MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on March 5, 1993, at 3:07 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.

Todd Everts, Environmental Quality Council Staff Present:

Leanne Kurtz, Committee Secretary

Please Note: These are summary minutes. Testimony and

discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 164, HB 102, HB 380

Executive Action: HB 380, HB 164

HEARING ON HB 164

Opening Statement by Sponsor:

Representative Don Larson, HD 65, said HB 164 brings Montana's natural gas pipeline safety program into compliance with federal regulations, as required by federal law. He said Montana receives matching funds from the federal government for Public Service Commission (PSC) enforcement programs.

Proponents' Testimony:

Chuck "Ivan" Evilsizer, PSC, said the PSC requested that HB 164 be drafted and submitted written testimony (Exhibit #1).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Keating asked Mr. Evilsizer what size and type of pipelines would be affected. Mr. Evilsizer said the bill deals with the main pipelines which transport and distribute natural gas within the state. He added pipelines which cross state lines are under federal jurisdiction. Senator Keating asked if the PSC has had to fine the gas companies very often, and wondered if the PSC was anticipating some sort of violation. Mr. Evilsizer said the PSC has not fined very many companies. He noted there was a serious violation involving Great Falls Gas after the bill was introduced, but said the main purpose of HB 164 is to comply with federal regulations. He said PSC wants to continue active enforcement with the matching federal funds.

Senator Grosfield asked where the penalty money is deposited. Mr. Evilsizer responded the PSC would have to seek a fine though court action. He said if the court imposed a fine, the money would go to the general fund.

Closing by Sponsor:

Representative Larson said there were no opponents in the House hearing. He said the PSC has a good working relationship with the gas companies, and he is confident that pipeline safety is being well managed.

HEARING ON HB 102

Opening Statement by Sponsor:

Representative Ted Schye, HD 18, said the Department of Natural Resources and Conservation (DNRC) requested HB 102 be drafted. He said the bill extends the time the Board of Natural Resources has to act on an application for a water reservations in the Missouri River basin below Fort Peck Dam.

Proponents' Testimony:

Gary Fritz, DNRC, said the Board of Natural Resources makes the

decisions on water reservation applications. He stated the legislature initiated the water reservation process for the entire Missouri River basin in 1985. He added the legislature then contended it was important that Montana defend its Missouri River water rights against lower basin states, and establish instream rights in the Missouri River Basin. He noted the basin is split into two portions: above Fort Peck Dam and below Fort Peck Dam. Mr. Fritz said the board decided on water reservation applications for the upper basin in June 1992. The board was supposed to make decisions on the lower basin by December 31, 1993. Mr. Fritz said during the January 1992 special session, the legislature cut the water reservation budget by \$87,000, recognizing that it would take the board another year to complete the process. HB 102 allows for the extension. He added the 14 Lower Missouri Basin conservation districts that have applied for water reservations have informed him they would like another year beyond the extension provided for in HB 102. Mr. Fritz said the districts are still unsure if they will have the funding to participate in the process. He suggested that the Committee delay executive action until the conservation districts can be consulted on a solution without the Committee having to amend the bill. Mr. Fritz stated further extensions would require the state to fund the program into the next biennium.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Swysgood said the portion of the Missouri basin in his district has had problems because of the time frame under which the board had to work. He asked if DNRC's water reservation program received additional funding for the next biennium. Mr. Fritz said the budget for the current biennium is \$460,000, and \$320,00 for the next biennium. He said the program is winding down, but there should be enough money to finish the process. Senator Swysgood asked if the board has a problem with extending the program to 1995. Mr. Fritz said he is reluctant to speak on behalf of the new board, as there are 4 new members and they have not yet met to take a position on the issue. Senator Swysgood asked if the legislature could extend the process until 1995 without consulting the conservation districts. Mr. Fritz said that is what the conservation districts want, but there may be other ways to solve the problem without adding to the extension proposed in HB 102.

Senator Swysgood said he is concerned that all involved parties in the water reservation process have time to present their cases.

