

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By DICK KNOX, CHAIRMAN on February 17, 1993, at 3:00 pm.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

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

Committee Business Summary:

Hearing: HB 599, HR 20,
Executive Action: HR 20, HB 567, HB 512, HB 407, HB 379
HB 419, HB 448, HB 503, HB 532, HB 571
HB 599

HEARING ON HB 599

Opening Statement by Sponsor:

REP. DUANE GRIMES, HD 75, Clancy, stated HB 599 will clarify the environmental assessment process. The legislation places current administrative rules into state statute.

Proponents' Testimony:

John Fitzpatrick, Pegasus Gold, described the environmental review process and covered the differences between Environmental Impact Statements (EIS) and Environmental Assessments (EA). He expressed support for the legislation and the streamlined process contained in the bill.

Fess Foster, Golden Sunlight Mines, Inc., testified in support of the legislation and noted that it clarified the statute to prevent misunderstandings. EXHIBIT 1

Ward Shanahan, Stillwater Mining Company, expressed support for the clarification language contained in the legislation.

Gary Langley, Montana Mining Association, concurred by supporting previous testimony.

Deanna Johnson, C.U.R.E., read testimony in support of HB 599. EXHIBIT 2

Opponents' Testimony:

Bruce Farling, Clark Fork Coalition, Florence, stated the coalition supports the concept of mitigated environmental assessment (EA) but objects to language in subsection 4, stating it was unclear when delineating the public scoping process. He also testified on the financial impact of switching from an EIS to a mitigated EA.

Brian McNitt, Montana Environmental Information Center, echoed Mr Farling's concerns and emphasized the lack of clarity on public participation in the scoping process and the cost shifting to the state for mitigated EAs.

Janet Ellis, Montana Audubon Legislative Fund, stated her organization's concurrence with previous opponent's testimony.

Questions From Committee Members and Responses:

REP. RANEY questioned REP. GRIMES on the state's ability to collect the cost of an EIS rather than the cost of an EA. Sandy Olsen, Department of State Lands (DSL), responded that agency enabling language would determine the payment of an EA. She added that during the 1991 session legislation was passed authorizing the Hard Rock Bureau to assess permanent fees, which could cover the EAs. She was unclear as to the impact on other DSL bureaus.

It was suggested that the sponsor, state personnel, and opponents meet to develop mutually agreed upon amendments to the legislation.

REP. HARPER expressed concern for the fiscal impact of the bill and requested a fiscal note. Discussion ensued on amending the bill so that an applicant would incur the expenses of an EA and mitigated EAs rather than the state.

Closing by Sponsor:

REP. GRIMES expressed confidence in the legislation and encouraged support for the changes included in the bill.

HEARING ON HJR 20

Opening Statement by Sponsor:

REP. DICK KNOX, HD 29, Winifred, stated HJR 20 concerns the Berkeley Pit.

Proponents' Testimony:

Russ Ritter, Montana Resources and ASARCO, stated the companies' support for the resolution.

Ward Shanahan, ARCO, expressed two concerns with the resolution: the filling rate, which he said was slowing down, and the conditions which prevented water in the pit from freezing, that he stated are inaccurate, as the pit froze this year. He noted on page two of the bill, lines 18 through 21, the numbers presented are also inaccurate in light of EPA reportings.

Opponents' Testimony: None.

Closing by Sponsor:

REP. KNOX thanked the committee and closed on HJR 20.

EXECUTIVE ACTION ON HJR 20

Motion: REP. FOSTER MOVED HJR 20 DO PASS.

Motion/Vote: REP. FOSTER moved to amend the bill to reflect that figures utilized in the resolution were derived from the Department of Health: "WHEREAS, according to the Department of Health". Motion carried unanimously.

Motion: REP. ROLPH TUNBY proposed amending page 2, line 11, to strike: "from conditions on". After discussion, the amendment was withdrawn.

Motion/Vote: MOTION THAT HJR 20 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 567

Motion: REP. FOSTER moved to amend HB 567 as outlined in EXHIBIT 3.

