least four smelter sites as so-called "Superfund" candidates and included others in its list of potentially hazardous sites.

No. 380 SECONDARY ALUMINUM INGOT PRICES

Monthly and annual average prices of remelt aluminum ingot (No. 380 3% Zn.) in Midwest, cents per pound, compiled from quotations published in American Metal Market.

1982	48.27
1983	66.73
1984	70.60
1985	57.03*
1986	59.83
1987	71.39

1988 1989 1990

Metal Market W[illegible]

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PUTTING WASTE TO WORK

A Sensible Solution...

Resource recovery and recycling in cement manufacturing

DATE 2/15/93

SENATE COMMITTEE ON [redacted] SB 338

BILLS BEING HEARD TODAY: _____

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Ridge Mathomy	myself	338	✓	
Bob Etkey	Greater Yellowstone Coalition	338	✓	
Thomas Lund	Self	338	X	
Mark Scherting	family	338	X	
Rachael Sirs	Family of 6	SB 338	X	
Paul A. Bessler	self	SB 338		✓
Magi Malone	Family of 2	338	✓	
Russ Forbes	Family of 5	SB 338	X	
Jim Hoyne	family of 4	338	X	
Denise Nottingham	family of 6		X	
Charlie Atkins	self	338	X	
Valorie Drake	self	SB 338	X	
Pat Tallent	family	SB 338	✓	
Gordon Tallent	"	"	✓	
Kate Nicholes	Family of 3	SB 338	!	
Robert L. Summers	Family of 2	SB 338	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 2-15-93

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: SB 338

_____

Name	Representing	Bill No.	Check One Support	Oppose
Duane Ivan	Holman	338		X
Diane Phillips	Holnam	338		X
Betti Wills	HOLNAM	338		X
Leslie D. Esser	HOLNAM	338		X
Michael J Cairns	Ashgrove	338		X
Richard D. Esser	Holnam	338		X
Jamm Peterson	Ashgrove	338		X
BRANDON MORRIS	ASHGROVE	338		X
TRISH PETERSON	ASHGROVE	338		X
Douglas Lively	HOLNAM	338		X
Klarence R. Rahe	HOLNAM	338		X
Ron C. Richardson	HOLNAM	338		X
Katherine C Curtis	Holnam	338		X
Dutch Fleer	Holnam	338		X
Bob Anderwell	Ash Grove	338		X
Don Villeneuve	CLANCY RESIDENT Ash Grove Cement	338		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

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SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: SB 338

Name	Representing	Bill No.	Check One Support	Oppose
Roy Elmakers	MT. City Resident	338		X
Ronald R Apple	Ashgrove East of East Helena	338		X
John Pfeifer	ASH Grove	338		✓
John C Van Sweringen	Ash Grove Cement	338		✓
David N. Swanson	Ash Grove Cement	338		X
Thomas L Russell	Triangle [illegible]	338		X
Elden Stevens	Mt City Resident / Farmer	338	✓	
Paul [illegible]	Mt City Resident	338	✓	
Denise Christopherson	MT City Resident	338	✓	
Maryann Hess	MT City Resident			X
Jerome Anderson	Holnam Inc			X

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DATE 2/15/93

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 338

Name	Representing	Bill No.	Check One Support	Oppose
Bud McCoy	Family	338		X
Mike Sanders	Self	337		X
Nancy Sieben	Family	338		X
Scott Seeley	Family	338		✓
Neal Campbell	Family	338		✓
Thomas L Marx	Family	338		✓
Jeff P. Howard	Family	338		✓
Linda Hutchison	Family	338	✓	
Betty Feniter	Family	338	✓	
David Alm	Family	338		✓
GUNNAR EMILSON	SELF	338	~~X~~	X
Steve + Baird Cipe & Family	Family	338	X	
Baird Godwin		338	X	
James F Cipe		338	X	
Mike & Nancy McNeilly	Family	338	X	
Cipe Howard	Self	338	X	

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SENATE COMMITTEE ON

BILLS BEING HEARD TODAY: SB 338

Name	Representing	Bill No.	Support	Oppose
Bonnie Dove		338	✓	
Jane Stenocier		338	✓	
Marilyn R. Hill	family	338	✓	
Joan W. Montagne	family + ranch	338	✓	
[illegible]	Self	338	✓	
Nikolas Sirs		338	✓	
Ann Bauchman	Family	338	✓	
Clifford Montague	family	338	–	
Andrea Scherting	Family	338	✓	
Lucy & Mitchell Paulson	Family	338	✓	
Bill Slovensky	self	338		✓
Jean G. Weeks	my	338	✓	
Hele Adam	self	338	✓	
Tony Huso	ASH Grove			✓
Kirsten Ness	MontPIRG	338	✓	
[illegible]	MONTPIRG	338	✓	