Closing by Sponsor:

Representative Schye closed.

HEARING ON HB 380

Opening Statement by Sponsor:

Representative David Ewer, HD 45, said HB 380 was drafted at the request of the Department of Health and Environmental Sciences (DHES). He said the bill affects new incinerators and new boilers. Rep. Ewer said HB 380 eliminates the 200 pound per hour input size permitting threshold. Rep. Ewer discussed the definition of solid waste and HB 380's impact on existing facilities. He stated the bill would affect existing facilities that change the nature, character or composition of emissions. He said the House amended the bill, taking out the language requesting a moratorium. He asked the Committee to refrain from amending the bill, because significant compromises have already been made.

Proponents' Testimony:

Jan Sensibaugh, DHES, read from written testimony (Exhibit #2).

Brian McNitt, Montana Environmental Information Center (MEIC), said HB 380 is a common sense bill, as it focuses on what comes out of the incinerator instead of what goes in or how much is burned. He said the amount of material burned in an incinerator does not have much impact on the amount of pollution emitted. Mr. McNitt added the change in the definition of solid waste is another reason MEIC supports the bill.

Glenn Rugg, Fallon County rancher, said HB 380 is important to Fallon county residents because of the potential location of Ross Electric in the area. He said the Fallon county sanitarian invited Ross Electric into the area. Mr. Rugg said Ross Electric maintains that it does not need any air quality or solid waste permits to incinerate PCB transformer oils. He distributed a letter from the Fallon county sanitarian to Bob Robinson, DHES director, stating that Ross Electric will begin operating in March (Exhibit #3). Mr. Rugg discussed the potential dangers of an accident at the site, noting that the nearest response units are in Rapid City, South Dakota and in Billings. He said HB 380 would force new facilities to comply with the same laws that apply to other industries in Montana. Mr. Rugg also distributed an article he wrote discussing Ross Electric's infractions (Exhibit #4).

Tom Daubert, representing Ash Grove Cement, said HB 380 functionally makes no change for his client, as Ash Grove already operates under an air quality permit. He said Ash Grove has

applied for a modification in its permit and there has never been any dispute about the applicability of HB 380 to companies of Ash Grove's size. He said what is burned is not as important as the quality of the incineration process and pollution control. Mr. Daubert said it is important that DHES be able to study even the smallest incineration project.

William Lawrence, representing Sure-Way Systems, read from written testimony (Exhibit #5). Mr. Lawrence signed the visitor register as an opponent to HB 380, but testified during proponents' testimony.

Dave Ross, Montana Audubon Legislative Fund, submitted written testimony (Exhibit #6).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Grosfield asked for the date of the letter the Fallon county sanitarian wrote to Bob Robinson (Exhibit #3). Mr. Robinson said he did not know the exact date, but that the letter arrived within the last two months. Referring to Page 7, lines 7 and 8, Senator Grosfield asked Ms. Sensibaugh whether a permit would be needed if a change in an incinerator alters the emissions. Ms. Sensibaugh said the bill would affect new incinerators and existing incinerators that change what they burn.

Senator Grosfield asked about the definition of an incinerator and wondered if HB 380 would affect his burning garbage in 55 gallon drums. Ms. Sensibaugh said 55 gallon drums are regulated by open burning regulations and do not qualify as incinerators under HB 380.

Senator Grosfield asked if there are any guidelines on what type of rules the Board of Health should establish. Charles Homer, environmental specialist, DHES Air Quality Bureau, said the rules would be divided into two sections: 1) permitting requirements, including a health risk assessment, negligible risk definitions, and other information required in the permitting process, and; 2) a determination of whether or not there should be specific initial limitations or operational requirements placed on specific types of incinerators. Senator Grosfield asked why Boilers and Industrial Furnaces (BIF) rules do not cover the incinerators affected by HB 380. Mr. Homer said HB 380 was meant to cover incinerators not handled in BIF rules, such as Ross Electric, hazardous waste incinerators, and medical waste incinerators.