Discussion: The committee discussed the amendments and the ramifications of specific wording. Amendments from SURE WAY were also offered for consideration. EXHIBIT 4

Vote: TO AMEND HB 567 AS PROPOSED BY REP. FOSTER. Motion failed on a voice vote.

Motion/Vote: REP. HARPER moved to adopt a conceptual amendment to modify the statement of intent to cover double jeopardy fees. The amendment would be tied to the retroactive language in Section 9, noting when modifications would be applicable. Motion carried.

Motion/Vote: REP. WAGNER MOVED HB 567 DO PASS AS AMENDED. REP. KNOX disqualified himself from the vote. Motion carried, with REP. ORR voting against the bill.

EXECUTIVE ACTION ON HB 512

Motion: REP. GILBERT MOVED HB 512 DO PASS.

Motion: REP. GILBERT moved to adopt the amendments contained in EXHIBIT 5.

Discussion: Michael Kakuk, legal counsel, explained amendments to the committee.

Vote: MOTION TO ADOPT EXHIBIT 5 AMENDMENTS. Motion carried unanimously.

Motion/Vote: MOTION WAS MADE THAT HB 512 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 407

Motion: REP. WAGNER MOVED HB 407 DO PASS.

Motion: REP. WAGNER moved to adopt amendments to the bill.

Discussion: Mr. Kakuk explained that the amendments strike everything in the bill after Section 1, i.e. Sections 2-7. The committee deliberated on amending the legislation.

Vote: TO ADOPT THE AMENDMENTS TO HB 407. Motion carried.

Motion/Vote: REP. WAGNER MOVED HB 407 DO PASS AS AMENDED. Motion failed on a 6 - 10 vote.

Motion/Vote: MOTION TO REVERSE THE VOTE AND TABLE HB 407.

Motion carried unanimously.

EXECUTIVE ACTION ON HB 379

Previous executive action on HB 379 ended in a tie vote on February 15, 1993.

Motion/Vote: REP. RANEY MOVED TO TABLE HB 379. Motion carried unanimously.

EXECUTIVE ACTION ON HB 599

Discussion: Michael Kakuk explained the conceptual amendments to the legislation, amending 82-4-337.

Motion/Vote: Motion was made to accept the conceptual amendments for HB 599. Motion carried.

Motion/Vote: MOTION THAT HB 599 DO PASS AS AMENDED. Motion carried with REP. RANEY voting no.

EXECUTIVE ACTION ON HB 419

Motion: MOTION THAT HB 419 DO PASS.

Motion/Vote: REP. SWANSON MOVED AMENDMENTS TO HB 419 PROPOSED BY REP. GRADY. EXHIBIT 6. Motion carried unanimously.

Motion: MOTION TO AMEND HB 419 TO INCLUDE THE \$100,000 CAP PROPOSED BY MONTANA POWER.

Discussion: The committee discussed the purpose of the proposed amendment and the logic of capping fine limits.

Vote: TO AMEND HB 419 TO INCLUDE THE \$100,000 CAP. Motion carried.

Motion/Vote: REP. FAGG MOVED HB 419 DO PASS AS AMENDED. Motion carried.

EXECUTIVE ACTION ON HB 448

Motion/Vote: REP. GILBERT MOVED HB 448 DO PASS. Motion carried.

EXECUTIVE ACTION ON HB 503

Motion: REP. RANEY MOVED HB 503 DO PASS. Motion carried.

EXECUTIVE ACTION ON HB 532

Motion: REP. TUNBY MOVED HB 532 DO PASS.

Motion: REP. TUNBY moved to adopt amendments to HB 532. EXHIBIT 7

Motion: REP. SCHWINDEN also moved to adopt amendments to HB 532. EXHIBIT 8

Discussion: Mr. Kakuk delineated ramifications of the amendments.

Vote: TO ADOPT EXHIBIT 7 AMENDMENTS. Motion carried unanimously.

Vote: TO ADOPT EXHIBIT 8 AMENDMENTS. Motion carried unanimously.