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DATE 2/16/93

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

_____

Name	Representing	Bill No.	Check One Support	Oppose
Ronald R Jensen	Helena	338		X
Stanley Weatherly	Helena	338		X
Martha Williams	Helena	338		X
Todd Dunn	Helena	338		X
Joe Morrison	Helena	338		X

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DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: SB 338

_____

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Greg Van Horssen	The Van Horssen family of 4	SB 338	✓	
William R. Wisenman	HD 33 Rep	SB 338		
ELIN SPITZ	BOZEMAN RESIDENT	SB 338	✓	
GEORGE M SCHILLER	SELF	SB 333		✓
SUSAN HOWARD	FAMILY of 5			
Stan Bradshaw	MT. T.U.	SB 338	✓	
PATRICIA ADAMS	SELF	SB 338	✓	
ROGER ADAMS	SELF	SB 338	✓	
Roberta Kokoruda	Family of 3	SB 338	✓	
RONALD BERTRAM	Family of 3	SB 338	✓	
Senator Rea		"	✓	
David Owen	MT Chamber of Commerce	" "		✓
Tom Daubert	Ash Grove Cement	SB 338		X
John Fitzpatrick	Pegasus Gold Corp	SB 338		X
Carl Schweitzer	Mont Cont Assoc	SB 338		X
Tony Huso	ASH GROVE CEMENT/MT CITY Res.			X
STO MS Cullough	FAMILY	SB 338		X

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SENATE COMMITTEE ON SB 338

BILLS BEING HEARD TODAY:

Name	Representing	Bill No.	Check One: Support	Oppose
NANCY McCaffree 2	family	338	X	
DAN STAHLY	MONTPIRG	338	X	
Marie G. Owens	Paladin Associates	338		X
Wallace	FAMILY	338		X
Cathy Brimhall	family	338	X	
Erin Brimhall		338	X	
Richard C. Parks	NPRC	338	X	
Aimee Brimhall	family	338	X	
Pamela Carlson	family	338	X	
Maggie Pittman	Family	338	X	
[illegible]	Country Classic Dairies	338	X	
PHYLLIS LEFOHN	FAMILY	338	X	
Roger Thorvilson	MDHES	338		
Joanne Hall	family	338	X	
[illegible]	Self	338	X	
Wm W. Hall	Self	338	X	
LUCILLE MATTHEWS	SELF		X	

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SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: SB 338

_____

Name	Representing	Bill No.	Check One Support	Oppose
Wayne Stroop	Self	338	X	
Gallatin Walden	Self	338	X	
Wyatt Frost	Self	338		X
Tom Gilkerson				X
Mark Albee	Self	338	X	
Alan Rollo	Mt Wildlife Federation	338	X	
Jim McDermand	Medicine River Canoe club	338	X	
Pamela P. Collins + Family	Self	338	X	
Jon Bennett	Self	338	X	
Dagan Byorum	Montana Rafters	SB 338		X
Ray Beck	Self	SB 338	X	
Judy M Beck	Self	SB 338	X	
PAUL SMIETANKA	SELF	SB 338	X	
MARY ANN WELLBANK	SELF	SB 33	X	
Michelle E. Wilcox	self	SB 338	X	
Steve Wilcox	SELF	SB 338	X	

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SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 338

Name	Representing	Bill No.	Check One Support	Oppose
Dave Anderson	Self	338	✓	
Elizabeth Brewer	Family	338	✓	
Connie Bellet	Last of the Best Family Coalition	338	✓	
Timothy N. Smith	Boilermakers D-435	338		✓
Greg Sheldon	Family	338	✓	
John Hanewald	Family	338	✓	
Phil White Hawk	Self	338	✓	
Denise Kemp	Ash Grove	338		✓
Jerri Stipcich	4			✓
Karen Cox	Ash Grove	338		✓
John Wilson	my family	338	X	
Leonard Swanson	7 family	338	✓	
Sue Barton	Family	338	✓	
Casey O'Haire	Family	338	✓	
Jordan Shapiro	MontPIRG	338	X	
Karen Semple	Family of 6	338	X	