Senator McClernan asked if the language on page 7 would affect a Billings power plant. Mr. Homer said that project is a fuel burning project and would be covered under the fuel burning definition.

Senator Bianchi asked if the medical waste incinerator project near Ringling has been permitted. Mr. Homer said an air quality permit has been issued to Western Recovery for its incinerator, but added the permit requires construction within 2 years. If Western Recovery does not begin construction within that time period, the company must apply for another permit, and would be subject to the provisions of HB 380.

Senator Swysgood asked Representative Ewer if HB 380 would stop Ross Electric. Rep. Ewer deferred the question to DHES. Tim Baker, attorney, DHES Air Quality Bureau said DHES contends that 75-22-215 MCA applies to Ross Electric and requires the company to obtain an air quality permit. He said Ross Electric has argued that it is not subject to the requirements of the statute, claiming that the facility would be combusting less than 200 pounds of solid waste per hour. Ross also believes it is exempt from the air quality requirements because the company is a recycling operation. Mr. Baker said DHES believes Ross Electric is currently subject to 75-22-215, but passage of HB 380 would strengthen the Department's arguments.

Senator Swysgood asked how long it would take Ross Electric to build its facility in Fallon county. Mr. Baker said Ross Electric's start-up date has been a moving target for months, but stated the incinerator would be operational within 48 hours of when the company moved it on site.

Senator Swysgood asked if the definition of incinerator excludes heaters that burn used oil. Mr. Homer stated those heaters generally would not be big enough to need a permit, and added DHES does not intend to regulate waste oil space heaters under HB 380. Mr. Homer said some other small operations, such as pet and human remains crematoriums, would be affected by HB 380 and may require some analysis.

Senator Swysgood stated the fiscal note indicates no impact on the Department. He asked where money collected from the permit application fee would go. Ms. Sensibaugh said the fiscal note reflects any costs to the Department. She said the fee is based on cost per ton of actual emissions, with a minimum fee of \$250 per year.

Senator Grosfield asked how much a hospital would have to pay to receive a permit. Ms. Sensibaugh said DHES appears before the Board of Health every year to set the fees and the fee schedule. She stated DHES has the leeway to set the fee schedule differently for different sources. She reiterated that the fees are based on actual emissions, so small incinerators like hospitals and grocery stores would most often only have to pay

the minimum fee of \$250.

Senator Grosfield asked Ms. Sensibaugh to respond to Mr. Lawrence's testimony. Ms. Sensibaugh stated there is validity to the argument that uncontrolled existing incinerators should be looked at, but including existing incinerators would be a major policy change to the current statute. She added if those incinerators were included, it would be difficult and costly to bring them up to current control technology standards. Ms. Sensibaugh stressed that if an existing incinerator does not change its operations, it would not be affected by HB 380.

Senator Weeding asked Mr. Lawrence to comment on his business. Mr. Lawrence said Sure-Way has built the business client by client, convincing smaller hospitals around the state that they should retire their antique incinerators. He said incinerators should be given a 2 year period to upgrade their systems or shut down.

Senator Bianchi asked where Sure-Way's incinerator is located. Mr. Lawrence said the company is planning to build in the Deer Lodge area.

Closing by Sponsor:

Representative Ewer said HB 380 would only be as good as the DHES staff and urged the Committee to concur in HB 380.

EXECUTIVE ACTION ON HB 380

Motion:

Senator Weeding MOVED HB 380 BE CONCURRED IN.

Discussion:

Senator Grosfield said he is concerned about the types of incinerators that would be included in HB 380. He added he does not want to see money taken from the smaller communities and given to DHES. Ms. Sensibaugh stated DHES would recommend to the Board of Health a different fee schedule and a low administrative fee for the small incinerators. She said administrative fees are based on the amount of staff time needed to process permits.

Senator Swysgood stated he has no problem with the bill's intent, but it seems to be broad in coverage. He warned that with more regulation, DHES's staff may have to be increased, which will cost the state money. Senator Swysgood said he is also concerned about the burden that would be placed on users.