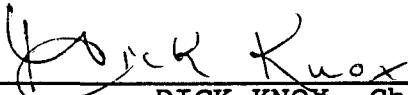
Vote: REP. TUNBY MOVED HB 532 DO PASS AS AMENDED. Motion carried with REP. RANEY voting no.

EXECUTIVE ACTION ON HB 571


Motion/Vote: MOTION THAT HB 571 DO PASS. Motion carried unanimously.

ADJOURNMENT

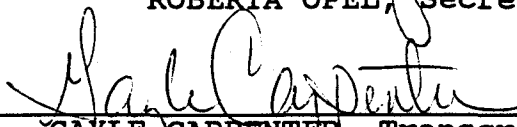
Adjournment: The meeting was adjourned at 5:30 pm.



DICK KNOX, Chairman



ROBERTA OPEL, Secretary



GAYLE CARPENTER, Transcriber

DK/ro

HOUSE OF REPRESENTATIVES

Natural Resources COMMITTEE

BILL NO.

ROLL CALL

DATE 2-17-93

NAME	AYE	NO	
Jody Bird	2		
Vivian Brooke	2		
Rugg Fagg	2		
Gary Feland	2		
Mike Foster	2		
Bob Gilbert	2		
Hal Harper	2		
Scott Orr	2		
Bob Raney	2		
Dore Schwinden	2		
Jay Stovall	2		
Emily Swanson	2		
Howard Toole	2		
Doug Wagner	2		
Rolph Tunby, Vice Chairman	2		
Dick Knox, Chairman	2		

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

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Mr. Speaker: We, the committee on Natural Resources report that House Bill 599 (first reading copy -- white) do pass as amended .

Signed: _____
Dick Knox, Chair

And, that such amendments read:

1. Title, lines 4 and 5.

Strike: "AMENDING" on line 4 through "AGENCY" on line 5

Insert: "CLARIFYING THAT THE DEPARTMENT OF STATE LANDS"

2. Title, line 6.

Strike: "A PROPOSAL"

Insert: "AN OPERATING PERMIT"

3. Title, line 9.

Strike: "75-1-201"

Insert: "82-4-337"

4. Page 1, line 12.

Strike: "state"

5. Page 1, line 13.

Strike: "agencies"

Insert: "the department of state lands"

6. Page 1, line 17.

Strike: "a state action"

Insert: "the issuance of an operating permit"

7. Page 1, line 22 through page 7, line 5.

Strike: Section 1 in its entirety

Insert:

"Section 1. Section 82-4-337, MCA, is amended to read:

"82-4-337. Inspection -- issuance of operating permit -- modification. (1) (a) The board shall cause all applications for operating permits to be reviewed for completeness within 30 days of receipt. The board shall notify the applicant concerning completeness as soon as possible. An application is considered

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complete unless the applicant is notified of any deficiencies within 30 days of receipt.

(b) Unless the review period is extended as provided in this section, the board shall review the adequacy of the proposed reclamation plan and plan of operation within 30 days of the determination that the application is complete or within 60 days of receipt of the application if the board does not notify the applicant of any deficiencies in the application. If the applicant is not notified of deficiencies or inadequacies in the proposed reclamation plan and plan of operation within such time period, the operating permit shall be issued upon receipt of the bond as required in 82-4-338 and pursuant to the requirements of subsection (1)(c). The department shall promptly notify the applicant of the form and amount of bond which will be required.

(c) No permit may be issued until:

(i) sufficient bond has been submitted pursuant to 82-4-338;

(ii) the information and certification have been submitted pursuant to 82-4-335(9); and

(iii) the department has found that permit issuance is not prohibited by 82-4-335(8) or 82-4-341(6).

(d) (i) Prior to issuance of a permit, the department shall inspect the site unless the department has failed to act on the application within the time prescribed in subsection (1)(b). If the site is not accessible due to extended adverse weather conditions, the department may extend the time period prescribed in subsection (1)(b) by not more than 180 days to allow inspection of the site and reasonable review. The department must serve written notice of extension upon the applicant in person or by certified mail, and any such extension is subject to appeal to the board in accordance with the Montana Administrative Procedure Act.