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DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: SB 338

_____

Name	Representing	Bill No.	Check One Support	Oppose
KIKI GRAHAM	Family of 4	338	X	
THOMAS GRAHAM	Family	338	X	
Jackie Daggy	Family of 4	338	X	
Becky Johnston	Family	338	X	
Gayle Berg	Myself / Family	338	X	
Ursula Neese	Myself	338	X	
Herbert W. Bauer	Myself	338	X	
Cecelia Rife	family	338	X	
Michelle Raskilly	Family of 4	338	X	
DAN PITMAN	Family	338	X	
Don Ryan	Columbia Falls Alum			X
Raymond R Sorenson	Columbia Falls	338		X
Allen S. Lefohn	SELF	338	X	
Peggy Olson Tierney	LWVTA	338		X
Ed MARONICK	HELENA SAND & GRAVEL	338		X
John Phelan	Helena Sand & Gravel	338		X

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DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

_____

Name	Representing	Bill No.	Check One Support	Oppose
Bruce D. Wood	BSR Mix	338	X	
~~Bob~~ Bob Fitzgerald	self.	338	X	
Richard Berg	NPRL & Sela	338	X	
DAVID NATION	SPECIAL RESOURCE MANAGEMENT INC	338		X
KRIS THOMAS	CITIZENS	338	X	
Dennis Semprini	MATB	338	X	
David A. Kettman	self	338	X	
Laurie Walsh	family of 4	338	✓	
Janet Ellis	MT Audubon Leg. Fund	338 343	✓	✓
Ron Drake	Drake Engr. Inc	338		✓
Sarah Barnard	MATB	338	X	
Deb Berglund	Gallatin County Comm.	338	X	
GORDON TALLENT	MT School Board	338	X	
GARY LANGLEY	MT. MINING ASSN.	338		X
Curtis Bennett	Ashgrove Employee family of 5	338		X
JOHN VAN SWEARINGEN	ASHGROVE CEMENT	338		X

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DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

_____

Name	Representing	Bill No.	Check One Support	Oppose
Terry Jackson	Ark. Corp	SB 338		X
Randy Bergman	Holnam Cement	SB 338		X
Deanna Bergman	Self	338		X
KEN POELMAN	HOLNAM	SB 338		X
Pat Poelman	self	SB 338		X
JIM GILBERT	Holnam	"		X
Ron Baldwin	self	SB 338	X	
Pam Gilbert, CNA	self	SB 338		X
BILL SPRINGMAN	Holnam	SB 338		X
STUART WEISS	HOLNAM	SB 338		X
Kathryn Kelly	Holnam/ETI	SB 338		X

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SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB [redacted] 338

Name	Representing	Bill No.	Check One: Support	Oppose
Marlyn Atkins	myself	338	✓	
Kathy Hansen	family + 2	338	✓	
T.H. Crawford	Self.	338	✓	
Jim Obie	self - Ed	338	✓	
Quincy O'Haise	Family of 6	338	✓	
Martha Collins	Family of 4	338	✓	
Grace E. David		338	✓	
Phyllis Maierhoff	myself	338	✓	
Jackie [illegible]	Family of 5	338	✓	
Kathy Coleman	family	338	✓	
Chris Coleman	"	"	"	
Tamara [illegible]	" 1	338	✓	
Kathy Seacat	Montana Congress of Parents, Teachers + Students	338	✓	
Kane Quenemoen	Family	338	*	
R.H. Worthington	Myself	338		✓
Curtis [illegible]	Family of 5	338		✓

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SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

_____

Name	Representing	Bill No.	Check One Support	Oppose
Terrance Johnson	Ash Grove	338		X
Larry Oyler	Holnam	338		X
DAVID C. STEVENS	HOLNAM INC	338		X
Deanna Thurston	Holnam Inc	338		X
Brandon Thurston	Holnam Inc.	338		X
Wayne R. Allen	Holnam Inc	338		X
Tim Myers	HOLNAM INC	338		X
Randy Setzer	Holnam INC	338		X
Dorothy Staedt	HOLNAM	338		X
Lois Bathe	Holnam	338		X
Ellen Jackson	Holnam	338		X
Lisa Jackson	Holnam	338		X
Diane Cg Todd	Holnam	338		X
Bert E Todd	Holnam	338		X
Darby Parker	Holnam	338		X
Ronald K Jensen	Holnam	338		X

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