Senator Grosfield said he will support the motion, but is uncomfortable granting DHES broad authority to set fees.

Vote:

The motion CARRIED with Senator Keating voting NO.

EXECUTIVE ACTION ON HB 164

Motion/Vote:

Senator Grosfield MOVED HB 614 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 4:18 p.m.

SANATOR DON BRANCHI, Chair

LEANNE KURTZ Secretary

DB/lk

ROLL CALL

SENATE COMMITTEE Natural Resures DATE 3/5/93

NAME	PRESENT	ABSENT	EXCUSED
Blauchi	/		
Mockett			
Badlett			
Doharter	V		
Grosfield			
Keating			
hennedy	/		
Swift			
Swysgood			
Malernan	/,		
Treit			
Weeding			
Weldon	/		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1 March 5, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 380 (first reading copy -- blue), respectfully report that House Bill No. 380 be concurred in.

Signed:

Senator Don Bianchi, Chair

M-Amd. Coord.
Sec. of Senate

Mocketh
Senator Carrying Bill

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1 March 5, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 164 (first reading copy -- blue), respectfully report that House Bill No. 164 be concurred in.

Signed:

Senator Don Bianchi, Chair

M Amd. Coord. Sec. of Senate

Senator Carrying Bill

501635SC.Sma

HOUSE BILL NO. 164

NATURAL GAS PIPELINE SAFETY ACT - INCREASE FINES

PSC STATEMENT IN SUPPORT

My name is Ivan Evilsizer and I am appearing here today on behalf of the Montana Public Service Commission in support of the passage of House Bill No. 164.

The Montana Public Service Commission is charged with the enforcement of the Federal Natural Gas Pipeline Safety Act pursuant to \$69-3-207, MCA, and provides the inspection and compliance services necessary to enforce the Federal and State requirements, for the protection of the health and safety of Montana citizens in the construction and operation of intrastate natural gas pipeline facilities throughout the state.

The PSC sought the introduction of this Bill, to increase the Montana civil penalties to equal the maximum fines possible under Federal law; consistent with its obligations under this important joint State/Federal safety program. The PSC receives matching funds (dollar for dollar) from the Federal government, to administer and provide state inspection and enforcement services, which contribute to the safe operation of Montana's intrastate natural gas pipelines.

Specifically, this Bill will increase the maximum fines for violations of the Natural Gas Pipeline Safety Act, as provided in §69-3-207, MCA, from \$1,000 to \$25,000 per violation, and from \$200,000 to \$500,000 for any related series of violations.

SENATE NATURAL RESOURCES EXHIBIT NO.

DATE 3/5/93

BILL NO HR W

As a component of the PSC Certification with the Federal Department of Transportation, Office of Pipeline Safety (under Section 5(a) of the Federal Act), the state program is required to provide for maximum fines which are "substantially the same" as provided by Federal law. This Bill will increase the fines provided by Montana law to equal those provided in the Federal Act (as amended through 1992). The PSC urges its passage.

SENATE NATURAL RESOURCES

EXHIBIT NO.,

DATE 3/5/93

BILL NO. HB 350

TESTIMONY ON HB 380

Mr. Chairman, members of the committee, my name is Jan Sensibaugh and I represent the Department of Health and Environmental Sciences. HB 380 makes changes to the department's air quality permitting authority for solid and hazardous waste incinerators to solve some of the problems experienced regarding permitting of incineration facilities under this statute. The changes include: elimination of the 200 lb/hour input size permitting threshold; definitions of incinerator, solid waste and hazardous waste; and specific reference to boilers and industrial furnaces.

The reason for eliminating the 200 lb/hour input size and requiring permitting of all new incinerators is to assure that all incineration projects are subject to an appropriate level of review before they are constructed. The department has found that there are differences of opinion on how to apply the 200 lb/hour limit and that facilities are designing their incinerators, including those for medical waste, to fall just below the 200 lb/hour input size to avoid air quality permitting. Since the public is sensitive about impacts on public health and the environment from incinerators, the department must be able to analyze potential air quality impacts from all proposed incinerators so that concerns raised by the public are adequately responded to.