(ii) If the department determines that additional time is needed to review the application and reclamation plan for a major operation, the department and the applicant shall negotiate to extend the period prescribed in subsection (1)(b) by not more than 365 days in order to permit reasonable review.

(iii) Failure of the board to act upon a complete application within the extension period constitutes approval of the application, and the permit shall be issued promptly upon receipt of the bond as required in 82-4-338.

(2) (a) Except as provided in subsection (2)(b), the department may not prepare an environmental impact statement for an operating permit application under 82-4-335 that will not, as modified by mitigation requirements agreed to by the applicant, significantly affect the quality of the human environment.

(b) If an applicant under subsection (2)(a) stipulates in writing to the department that the department may, in its discretion, prepare an environmental impact statement, the

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prohibition under subsection (2) (a) does not apply.

~~(2)~~(3) The operating permit shall be granted for the period required to complete the operation and shall be valid until the operation authorized by the permit is completed or abandoned unless the permit is suspended or revoked by the board as provided in this part.

~~(3)~~(4) The operating permit shall provide that the reclamation plan may be modified by the board, upon proper application of the permittee or department, after timely notice and opportunity for hearing, at any time during the term of the permit and for any of the following reasons:

(a) to modify the requirements so they will not conflict with existing laws;

(b) when the previously adopted reclamation plan is impossible or impracticable to implement and maintain;

(c) when significant environmental problem situations are revealed by field inspection.""

-END-

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

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Mr. Speaker: We, the committee on Natural Resources report
that House Bill 571 (first reading copy -- white) do pass .

Signed: _____
Dick Knox, Chair

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

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Mr. Speaker: We, the committee on Natural Resources report that House Bill 532 (first reading copy -- white) do pass as amended.

Signed: _____
Dick Knox, Chair

And, that such amendments read:

1. Title, line 4.

Strike: "AN EXCEPTION"

Insert: "EXCEPTIONS"

2. Page 1.

Following: line 24

Strike: "and (4)"

Insert: "through 5"

3. Page 2, lines 8 through 16.

Strike: subsection (4) in its entirety

Insert: "(4) Notwithstanding the provisions of subsection (3), a person may transport into Montana solid waste generated in Idaho, North Dakota, South Dakota, or Wyoming for disposal in a solid waste management facility that receives 25,000 tons or less of solid waste annually."

4. Page 2.

Following: line 16

Insert: "(5) A person may transport solid waste to a research and development facility in Montana that receives federal or state research funds in order to test and evaluate waste treatment remediation technologies."

-END-

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that House Bill 503 (first reading copy -- white) do pass .

Signed: _____
Dick Knox, Chair

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that House Bill 448 (first reading copy -- white) do pass .

Signed: _____
Dick Knox, Chair

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Bill 419 (first reading copy -- white) do pass as amended .

Signed: _____
Dick Knox, Chair

And, that such amendments read:

1. Page 1, line 16.

Following: "with"

Insert: "the hazardous waste sections of"

2. Page 1, line 18.

Following: "to"

Insert: "the hazardous waste sections of"

3. Page 5, line 14.

Following: "violates a"

Insert: "hazardous waste"

4. Page 5, line 15.

Following: "or a"

Insert: "hazardous waste"

5. Page 5, line 17.

Following: "separate violation"

Insert: ", but the maximum penalty may not exceed \$100,000 for any related series of violations"

-END-

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

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Mr. Speaker: We, the committee on Natural Resources report that House Bill 512 (first reading copy -- white) do pass as amended .

Signed: _____
Dick Knox, Chair

And, that such amendments read:

1. Title, line 9.
Following: "75-11-308,"
Insert: "AND"
Following: "75-11-309,"
Strike: "AND 75-11-319,"
2. Page 1, line 12.
Strike: "underground"
Insert: "petroleum"
3. Page 1, line 13.
Following: "and"
Strike: "underground"
Insert: "associated"
Following: "to"
Strike: "underground"
Insert: "petroleum"
4. Page 1, line 14.
Strike: "and above ground"
5. Page 1, line 19.
Strike: "underground"
Insert: "petroleum"
6. Page 1, line 20.
Strike: "underground"
Insert: "associated"
7. Page 1, line 21.
Strike: "underground"
Insert: "petroleum"

8. Page 1, line 22.
Strike: "underground"
Insert: "associated"

9. Page 1, line 25.
Strike: "an underground"
Insert: "a petroleum"

10. Page 2, line 9.
Strike: "underground"
Insert: "petroleum"

11. Page 2, line 13.
Strike: "an underground"
Insert: "a petroleum"

12. Page 4, line 16.
Strike: "underground"
Insert: "petroleum"

13. Page 5, line 20.
Strike: "an underground"
Insert: "a petroleum"

14. Page 5, line 22 and line 23.
Strike: "of" on line 22 through "materials" on line 23

15. Page 5, line 23.
Following: "with"
Insert: "rigid"

16. Page 5, line 25.
Following: "leakage."
Insert: "The design and construction of these tank systems must meet standards of the department and the department of justice fire prevention and investigation bureau. The material used in construction must be compatible with the liquid to be stored in the system, and the system must be designed to prevent the release of any stored liquid."

17. Page 10, line 16.
Following: "for"
Insert: ": (i)"

18. Page 10, line 18.
Following: "\$495,000"
Insert: ": (A) for single-walled tank system releases; and (B) for double-walled tank system releases for which the release date was prior to October 1, 1993; or

(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$500,000, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993"

19. Page 10, line 22.
Following: "for"
Insert: ": (i)"

20. Page 10, line 25.
Following: "\$982,500"
Insert: ": (A)"
Following: "releases"
Insert: "; and

(B) for double-walled tank system releases for which the release date was prior to October 1, 1993; or
(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$1 million, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993"

21. Page 10, line 25 through page 11, line 9.
Strike: "and" on page 10, line 25 through "costs" on page 11, line 9

22. Page 18, lines 2 through 16.
Strike: section 6 in its entirety
Renummer: subsequent sections

23. Page 18, line 19.
Following: "from"
Insert: "properly designed and installed"
Strike: "underground"
Insert: "petroleum"

24. Page 18, line 20.
Strike: "installed" through "1993"
-END-

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that House Bill 567 (first reading copy -- white) do pass as amended .

Signed: _____
Dick Knox, Chair

And, that such amendments read:

1. Page 1, line 17.

Strike: "department"

Insert: "board"

2. Page 2.

Following: line 8

Insert: "Finally, the legislature understands that the retroactive applicability of this bill will subject permit applicants, who have begun but not completed the permitting process, to the provisions of this bill. While the legislature understands that compliance with the provisions of this bill will require additional time and resources from the applicant, it is not the intent of the legislature that this legislation unnecessarily delay the permitting process or unnecessarily increase the permitting costs."

3. Page 13.

Following: line 12

Insert: "(b) if a license is required pursuant to 75-10-221, the applicant has published, in the county where the project is proposed, at least three notices, in accordance with the procedures identified in 7-1-4127(2) and 7-1-4128, describing the proposed project;"

Renumber: subsequent subsections

4. Page 14, line 20.

Strike: "department"

Insert: "board"

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Page 2 of 2

5. Page 15, line 24.

Following: "dioxins"

Strike: "and"

Insert: ","

Following: "furans,"

Insert: "and heavy metals,"

6. Page 16, line 9.

Following: "dioxins"

Strike: "and"

Insert: ","

Following: "furans"

Insert: ", and heavy metals"

7. Page 18, line 24.

Following: "[section 5];"

Insert: "and"

8. Page 19, lines 2 through 4.

Strike: ";" on line 2 through "principal" on line 4

-END-

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Joint Resolution 20 (first reading copy -- white) do pass as amended .

Signed: _____
Dick Knox, Chair

And, that such amendments read:

1. Page 2, line 4.

Following: "WHEREAS,"

Insert: "according to the Montana Department of Health and
Environmental Sciences,

2. Page 2, line 18.

Following: "WHEREAS,"

Insert: "according to the Montana Department of Health and
Environmental Sciences,"

3. Page 2, line 19.

Strike: "23.8"

Insert: "25.2"

-END-



GOLDEN SUNLIGHT MINES, INC.

EXHIBIT 1
DATE 2-17-93
HB 599

February 17, 1993

TESTIMONY CONCERNING HB 599, AN ACT AMENDING THE MONTANA
ENVIRONMENTAL POLICY ACT, BEFORE THE HOUSE NATURAL RESOURCES
COMMITTEE

Fess Foster, Ph.D.
Chief Geologist/Permit Coordinator
Golden Sunlight Mines, Inc.
453 Highway 2 East
Whitehall, Montana 59759

Dear Mr. Chairman and Members of the Committee:

I would like to begin by stating what this proposed amendment to the Montana Environmental Policy Act, or MEPA, does not do. It does not reduce the already strict environmental standards required of the mining industry. Rather, it clarifies the statute to prevent misunderstandings.

It is important to understand the difference between Environmental Impact Statements and Environmental Assessments for the purpose of this discussion. Environmental Impact Statements are required for projects which would significantly affect the environment, and can be quite lengthy and expensive. By lengthy and expensive, I mean up to four or five years of preparation time, and costs in the millions of dollars range. On the other hand, Environmental Assessments are used for projects which will not significantly affect the environment, and can be completed as quickly as 30 days or possibly take two or three years, depending upon the complexity of the project.

MEPA is implemented through the Administrative Rules of Montana. The Administrative Rules state that Environmental Assessments can be prepared for actions which will not cause significant impact. However, MEPA only states that Environmental Impact Statements are necessary if a project will be significant; it does not clarify the fact that Environmental Impact Statements are unnecessary if a project will not significantly affect the environment.

Further, the Administrative Rules allow state agencies to attach "stipulations" to Environmental Assessments. Stipulations are specific measures which must be undertaken to assure that no significant impacts occur. In fact, a major Environmental Assessment with stipulations can be as comprehensive as an Environmental Impact Statement. This proposed amendment to MEPA would simply place these Administrative Rules into statute, and make it clear that the state agencies can continue to do their job as they have in the past.

It is impossible to predict the precise design of a mine complex upon its inception. Our estimates of ore reserves are simply that --- estimates. As mining commences, we often find that the grade and location of the ore is somewhat different than initially predicted. This often requires us to make minor changes to our open pit and waste dump designs. Changes in metal prices can have the same effect.

In hard rock mining, Environmental Assessments are used to permit these types of minor changes in our operating plans. Small revisions are routinely required as a mine is developed. They include such actions as modifying a road design, or constructing a diversion ditch to prevent erosion. State agencies prefer to use Environmental Assessments to approve such changes and eliminate both undue paperwork and unnecessary staff time. Businesses need the flexibility to allow projects which are in progress to be modified, without causing unnecessary delays. The proposed amendment to MEPA would allow this practice to continue.

The ability to make these changes rapidly is also an incentive for us to make design improvements which benefit the environment. Golden Sunlight engineers are constantly researching environmentally enhanced designs. For example, we decided to increase the volume capacity of our surface diversion ditches so they could contain an even larger storm event. If we have to go through a lengthy permit process to implement even these minor modifications, it becomes a disincentive for us to improve our designs.

Finally, I want to make it clear that this amendment only applies to minor modifications to our operating plans. Over the past several years, the Department of State Lands has required Environmental Impact Statements for major changes, and we have no problem with that. At issue here is the fact that it is impossible for us to predict in advance, all of the minor changes that are a necessary part of any mining operation. We simply want to be able to continue making these changes through Environmental Assessments, so that they do not burden both the operation and the state agencies with costly delays and unnecessary paperwork.

I appreciate the opportunity to speak before the committee. Thank you.

TESTIMONY OF TAMARA J. JOHNSON
CONCERNING HB #599

Mr. Chairman and Members of the Committee:

By way of introduction, my name is Tamara (Tammy) J. Johnson. I am a wife, a mother of two and a member of C.U.R.E. (Citizens United for a Realistic Environment). We have over 300 members in our group and are growing daily. We organized with the purpose of promoting a balance between environmental protection and economic development. We strongly support solutions which will protect both the environment and the worker. This is, in our opinion, very critical for our state and it's people, especially now, when our state is facing tough economic times and at the same time, are trying to protect our lands, water and air.

HB #599 is one way which we can still protect our environment and aid our workers in a small way. Minor changes are continually needed in a mining operation plan to protect the safety of employees and the safety of the environment. One example of this is a high wall in a pit has become unstable and a haul road needs to be rerouted to protect the safety of employees. This change will have no significant impact on the human environment and should be allowed to be done with a quick review by the Department of State Lands.

People that I have talked to in the business community have told me that a five year plan is only good for one year. The changes being proposed by this legislation would enable the DSL to make a relatively quick review of these types of changes that do not significantly affect the human environment and the mining operation can make the changes necessary without experiencing undue delays.

If a change in an operating plan has any potential of harming the environment, those changes would still have to undergo the full EIS process but again, common sense tells us that if the guard shack needs to be moved to another location, this should be able to be accomplished without a great deal of time or expense to the mine or to our State agencies. Both of them will benefit from the clearer definition that subsection 3 of HB #599 provides. The worker will always benefit when their employer saves time and money and the State of Montana benefits when it's agencies save time and tax dollars.

In conclusion, C.U.R.E. supports HB #599 and encourages you to do the same. Thank you for your time and for your consideration of this testimony.

Tamara J. Johnson
P.O. Box 624
Whitehall, MT 59759
287-3012

Amendments to House Bill No. 567
First Reading Copy

Requested by Rep. Foster
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 15, 1993

1. Page 1, line 17.
Strike: "department"
Insert: "board"
2. Page 14, line 20.
Strike: "department"
Insert: "board"
3. Page 15, line 24.
Following: "dioxins"
Strike: "and"
Insert: ", "
Following: "furans,"
Insert: "and heavy metals,"
4. Page 16, line 9.
Following: "dioxins"
Strike: "and"
Insert: ", "
Following: "furans"
Insert: ", and heavy metals"
5. Page 18, line 24.
Following: "[section 5];"
Insert: "and"
6. Page 19, lines 2 through 4.
Strike: "; " on line 2 through "principal" on line 4

Amendments to House Bill No. 567
First Reading Copy

Requested by Rep. Foster
For the Committee on Natural Resources

Prepared by Paul Sihler
February 17, 1993

1. Page 13.

Following: line 12

Insert: "(b) the applicant has published at least three notices
describing the proposed project in a paper of general
circulation in the county where the project is proposed, if
a license is required pursuant to 75-10-221;"

Renumber: subsequent subsections

Amendments to House Bill No. 567

For the Committee on Natural Resources

Prepared by Bill Lawrence, Sure-Way Systems Montana, Inc.
February 17, 1993

1. Title, line 5

Insert: "A LARGE-SCALE" between FOR and COMMERCIAL

2. Page 3.

Following: line 1

Insert: "(5) "Commercial Medical Waste Incinerator" means any incinerator as discribed in Section 1 number 8, that processes medical waste not generated by that facility."

Renumber: subsequent subsections

3. Page 3.

Following: line 24

Insert: "Large-scale " means a unit processing more than five tons of medical waste per day.

4. Page 15. line 17

Strike: " shall"

Insert: " may be required to"

Amendments to House Bill No. 512
First Reading Copy

Requested by Rep. Gilbert
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 15, 1993

1. Title, line 9.
Following: "75-11-308,"
Insert: "AND"
Following: "75-11-309,"
Strike: "AND 75-11-319,"
2. Page 1, line 12.
Strike: "underground"
Insert: "petroleum"
3. Page 1, line 13.
Following: "and"
Strike: "underground"
Insert: "associated"
Following: "to"
Strike: "underground"
Insert: "petroleum"
4. Page 1, line 14.
Strike: "and above ground"
5. Page 1, line 19.
Strike: "underground"
Insert: "petroleum"
6. Page 1, line 20.
Strike: "underground"
Insert: "associated"
7. Page 1, line 21.
Strike: "underground"
Insert: "petroleum"
8. Page 1, line 22.
Strike: "underground"
Insert: "associated"
9. Page 1, line 25.
Strike: "an underground"
Insert: "a petroleum"
10. Page 2, line 9.
Strike: "underground"
Insert: "petroleum"
11. Page 2, line 13.

Strike: "an underground"
Insert: "a petroleum"

12. Page 4, line 16.
Strike: "underground"
Insert: "petroleum"

13. Page 5, line 20.
Strike: "an underground"
Insert: "a petroleum"

14. Page 5, line 22 and line 23.
Strike: "of" on line 22 through "materials" on line 23

15. Page 5, line 23.
Following: "with"
Insert: "rigid"

16. Page 5, line 25.
Following: "leakage."
Insert: "The design and construction of these tank systems must meet standards of the department and the department of justice fire prevention and investigation bureau. The material used in construction must be compatible with the liquid to be stored in the system, and the system must be designed to prevent the release of any stored liquid."

17. Page 10, line 16.
Following: "for"
Insert: ": (i)"

18. Page 10, line 18.
Following: "\$495,000"
Insert: ": (A) for single-walled tank system releases; and
(B) for double-walled tank system releases for which the release date was prior to October 1, 1993; or
(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$500,000, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993"

19. Page 10, line 22.
Following: "for"
Insert: ": (i)"

20. Page 10, line 25.
Following: "\$982,500"
Insert: ": (A)"
Following: "releases"
Insert: "; and
(B) for double-walled tank system releases for which the release date was prior to October 1, 1993; or
(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$1 million, for properly designed and

installed double-walled tank system accidental releases
that were discovered and reported on or after October
1, 1993"

21. Page 10, line 25 through page 11, line 9.
Strike: "and" on page 10, line 25 through "costs" on page 11,
line 9

22. Page 18, lines 2 through 16.
Strike: section 6 in its entirety
Renumber: subsequent sections

23. Page 18, line 19.
Following: "from"
Insert: "properly designed and installed"
Strike: "underground"
Insert: "petroleum"

24. Page 18, line 20.
Strike: "installed" through "1993"

EXHIBIT 5
DATE 2-17-93
HB 512

Amendments to House Bill No. 419
First Reading Copy

Requested by Rep. Grady
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 10, 1993

1. Page 1, line 16.
Following: "with"
Insert: "the hazardous waste sections of"
2. Page 1, line 18.
Following: "to"
Insert: "the hazardous waste sections of"
3. Page 5, line 14.
Following: "violates a"
Insert: "hazardous waste"
4. Page 5, line 15.
Following: "or a"
Insert: "hazardous waste"

Amendments to House Bill No. 532
First Reading Copy

Requested by Rep. Tunby
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 15, 1993

1. Page 2, lines 8 through 16.

Strike: subsection (4) in its entirety

Insert: "(4) Notwithstanding the provisions of subsection (3), a person may transport into Montana solid waste generated in Idaho, North Dakota, South Dakota, or Wyoming for disposal in a solid waste management facility that receives 25,000 tons or less of solid waste annually."

EXHIBIT 8
DATE 2-17-93
HB 532

Amendments to House Bill No. 532
First Reading Copy

Requested by Rep. Schwinden
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 16, 1993

1. Title, line 4.

Strike: "AN EXCEPTION"

Insert: "EXCEPTIONS"

2. Page 1.

Following: line 24

Strike: "and (4)"

Insert: "through (5)"

3. Page 2.

Following: line 16

Insert: "(5) A person may transport solid waste to a research and development facility in Montana that receives federal or state research funds in order to test and evaluate waste treatment remediation technologies."

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Natural Resources COMMITTEE BILL NO. HB 599
DATE 7/17/93 SPONSOR(S) REP. GRIMES

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