Since elimination of the size cut-off will bring under regulation small incinerators of a similar type, such as grocery

store incinerators, the legislation includes language allowing the department to issue general permits for specific size and type categories of incinerators. In this way once a general permit has been developed, a facility would only need to demonstrate that they meet the requirements for a general permit and would not need to go through extensive individual permitting review. The general permit requirements would most likely include among other things size restrictions, and waste and emission type limitations.

In order to clarify which sources these permitting requirements apply to, definitions of incinerator, solid waste and hazardous waste have been included in the amendments.

The definition of incinerator focuses on the type of equipment and the combustion process used.

The solid waste definition is similar to but more encompassing than that used in other solid waste statutes. Reference to marketable byproducts is omitted since the reason for incineration is not applicable to permit review in relation to protecting air quality, public health and the environment.

The definition of hazardous waste is the same as that used in the hazardous waste statute.

Although the department believes that boilers and industrial furnaces are included under the existing statute, to eliminate any

DATE 3-5-93 #B-380

confusion, the changes specifically include review of these facilities.

Amendments to address concerns from hospitals on application of this statute to existing incinerators were added to clarify that this statute does not apply to existing incinerators unless they change the type and amount of pollutants they are emitting from their designed or permitted levels.

HB 380 clarifies the department's permitting authority for solid and hazardous waste incinerators and boilers and industrial furnaces and allows for development of a program that will protect public health and the environment.

Thank you for the opportunity to comment. I would be happy to answer any questions.

H.B. 380

Bob Robinson, Director Environmental Sciences Division Montana Department of Health Cogswell Building Helena, Montana

SENATE NATURAL RESOURCES

EXHIBIT NO.

DATE 3/5/93

BILL NO. HB 380

Dear Mr. Robinson:

First, congratulations on your appointment as director of the Environmental Sciences. I'm sure you will find your position both challenging and rewarding. There are many environmental issues that Montana will have to face during Marc Racicot's term as governor. I look forward to working with you for the betterment of Montana.

There are two issues concerning Fallon County that are currently being discussed under your office. The first deals with landfarming contaminated soils, usually from leakage from petroleum tanks permitted under the Underground Tank Storage Program. I have requested an amendment to our new landfill license to landfarm these soils and then use them for coverage of deposited garbage. Fees from producers would be minimal (covering expenses during remediation and testing only), since we will use the remediated soils afterwards. The SWB has informed me that they are considering deriving additional fees from these soils in addition to solid waste fees already collected. This is ludicrous. The SWB would have to consider Montana soil solid waste! In addition, one would think that the SWB and the UST could work together to make the remediation process involved with these soils as simple and convenient as possible. Fallon County is adamantly opposed to any additional state imposed tipping fees or tonnage fees concerning these soils.

Second, you may be aware of the background surrounding Ross Electric in Fallon County, and the Air Quality Bureau's and the SWB's determinations concerning this operation. You may want to refer to my previous correspondence to your office and these bureaus. This firm will be ready for start-up sometime around March of this year. I have been keeping EPA and Jim Hughes in the Billings Air Quality office informed of any changes throughout this process. Since the criteria for an air quality permit does not apply to this

site operation and the SWB's determination of these transformers being classified as solid waste is under severe attack, as well as the state's solid waste moratorium, you may wish to discuss these with me. In addition, this office respectfully requests that representatives from Air Quality and Solid Waste be present during start-up of this business in Fallon County. This office has worked closely with EPA and Gary and Bob Ross on a work plan designed to cure any fears the public (both inside and outside Fallon County) may have concerning this operation.

If at any stage your office needs further information or has any comment, please feel free to contact this office or the Fallon County Commissioners. Again, I look forward to working with you to protect this state's great natural environment.

Sincerely,

cc:

Richard A. Menger, MST, R.S.

Jim Hughes, Air Quality Bureau, Billings Regional Office Fallon County Commissioners, Baker

APTI By Glen T. Rugg

During its stay in Washington' State, Ross Electric has repeatedly been fined by Washington State Department of Ecology, has generated a Superfund Site that federal taxpayers must pay for, and has refused to acknowledge any wrong doing or accept any responsibility for the damage it has caused.

From 1972 to September 1983 Ross Electric operated on Coal Creek. In February of 1983, due to heavy contamination by Ross Electric and two other companies, the Washington State Department of Ecology issued an order to Ross Electric as operator and Lewis County Public Utility District as owner to investigate and clean up the site.

Ross Electric moved their incinerator to the Logan Hill in 1983, and terminated their lease at Coal Creek. In defiance of both the Washington State Department of Ecology and the Federal Government, which had classified it as a Superfund Site, Ross Electric refused to accept any responsibility for the contammation at Coal Creek or pay anything toward the cost of cleaning it up.

In January of 1985 the Environmental Protection Agency—it isn't just an over zealous Department of Ecology as Ross Electric would have it that is giving them so much trouble— fined Ross Electric \$23,000 for burning waste oil with concentrations of PCBs at 94 ppm. According to EPA regulations, they were only allowed to incinerate contaminated waste up to 50 ppm.

On August 11, 1986, the Washington Department of Ecology fined Ross Electric \$25,000 for two different spills of incinerator ash, falsifying incinerator reports, and leaving hazardous containers unlabeled.

In August 1986 Ross Electric was caught dumping ash from their incinerator at the Centralia,

Washington landfill. The Washington Department of Ecology fined Ross Electric \$75,000 for this. Ross Electric protested the penalty, and Ross Electric and the Department of Ecology settled for \$48,000. with \$27,000 deferred, if they had no further Class 1 violations. But when Ross Electric made further Class 1 violations it made them "a high priority violator," and the \$27,000 deferment was made payable. Ross Electric is appealing.

In August and November of 1990, the Department of Ecology fined Ross Electric \$90,000. This time because Ross Electric had operated without a temperature probe from August 2 to August 27. (The probe is essential to determine if the temperature is high enough to destroy all the PCBs.) Besides that, their record keeping was so disorganized that the Department of Ecology could not determine whether the oil they were incinerating was under 50 ppm.

The Department of Ecology gave Ross Electric an ultimatuminMay of 1991. Either Ross Electric had to start complying with the law or submit a plan for closing their plant down and disposing of all the hazardous wastes that had accumulated at their site. Ross Electric has refused to draw up a plain and to provide sufficient financial guarantees to assure that it is carried out. Now they are attempting to move into Fallon County.

As this lengthy list of penalties and court actions shows, Ross Electric has never been in compliance with the laws of the State of Washington. They have provoked several actions by the EPA. And they have refused to accept responsibility for the damage they have done or the costs they have forced on the taxpayer. There is nothing in their history to suggest that they have changed their ways or that they will do any better in Fallon County

SENATE NATURAL RESOURCES

EXHIBIT NO. 4

DATE 3/5/93

BILL NO. 43 340

SENATE NATURAL RESOURCES

EXHIBIT NO.

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Mr. Chairman, members of the committee, for the record, my name is William Lawrence. I am with Sure-Way Systems, Montana, Inc., a small Montana owned and operated business designed specifically for the pick-up, hauling and destruction of medical waste. For almost three years Sure-Way has served the Montana medical community, growing in that time to enroll almost two hundred clients through the state. While our service area is the entire State of Montana, we are proud of the fact that many of our patrons are from Montana's smaller communities. These clients are reached by Sure-Way when larger companies choose to set up service only in the major population areas.

In order to comply with state and federal requirement for the safe handling and destruction of medical waste, we find our business governed by several state and federal agencies, such as the State Department of Health and Environmental Sciences, DOT, OSHA, CDC, EPA, Department of Air Quality, Department of Solid and Hazardous Waste, as well as many City/County Health Departments.

Our ongoing goal is to provide for our patrons the safest, cleanest, and most efficient means of meeting their medical waste needs in the most affordable way. After much research, we have concluded that because of the nature of medical waste, the best, safest, cleanest, most efficient, as well as most cost effective means of destruction is incineration. For several forms of medical waste, such as tissue (pathologicals) or chemotherapy waste, the only recomended method of destruction is incineration. By incinerating all our medical waste, the need for sorting the special forms of waste is not necessary. This is more convenient and cost effective for our clients, and allows for a much safer, cleaner, more efficeient, affordable method of destruction.

Through much effort, we have contributed to the shutting down of more than ten old, out-dated, polluting antique incinerators throughout the state. Many more of these ancient units can and will be retired if a safe, cost-effective alternative is available for the facilities still using them.

All Montanans have a responsibility to help keep the rising health care cost under control. By handling Montana's medical waste in-state instead of shipping many miles away, it is possible to keep biomedical waste disposal affordable to the Montana health care community.

HB 380 now before you works on the premise that it will clean up the air in Montana. HB 380 requires all new incinerator construction to be permitted and licensed, regardless of size. HB 380 as amended does not apply to incinerators constructed before this Bill regardless of how dangerous or polluting they may be. In fact, HB 380 discourages up grading of established incinerators, because if improved, these older units will then be required to meet the new regulations. If cleaner air is the true motivation behind this legistation, the bill should include the real polluters, those old, out-dated incinerators that presently operate under no air quality requirements. Currently established units should be required to meet the same requirements as new license applicants: clean up or shut down.

HB 380 as written is as counter-productive to cleaner air as it is unfair to new licensees. If this legislation is really necessary, it should address real air quality problems instead of taking the easy way out by only attacking incinerators that are already inherently cleaner burning than those units already polluting the skies of Montana and the lungs of Montana residents.



Montana Audubon Council

State Office: P.O. Box 595 • Helena, MT 59624 • (406) 443-3949

Chapters:

Bitterroot Audubon Bitterroot Valley

Flathead Audubon Flathead Valley

Five Valleys Audubon Missoula

Helena

Pintlar Audubon Southwest Montana

Rosebud Audubon Miles City

Sacajawea Audubon Bozeman

Upper Missouri **Breaks Audubon Great Falls**

Yellowstone Valley Audubon Billings

Mr. Chairman and Committee members:

My name is Dave Ross, and I represent the Montana Audubon Legislative Fund. We support HB 380. With the current statute, incinerators burning 200 lbs. or less/hr. do not have to comply to any form of a permit regulation. This has created an opportunity for industry to continue to burn Last Chance Audubon large quantities of waste by simply constructing incinerators just below the 200 lb. limit.

> Major point to remember: <u>Industry can still burn excessive</u> quantities of waste with these smaller incinerators, just not as quickly or efficiently as industries using the larger incinerators.

The dangers that these 200 lb. incinerators can cause to the people and the environment of Montana are no less than those caused by larger incinerators. We at the Audubon, see that the current statute creates a dangerous opportunity for industry to harm the state's air quality. We support HB 380 and the requirement that it demands for <u>all</u> incinerators to obtain an air quality permit.

Thank you,

David H. Ross

L RESCURGES

DATE $\frac{3/5/93}{}$
SENATE COMMITTEE ON NATURAL KEROURLES
BILLS BEING HEARD TODAY: HB 102, HB 164, HB 380

Name	Representing	Bill No.	Check One Support Oppose	
GARY FRITZ	DMRC	HB102	/	
Larry Oolan	DNAC	1413/02		
Tim Baker	DHES	46380		
Charles Homan	IOHES	#18380	0	
Chuck Evilsizer	PS C	HB 164	V	
Jan Sensibauch	DHES	HB 380	7	_
	Health of Children	HB7 80		
Bill LAWRENCE	DHES Committee to The Heath of Children Sure-way Systems MT INC	HB3FU		✓
David Ross	Mt. Auduben Ligislative	HB 380	V	
Tom Daubert	Ash Grove Cement Co	HB380	V	
		·		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY