

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on March 17, 1993, at 3:15 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. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Tom Keating (R), Sen. Chuck Swysgood (R),
Sen. Larry Tveit (R)

Members Absent: None.

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

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

Committee Business Summary:

Hearing: HB 442, HB 454, HB 567
Executive Action: HJR 11, HJR 20

EXECUTIVE ACTION ON HJR 11

Motion/Vote:

Senator Swift moved HJR 11 BE CONCURRED IN. Senator Bianchi submitted to the record a letter from Representative Pat Williams in support of HJR 11 (Exhibit #1). MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HJR 20

Motion:

Senator Weeding moved HJR 20 BE CONCURRED IN. THE BE CONCURRED

IN MOTION CARRIED UNANIMOUSLY.

HEARING ON HB 442

Opening Statement by Sponsor:

Representative Dick Knox, House District 29, stated HB 442 would revise the Metal Mine Reclamation Act. He said Section 1 of HB 442 would preclude operators from abandoning one site, moving to another and leaving behind the reclamation for the state to assume. He said this new rule would apply to existing mines as well as to exploration and permitting of new mines.

Representative Knox noted HB 442 would also extend from thirty days to sixty days the issuing of permits. He said the Department of State Lands (DSL) favors a sixty day time period in order to more thoroughly process permits. Representative Knox noted he had prepared an amendment to HB 442 which would make Section 5 of the bill null and void if SB 320 were passed. He added that Section 7 of the bill would authorize the DSL to suspend operations or revoke a permit on a mine if repeated violations occur. According to Representative Knox, HB 442 would give mining companies the opportunity to identify and correct their problems instead of being shut down immediately by the DSL.

Proponents' Testimony:

Ms. Sandra Olsen, Department of State Lands, spoke from prepared testimony in support of HB 442 (Exhibit #2).

Mr. Gary Langley, Montana Mining Association, stated his support for HB 442. He said the extension to sixty days for the permitting process should act to speed up the review period once the permit has been acquired. Mr. Langley stated he hoped the Committee would avoid playing games with HB 442 and SB 320 as they are straightforward measures which clarify the procedure for obtaining permits. He concluded HB 442 would not detract from the environmental quality of Montana.

Mr. Eric Williams, Pegasus Gold Corporation, stated his support for HB 442 and the amendment proposed by Representative Knox.

Mr. Jim Jensen, Montana Environmental Information Center (MEIC), stated his support for the need to change the way the DSL administers the Mining Act. He suggested the Committee add "determines to be reasonable" to line 12 of page 5 to make the language consistent. Mr. Jensen stated a distinction should be made between major and minor revisions of operating permits. He said "benign activities should be reviewed in the least onerous way possible". He added that the current thirty day process did not allow enough time for a sufficient review of the permit. Mr.

Jensen stated he was concerned about the amendment suggested by Representative Knox to make Section 5 of SB 442 null and void if SB 320 were passed. He urged the Committee to delay executive action on HB 442 until the amendment is reviewed. Mr. Jensen also expressed concern about the language on page 20 which would give the DSL more flexibility in dealing with non-compliant mining companies. He said the agency does not adequately respond to violations now and added he did not think it would be a good idea to give the DSL additional responsibilities in this regard. According to Mr. Jensen, the state's inactivity in dealing with violators forces citizen's groups like his to sue to force action on the violation.

Opponents' Testimony:

Mr. Dennis Olsen, Northern Plains Resource Council (NPRC), stated his opposition to HB 442. He said he was concerned with the language in Section 5 on page 17 which would allow mining companies that run into problems not anticipated in their environmental impact statement (EIS) to refile their application for a permit. He said HB 442 does not address the recourse organizations like his would have in fighting the permitting process if the DSL determines the permittee's plans do not constitute a serious environmental threat. Mr. Olsen stated he was also concerned about the provision in HB 442 which would prevent concerned groups from raising any additional concerns once the completeness review was finished. He said that because this language was similar to the language contained in Section 3 of SB 320, he was opposed to the amendment which would reference HB 442 to SB 320. In response to Mr. Langley's statements, Mr. Olsen said the action taken on SB 320 was not the result of consensus reached by all concerned parties.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Bianchi asked Representative Knox why SB 320 was heard in front of the House Committee on Business and Industry and not Natural Resources. Representative Knox replied that decision had been made by Speaker of the House John Mercer.

Senator Doherty asked Mr. John North from the DSL if he preferred the language in SB 320 or the language in Section 5 of HB 442. Mr. North replied the DSL requested HB 442 and favored the language it contains.

Senator Grosfield asked Mr. North to define "demonstrate" as it is used on page 17, line 17 of the bill. Mr. North replied "demonstrate" would require the Department to "make a finding in

writing".

Senator McClernan asked Ms. Olsen how HB 442 would address the problem of acid drainage at the Zortman-Landusky (Zortman) mines. Ms. Olsen replied there is no language in the statute, regulations or permit which prevents the permittee from producing acid mine drainage. She added that the Department may issue a violation only if there is evidence of "some inappropriate action which took place". Ms. Olsen stated the Department is currently investigating the operations of the Zortman mine and may, upon completion of the study, issue a violation or require amendments to the permit to correct the problem.

Senator Bianchi asked Ms. Olsen if the Department or the local board of health had the authority to shut down operations at the Zortman mine because of acid drainage into surface and ground waters. Ms. Olsen replied at this time, there has been no acid drainage at the Zortman mines which has seeped into surface or ground waters. She added she did not know if local boards of health would be given such authority.

Senator Hockett asked Ms. Olsen if the \$25 permitting fee as noted on page 8 was sufficient to handle the workload associated with processing the permit. He said the fee did not seem adequate. Ms. Olsen replied the \$25 represented the basic filing fee for the application. She noted the Department may require the applicant to reimburse the Department for any expenses incurred during the application process.

Senator Hockett asked how much it cost the Department to process an application. Ms. Olsen replied it varied from application to application.

Senator Hockett asked Ms. Olsen if the \$25 filing fee was enough to cover the cost of processing these applications. Ms. Olsen replied no.

Senator Hockett asked Ms. Olsen if "\$5,000 was the maximum amount one could ask for on a small miner". Ms. Olsen replied yes.

Senator Hockett asked Ms. Olsen to define "small miner". Ms. Olsen replied that to qualify as a "small miner", a number of requirements had to be met. First, the mine may not disturb more than five acres at a time. Second, the mine must comply with the provisions of the Montana Water Quality Act. Third, a small miner cannot operate more than two of these mines and may not operate them concurrently. Fourth, a small miner must mine less than 36,500 tons per year.

Senator Doherty asked Representative Knox which House Committee heard HB 442. Representative Knox replied HB 442 was heard in the House Committee on Natural Resources.

Senator McClernan stated he had sent a note to Representative

Knox, chair of the House Natural Resources Committee asking him to hold off on immediately scheduling a hearing on SB 320. He said he was surprised when he learned SB 320 would be heard by the House Committee on Business and Industry.

Senator Hockett asked why the bonding requirements in HB 442 were not consistent. Ms. Olsen replied the \$5,000 bonding limit pertained to small miners only while the larger bonding limits pertained to large miners. Senator Hockett stated he hoped bonding limits would be set high enough so the Department could recoup some of the costs associated with reclamation of the land.

Senator Weeding asked Ms. Olsen if the Zortman mine was in violation of any law. He said he had heard they were in violation, however the Department had not yet responded. Ms. Olsen replied any violations issued have been paid in fines by the Zortman mines.

Senator Weeding asked Ms. Olsen how the Department has responded to violations at the Zortman mine. Ms. Olsen replied Mr. Jensen from MEIC has requested a legislative audit of the Zortman operations but added no further action has been taken as of this date.

Senator Weeding asked Ms. Olsen what the Department's expected response would be to any mining violation allegations. Ms. Olsen replied that "the violations the Department could document were issued". She said the Department can order abatements but added that for the last three years, the Department has used a standard enforcement form which addresses what kind of abatement might be necessary depending on the scope of the violation.

Senator Weeding asked Ms. Olsen what the Department's "normal response" would be to violations incurred by a large mining operation like the Zortman mine. Ms. Olsen replied the Department may order an abatement but added the type of abatement would depend on the seriousness of the violation.

Senator Weeding asked how the Department would respond to a cyanide spill by a major mining operation. Ms. Olsen replied the response would depend on the amount of cyanide spilled. She assured the Committee that any traceable quantities of spilled cyanide would be treated immediately.

Senator Doherty asked Ms. Olsen if the Zortman mine was in full compliance with its permit. Ms. Olsen replied she did not know if they were in absolute compliance but stated she believed, to the best of DSL's knowledge, they were in compliance.

Senator Doherty asked Mr. Jensen if the Zortman mine was in complete compliance with its permit. Mr. Jensen referred the Committee to a February 1993 *Billings Gazette* article which charged that an on-site investigation of the Zortman mine by the Bureau of Land Management (BLM) plus an internal memo from the

DSL revealed a number of violations regarding the mining of strictly prohibited ores. Mr. Jensen noted these violations were taking place at the present time and did not occur several years ago. He said existing statute is clear in the case of violation as it requires the Commissioner of the Department of State Lands to order an issue of noncompliance. Mr. Jensen noted that no such issue has been filed, to date, by the Commissioner.

Senator Doherty asked Ms. Olsen if she believed the BLM report or subsequent press coverage regarding supposed violations was sufficient enough to merit an investigation of the Zortman-Landusky mines by the Department. Ms. Olsen replied her department is currently investigating these allegations but added the issue "is not as black and white as Mr. Jensen would suggest". She stated the Department, at present, is "trying to determine the timing of placement of those materials causing the problem". She said that if those materials were placed prior to the Department's placing a prohibition, there would be no permit condition in place that would have required an action on the part of the company to prevent the problem.

Senator Doherty stated the Department would then be unable to act if a problem occurred which was not specifically cited as a permit condition. Ms. Olsen replied Senator Doherty was not correct and added a provision exists in the Hard Rock Mining Act which allows the Department to require a change of permit at any time a problem is identified. She added that there is no language in the statute which requires "a concurrent violation be issued for every change in permit".

Senator Doherty asked Ms. Olsen how long her department would be investigating the allegations of acid mine drainage at the Zortman mines. Ms. Olsen replied she was unsure. She said the Zortman mines are one of the largest operations in the state and added that the problem areas identified have been numerous.

Senator Bianchi asked Ms. Olsen if the DSL is working towards changing the Zortman permit to address the problems mentioned by Mr. Jensen. Ms. Olsen replied Senator Bianchi was correct.

Senator McClernan asked Ms. Olsen how DSL found out about the problems at the Zortman mine. Ms. Olsen replied the DSL and the BLM gained knowledge of the problem from analyzing water quality monitor reports.

Senator Bianchi asked Mr. Jensen if the Committee should be concerned with the language contained in subsection 4 on page 17. Mr. Jensen replied he was unclear how the Department would evaluate the "potential for a serious environmental problem". He said the current language could enable the Department to avoid any such analysis. Mr. Jensen noted it would be preferable to make the language stronger so the Department "could not evade the intent of this law". He said the thirty and sixty day limits actually refer to working days, not calendar days. He said that

because of the time limitations, the Department is required to put its energies into the permitting process. As a result, Mr. Jensen said the Department cannot adequately handle enforcement activities. Senator Bianchi asked Mr. Jensen if he would be willing to work with Mr. Olsen from NPRC and Ms. Olsen from DSL to revise subsection 4 on page 17 of the bill. Mr. Jensen replied he would if industry representatives were also required to participate.

Senator Bartlett asked Ms. Olsen to define "revision" as stated in the new Section 5 on page 17. Ms. Olsen replied a revision would pertain to changes made within the permit while an amendment would pertain to changes made outside the permit. She noted that both amendments and revisions could require major and/or minor changes.

Closing by Sponsor:

Representative Knox told the Committee how a cyanide leakage incident was addressed in his community by the Department. He said two years ago there was a cyanide leak at the Blue Range mine which was discovered in one well. He said operations were immediately shut down, an action which had a significant economic impact on his community. He added, however, that he supported the operation shutdown because the risk of further contamination was unacceptable. Representative Knox noted the problem was promptly mitigated by pumping out the contaminated well. He said the system did work in that instance. He said HB 442 is straightforward in intent and assured the Committee he "was not playing games with this bill". Representative Knox stated that the provisions in HB 442 would be beneficial to both the mining industry as well as environmental concerns. He urged the Committee to support HB 442.

HEARING ON HB 454

Opening Statement by Sponsor:

Representative Randy Vogel, House District 86, stated HB 454 would amend the Megalandfill Siting Act. He said under current law, any landfill that accumulated over 200,000 tons of solid waste during the course of one year would be considered and sited as a megalandfill. He stated the 200,000 ton figure was devised to prevent the dumping of out-of-state waste. Representative Vogel noted there has been a large amount of construction in the Billings area which has also caused an increase in solid waste. He said the Billings landfill receives waste from the Billings area plus the counties of Yellowstone, Carbon, Stillwater, Musselshell and Big Horn. Representative Vogel assured the Committee that the Billings landfill was a well-monitored site which provides an important service for a large region. He said HB 454 would allow the Billings landfill to raise their

tonnage limit from 200,000 to 300,000 without being designated as a megalandfill. He noted that if HB 454 was not passed, the Billings landfill would be forced to discontinue serving the counties outside of the immediate Billings area. Representative Vogel concluded that with the House amendments, HB 454 would pertain to the Billings landfill only.

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support for HB 454. He said passage of HB 454 would allow smaller communities in south central Montana to continue to have a place to dispose of their solid waste. He noted the alternative would force Billings to refuse solid waste from these outlying areas. Mr. Hansen added that the House amendments make HB 454 site specific to preclude the possibility of solid waste dumping from out-of-state entities.

Mr. Jim Flisrand, City of Billings, spoke from prepared testimony in support of HB 454 (Exhibit #3).

Mr. Jim Worthington, City of Laurel Public Works Director, stated his support for HB 454. He said two years ago, his city revamped their solid waste programs. Mr. Worthington said the city closed its landfill because it was situated on state land; something prohibited by new regulations. He stated Laurel contracts with Billings to haul their solid waste, nearly 7,000 tons per year, to the Billings landfill. Mr. Worthington noted the cost associated with creating a new landfill is prohibitive and urged the Committee to support HB 454.

Ms. Vicki Hyatt, Stillwater County Commissioner, submitted written testimony in support of HB 454 (Exhibit #4).

Mr. Brian Roat, Mayor of Red Lodge, submitted written testimony in support of HB 454 (Exhibit #5).

Opponents' Testimony:

Mr. Dennis Olsen, Northern Plains Resource Council (NPRC), spoke from prepared testimony in opposition to HB 454 (Exhibit #6). He added that in the event HB 454 is passed, NPRC would like to offer an amendment to require the Billings landfill to develop a long term waste management program.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Doherty asked Mr. Flisrand if Billings had reduced its contributions to the landfill once the area was cleaned up from the hailstorm which hit two years ago. Mr. Flisrand replied the population in Billings has continued to increase as has construction which has resulted in a subsequent increase in the dumping of solid waste material.

Senator Doherty asked Mr. Flisrand if the City of Billings has adopted a waste reduction management plan. Mr. Flisrand replied the Billings landfill has a master plan which addresses recycling.

Senator Doherty stated he was not talking about recycling only. He asked Mr. Flisrand if the Billings landfill had a plan for waste reduction like banning the disposal of grass clippings or any other compostable substances. He said that while he would like to help Billings with their waste disposal problem, he wondered what other avenues the City of Billings was pursuing in the event HB 454 did not pass. Senator Doherty asked Mr. Flisrand if curbside recycling was available in Billings. Mr. Flisrand replied no, and added it was not cost effective.

Senator Doherty asked Mr. Flisrand "how serious the City of Billings was" in attempting to reduce solid waste material sent to the Billings landfill. He said that given the lack of waste reduction and recycling programs in place in Billings, he anticipated the City of Billings would return in five or ten years to ask for another exemption. He said the curbside recycling program in Great Falls has been available for one year and has been highly successful. Senator Doherty wondered why curbside recycling in Billings would not be as successful. Mr. Flisrand stated he knew of no plans to ask for exemptions in the future. He said "it was not logical to develop storehouses of recyclable material". Mr. Flisrand added the City is currently examining composting options and "has not turned a deaf ear to recycling".

Representative Vogel noted he would oppose asking for another exemption for the Billings landfill. He said he would try to force alternatives before another exemption would be granted.

Senator Doherty asked Ms. Hyatt if the City of Billings was encouraging outlying areas to reduce their share of solid waste material. Ms. Hyatt replied outlying areas do not need any additional encouragement because many areas have already initiated recycling programs.

Senator Weeding asked Ms. Hyatt how Stillwater County disposed of used oils and tires. Ms. Hyatt replied at present, there are no control sites in her area to dispose of those items in the proper manner. She said these items are currently disposed of at the Billings landfill.

Senator Doherty asked Mr. Flisrand if Billings offered the same

kinds of recycling/reduction programs offered in Stillwater and Carbon counties. Mr. Flisrand replied the City was discussing those options. He said the City provides bins for recycling and added "it is a positive recycling atmosphere-we just have not been able to develop a program that has worked". Senator Doherty suggested Mr. Flisrand discuss these recycling/reduction options with individuals from Stillwater and Carbon counties.

Senator McClernan asked Mr. Flisrand what would happen if the tonnage specifications for a megalandfill was reduced from 200,000 to 100,000 tons of solid waste. Mr. Flisrand replied he would first contact the state Solid Waste Bureau to ask for direction. He added a 100,000 ton specification would be an unattainable goal for Billings landfill given the volume of solid waste currently being dumped.

Senator Bianchi asked Mr. Flisrand if the decision to accept solid waste from outlying areas was a money-making venture for the Billings landfill. Mr. Flisrand replied the Billings landfill charges the same fee for all incoming waste, regardless of where it comes from. He said the fee covers expenses only.

Senator Bianchi asked Mr. Flisrand if HB 454 would allow the City of Butte to haul their garbage to the Billings landfill. Mr. Flisrand replied the landfill has an agreement to accept solid waste from five counties. He said any attempt to revise that agreement would have to be approved by the Billings City Council. Senator Weeding stated he served on the Environmental Quality Council (EQC) when the Megalandfill Siting Act was adopted and added the tonnage limit has made a "quantum leap upward" since he last examined the issue. He asked Mr. Flisrand what was so intolerable about becoming a megalandfill. Mr. Flisrand replied the additional costs and lengthy application process make the option unattractive at the present time. He said there was "no reason" for the Billings landfill to become a megalandfill.

Senator Weeding asked Mr. Flisrand if the Billings landfill accepted used oils and tires. Mr. Flisrand replied regulations prohibit the landfill from accepting any used commercial oil. He noted the landfill may be receiving some residential used oil, but added it was not classified as hazardous waste. He said the landfill spot-checks for used commercial oil and will refuse to accept it if it is discovered.

Senator Weeding asked Mr. Flisrand how much per ton the Billings landfill paid to the state. Mr. Flisrand replied the Billings landfill pays the state 31 cents for each ton of disposed solid waste.

Senator Weeding asked Mr. Flisrand by how much that number would increase if the Billings landfill became a megalandfill. Mr. Flisrand replied the cost per ton would increase by 20 cents and the landfill would be required to pay a \$40,000 assessment fee. Paul Sihler stated the Billings landfill would be required to pay

a one-time filing fee of 20 cents more per ton, or \$40,000, but would not be required to pay both.

Senator Weeding asked Mr. Flisrand how much it would cost the Billings landfill to be classified as a megalandfill. Mr. Flisrand replied he was unsure, but speculated there would be considerable "consulting expenses".

Senator Weeding asked Mr. Flisrand if the Billings landfill was in compliance with current Department of Health and Environmental Sciences (DHES) regulations. Mr. Flisrand replied yes.

Senator Bartlett asked Mr. Flisrand if he knew when the Billings landfill would reach capacity. Mr. Flisrand replied the landfill was expected to operate until 2045.

Senator Bartlett asked Mr. Flisrand what the ultimate capacity of the Billings landfill was. Mr. Flisrand replied he was unsure but estimated the Billings landfill receives approximately 200,000 tons of solid waste per year.

Senator Weldon asked Mr. Flisrand when the Billings landfill would reach the 300,000 ton limit. Mr. Flisrand replied he anticipated a reduction in the volume of solid waste with the initiation of a number of recycling programs. He said it would depend on how successful these programs were. Senator Weldon stated he hoped the Billings landfill would not reach the 300,000 ton limit anytime in the near future.

Senator Hockett asked how many megalandfill sites existed in Montana. Mr. John Dilliard, DHES Solid Waste Management Division, replied no megalandfill sites exist in Montana at present.

Senator Hockett asked Mr. Dilliard if there were any disadvantages to passing HB 454. Mr. Dilliard replied DHES had no official position on HB 454. He said DHES does not think it will impact their workload or activities. He noted DHES's only concern was that illegal landfills would "pop up" if the Billings landfill refused to collect solid waste from outlying areas.

Senator Hockett asked Mr. Dilliard how the 300,000 ton limit was determined. Mr. Dilliard replied the original 200,000 ton limit was established randomly with the knowledge that no landfill in the state was close to reaching that limit.

Senator Bianchi asked Mr. Dilliard how DHES would spend the \$40,000 it would collect from the Billings landfill if it was classified as a megalandfill. Mr. Dilliard replied the Megalandfill Siting Act requires DHES to perform a detailed study on the impacts of the landfill. He said that regardless of previous compliance, or noncompliance, DHES would be required to conduct a study which examines both the environmental and social impacts of such a decision.

Senator Bianchi asked Mr. Dilliard what would happen if the Committee amended HB 454 to exempt the Billings landfill from undergoing an impact study. Mr. Dilliard replied doing so would eliminate "a lot of work" for the Department and would also eliminate the \$40,000 filing fee. He said the Megalandfill Siting Act would also require the Billings landfill to submit a two year study indicating they would become a megalandfill. Mr. Dilliard added that at the end of the two years, the landfill could then submit a renewed study and application for megalandfill status. He said it would take up to three years before the Billings landfill could be classified as a megalandfill.

Senator Grosfield stated the House amended HB 454 so it would apply only to those landfills that receive more than 100,000 tons of solid waste per year. He asked Mr. Dilliard if any other landfills in the state would be affected by HB 454. Mr. Dilliard replied no.

Senator Grosfield asked Mr. Dilliard how DHES collected the 31 cents per ton from landfills that do not weigh incoming waste. Mr. Dilliard replied there are many different mechanisms to determine the per ton fee including population served and waste volume.

Senator Weeding asked Mr. Dilliard how the requirements of a megalandfill would differ from those of a regular landfill if the preliminary filing fee was waived. Mr. Dilliard replied a megalandfill would be more frequently inspected than a regular landfill but added he thought that would be the only difference.

Senator Bartlett asked Mr. Dilliard how the Billings landfill paid its per ton fee. Mr. Dilliard replied the Billings landfill pays their per ton fee on a population served basis.

Senator Bianchi asked Mr. Flisrand if the City of Billings had a public meeting regarding HB 454. Mr. Flisrand replied he was not aware of any public hearing.

Senator Kennedy asked Mr. Olsen if it was preferable to concentrate solid waste in one area or "spread it around". Mr. Olsen replied NPRC would support a more regional approach to the disposal of solid waste. He added the City of Billings could better involve the community in finding solutions for reducing solid waste.

Senator Bianchi asked Paul Sihler if HB 454 could be challenged by persons interested in importing out-of-state solid waste. Paul Sihler replied there was a potential constitutional issue related to the commerce clause. He said the Legislative Council agreed upon the 200,000 ton limit figure on the assumption that there was about 550,000 tons disposed of in the state. Mr. Sihler stated the 200,000 figure represented a ton limit no landfill had yet reached but would definitely be reached in the

future. He said there could be a potential legal bind if an out-of-state landfill set up operations in Montana and began accepting out-of-state waste.

Senator Grosfield asked Mr. Flisrand if the City of Billings was "taking recycling programs seriously". Mr. Flisrand assured the Committee that the City of Billings was, indeed, taking recycling programs "very seriously".

Closing by Sponsor:

Representative Vogel stated the City of Billings is actively searching for programs to reduce waste reduction in their area. He said that short of producing no garbage, there is no perfect system for waste disposal. He noted a number of communities in the outlying areas have instituted recycling/reduction programs. Representative Vogel reaffirmed that HB 454 will not be used as a vehicle to encourage the dumping of out-of-state solid waste. He concluded the Billings landfill is a well-monitored site and urged the Committee to support HB 454.

HEARING ON HB 567

Opening Statement by Sponsor:

Representative Mike Foster, House District 32, stated that one year ago, residents of Meagher and Broadwater counties became aware of plans to build a medical waste incinerator in the community of Ringling. He said the contentiousness of this issue resulted in the drafting of HB 567. Representative Foster noted that no state has adopted rules relating to medical waste incinerators, so there is no precedence to follow. He said HB 567 pertains to commercial medical waste incinerators only. He stated that at the present time, no commercial medical waste incinerators exist in Montana.

Representative Foster noted HB 567 would address three major areas. First, Sections 1-3 would coordinate the permitting between owners of solid waste facilities and representatives from the Air Quality Bureau. He said HB 567 would prohibit the issuance of an air quality permit until the solid waste permit is granted. He noted HB 567 would also require public hearings on the issue publicized at least three different times in the local newspaper. Representative Foster noted that area residents were frustrated about their entire situation because they were not given the opportunity to voice their opinion. Second, HB 567 would address concerns regarding carcinogenic emissions from the incinerator, specifically, chlorinated dioxins and heavy metals. He said HB 567 would require the incinerator to meet "the lowest achievable emission rate". Representative Foster said HB 567 would also require DHES to establish procedures for monitoring,

testing and inspecting the medical waste stream, combustion and emissions. He said one of the most important measures in HB 567 was the requirement that the applicant provide DHES with a dispersion model of emissions showing potential worker and community exposure. He said HB 567 would prohibit DHES from issuing an air quality permit for an incinerator until that analysis is completed. Representative Foster assured the Committee that in order to obtain such a permit, the applicant would have to prove that the public health risk to these carcinogenic substances does not exceed allowable levels of daily intake. Third, HB 567 would require the applicant to submit to DHES a disclosure statement including any civil and administrative complaints over the last five years for violation of environmental laws. He added HB 567 would also authorize DHES to deny the permit or impose additional restrictions on the applicant.

Representative Foster stated HB 567 would make it implicit that Montana expects incinerator applicants to "be responsible citizens respectful of environmental laws". He stated HB 567 would apply retroactively to all commercial medical waste incinerator applicants who have not yet received their solid waste or air quality permits. He stated HB 567 offered a balanced approach to a very serious problem and urged the Committee to support the bill.

Proponents' Testimony:

Ms. Elizabeth Brewer, Ringling resident, stated residents in her community had no idea that an air quality permit had been issued for a commercial medical waste incinerator until after the fact. She said information regarding the request for this permit was printed once in their local newspaper, however, she added the information was technical and difficult to understand.

Ms. Brewer said that as an adjacent landowner to the proposed facility, she has become aware of the enormous health risks associated with its operation. She said the residents of Ringling do not want their family, friends or themselves to be unnecessarily exposed to these contaminants. She noted HB 567 would require an analysis of pathways of potential human exposure to these carcinogens. Ms. Brewer stated this analysis would give residents in her community some assurances that they are not being exposed to such risks. She said at present, DHES does not consider an applicant's previous environmental record when issuing any permit. She noted the company proposing the incinerator at Ringling would burn 50,000 pounds of medical waste every day, a number which far exceeds the amount of medical waste produced in Montana. Ms. Brewer stated that in the absence of laws regarding medical waste incineration, she feared Montana would become a "dumping ground for medical waste from other states". She cited a March 1993 *Great Falls Tribune* article which stated "the EPA completed a study which shows incineration to be 1,000 times more dangerous than previously thought."

Incineration causes direct and indirect hazards to humans and animals. Cattle grazing in these areas would not be fit for human consumption because of heavy metals on the grass and dioxins in the air". Ms. Brewer told the Committee that her cattle graze on land directly adjacent to the land on which the incinerator may be built. She urged the Committee to support HB 567.

Mr. John Hanowold, White Sulphur Springs resident, stated his support for HB 567. He added that alternative technology exists which disposes of medical waste without burning it.

Ms. Connie Bellet, Ringling resident, submitted written testimony in support of HB 567 (Exhibit #7). She noted that the proposed incinerator site is located one-half mile from the local school.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Kennedy asked if emissions from incinerators were regulated. Mr. Charles Homer, DHES Air Quality Bureau, replied regulations are in existence with respect to medical waste incinerators, however, he added HB 567 would make these regulations more strict.

Senator Grosfield asked Mr. Homer if he thought current DHES regulations were sufficient. Mr. Homer replied it was the opinion of DHES that the best available control technology was a strict enough standard to apply to all incinerators. He said the lowest achievable emission rate is a "very strict standard". He noted that in practice, the lowest achievable emission rate is only applied to new sources located in an area already in violation of an emissions standard.

Senator Kennedy asked Mr. Homer if technology had advanced enough to remove dioxins and heavy metals from incinerator emissions. Mr. Homer replied no and added that dioxins are a "difficult toxin to control".

Senator Bartlett asked Mr. Homer how the regulations in HB 567 compared to the Boilers and Industrial Furnaces (BIF) regulations adopted by the state. Mr. Homer replied HB 567 was not as specific in its requirements.

Senator Bartlett asked how the analysis of incinerated medical waste would differ from the analysis of incinerated hazardous waste. Mr. Homer replied the analysis for air quality would be similar. He added HB 567 would apply a stricter standard than BIF regulations for emissions control.

Senator Bartlett asked Mr. Homer if dispersion analyses were required under BIF standards. Mr. Homer replied a dispersion model would be required in conjunction with an emissions inventory to help determine the emissions impact. He said a health risk assessment would be required for both BIF regulations and HB 567.

Senator Bartlett asked Representative Foster why HB 567 was limited to commercial medical waste incinerators and not extended to hazardous waste incinerators given the controversy of the issue. Representative Foster replied the problem with medical waste incineration was occurring in his district. He said it was his understanding other pieces of legislation were attempting to resolve the hazardous waste burning issue.

Senator Bartlett noted HB 567 would exclude hospitals. She asked Representative Foster if hospitals incinerate plastic. Representative Foster replied the hospital situation was unique in that there are hospital incinerators in Montana that burn medical waste, including plastic. He noted that these incinerators are on-site, non-commercial and uncommon. Mr. John Flenk from the Montana Medical Association added that many hospitals have abandoned their incinerators because of air quality concerns.

Senator Weeding asked Mr. Flenk to identify the alternatives to burning medical waste. Mr. Flenk replied there exist a few non-burning options including microwaving and autoclaving medical waste.

Senator Weeding asked Mr. Flenk if there had been any discussion given to the idea of recycling this waste. Mr. Flenk replied many states have examined this option but added a certain amount of medical waste produced is non-recyclable.

Referring to the fiscal note, Senator Hockett asked Mr. Homer how DHES would finance administration of HB 567. Mr. Homer replied the medical waste permit fees would be collected in the same manner as is currently done for air quality fees.

Senator Hockett asked Mr. Homer if any additional full time employees (FTEs) would need to be hired to implement HB 567. Mr. Homer replied DHES would need to hire one FTE but added the cost of doing so was not included in the fiscal note.

Senator Hockett asked Mr. Homer how many applicants have expressed a desire to incinerate medical waste in Montana. Mr. Homer replied Western Recovery has already received an air

quality permit but has not yet received a solid waste license. He said that because HB 567 would apply retroactively, a number of companies could be affected. Mr. Homer noted DHES has also received an inquiry from an applicant wishing to build a medical waste incinerator in Deer Lodge.

Senator Kennedy asked Mr. Homer if DHES monitored emissions from hospital medical waste incinerators. Mr. Homer replied no except in response to complaints. He added that the majority of hospital incinerators do not hold permits.

Senator Kennedy asked Mr. Homer if DHES monitored emissions from crematoriums. Mr. Homer replied these facilities are monitored on a case by case basis. He noted SB 380 would apply to crematoriums.

Senator Grosfield asked Mr. Homer if dioxins were emitted during the incineration process. Mr. Homer replied dioxins are formed in a combustion process where chlorine is present. He said incineration of medical waste will form dioxins if chlorinated plastics are burned.

Senator Grosfield asked Mr. Homer if dioxins were being emitted from the incinerator at St. Peter's Hospital in Helena. Mr. Homer replied yes.

Senator Grosfield asked Mr. Homer if it would be both technologically and economically feasible to build a facility in Montana that complied with HB 567. Mr. Homer replied it would be technologically feasible but stated he did not know if it would be economically feasible. He said it would depend on the amount of waste burned and the rate charged by the facility for performing the service.

Senator Grosfield asked Mr. Fleck to define "human pathological waste" as it pertains to HB 567. Mr. Fleck replied "human pathological waste" would include material used for or generated by biopsies or tests on human tissue. He added this waste could be both infectious and non-infectious.

Closing by Sponsor:

Representative Foster stated medical waste incineration was different from hazardous waste incineration. He said the majority of medical waste is packaged in plastic; a substance which forms dioxins, a known carcinogen, upon incineration. He stated he was not sure the FTE was necessary for implementation of HB 567. Representative Foster noted HB 567 passed third reading in the House with more than ninety votes. He said medical waste incinerators will be built at some time in Montana and urged the Committee to pass HB 567 so these facilities would be required to conform to strict emissions standards.


SENATE NATURAL RESOURCES COMMITTEE

March 17, 1993


Page 18 of 18

ADJOURNMENT

Adjournment: 6:20 p.m.



SENATOR DON BIANCHI, Chair



LEANNE KURTZ, Secretary

DB/rc

ROLL CALL

SENATE COMMITTEE NATURAL RESOURCES DATE 3/17

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bianchi	✓		
Sen. Hockett	✓		
Sen. Bartlett	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Keating			✓
Sen. Kennedy	✓		
Sen. Swift	✓		
Sen. Surysgaal			✓
Sen. McCernan	✓		
Sen. Treitz			✓
Sen. Weeding	✓		
Sen. Weldon	✓		

MAJORITY DEPUTY WHIP

COMMITTEES:

STEERING AND POLICY

INTERIOR

EDUCATION AND LABOR

CHAIRMAN:

LABOR-MANAGEMENT RELATIONS

SUBCOMMITTEES:

POSTSECONDARY EDUCATION

ELEMENTARY, SECONDARY AND

VOCATIONAL EDUCATION

SELECT EDUCATION

NATIONAL PARKS AND PUBLIC LANDS

PAT WILLIAMS

MONTANA



Congress of the United States

House of Representatives

Washington, DC 20515-2601

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WASHINGTON, DC 20515
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302 WEST BROADWAY
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SENATE NATURAL RESOURCES

EXHIBIT NO. 1

DATE 3-17-93

BILL NO. HJR 11

March 12, 1993

Honorable Don Bianchi
Chairman, Senate
Natural Resources Committee
State of Montana
Capitol Station
Helena, Montana 59624

Dear Don:

I want to share with you my support for Joint Resolution 11 regarding the National Environmental Waste Technology Testing and Evaluation Center in Butte.

This facility and its research will be of major importance to Montana and the nation in our efforts to find solutions to the serious waste problems we are facing.

I want to be sure that you understand this is a viable program which I have supported and will continue to support in Congress and to share with you my recent letter to Secretary Aspin regarding NEWTECH. I urge your Committee's adoption of the resolution in support of this innovative program.

Best regards.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Pat Williams

Enclosure

DEPARTMENT OF STATE LANDS

TESTIMONY of Sandra Olsen, Chief
HARD ROCK BUREAU

to the
Senate Natural Resources Committee

in support of HB442

March 17, 1993

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 3-17-93

BILL NO. HB 442

The Hard Rock Bureau of the Department of State Lands has the administrative authority for implementing the Metal Mine Reclamation Act. Under the Metal Mine Reclamation Act the Department regulates the mining of all hard rock minerals. The Act administratively establishes three type of programs to be implemented. These include:

the regulation of small miners - who are defined as persons disturbing less than 5-acres at a site who commit to compliance with air and water quality laws,

the regulation of exploration activities - which consist of drilling, trenching, or other activities, following evaluation and approval of a plan, submittal of bond and issuance of a license - and which involve the removal of less than 36,500 tons of ore, and

the regulation of large mines - consisting of all other hard rock mining. Large operators are required to get operating permits following submittal and review of a plan and submittal of a bond.

In addition the Bureau assures that each project is evaluated pursuant to the Montana Environmental Policy Act and undertakes inspection and enforcement activities.

HB442 has been introduced at the request of the Department to provide for additional procedural and enforcement mechanisms in the Metal Mine Reclamation Act. HB442 would increase the number of alternatives available to the Department for assuring compliance with the law, and would facilitate enforcement and permit review, and would clarify bonding requirements. I will quickly run through the major provisions of the bill.

Authority is included in Sections 1, 2, and 3, to allow for denial of small miners exemptions, exploration licenses, or operating permits in the event that outstanding penalties have not been paid, if bonding or reclamation costs are due to the State, or if any costs of implementing abatement orders are due to the State. This is accomplished by adding the language that

first appears on page 6, which pertains to small miners, to exploration licenses (page 7), and operating permits (page 13).

Modifications to the application review process are included in Sections 4 and 5, in response to concerns about how long permit application review takes. Section 4, on page 14, lengthens the initial review period for an application to 60 days. The Department and the mining industry have agreed that a more thorough initial review would minimize the need for multiple application resubmittals. Any subsequent review of a resubmitted application, however, would remain limited to the 30-day period currently established under the Act.

Section 5, on page ¹⁷~~7~~, defines administrative mechanisms for modifying permits, after they are initially issued. The process proposed would distinguish between major and minor changes, clarifying the need for public notice and more detailed public involvement for major changes, while minimizing the complexity of the process for minor changes.

It should be noted that SB320, which was concurred in as amended by the House Business and Economic Development Committee yesterday, contains procedures for amendment and review of permits that conflict with the procedure contained in Section 5 of this bill. The Department recommends addition of a coordination instruction to this bill that would render Section 5 of this bill null and void if SB320 passes with amendment/revision language in it.

Sections 6 and 7 are changes which would clarify the existing bonding and enforcement procedures in the Act. It is important to clarify that the bond, in Section 6, on page 18, is required to guarantee compliance with the conditions of the permit, as well as the conditions of the act and rules, because many activities authorized, but not required, by the Act are included in a permit.

On page 20, the authority to issue abatement orders, is provided by Section 7, which would allow the Department to require an operator to clean up violations, rather than requiring the Department to shut down an operation regardless of the severity of the infraction. Suspension and revocation of permits would remain as enforcement mechanisms, should an operator fail to comply with an abatement order.

For all of these reasons, the Department respectfully requests the Committee to give a concur-as-amended recommendation to HB442.



CITY OF BILLINGS

PUBLIC WORKS DEPARTMENT
Administration Division

510 North Broadway-4th Floor
Billings, Montana 59101
Office (406) 657-8230
Fax (406) 657-8252

March 15, 1993

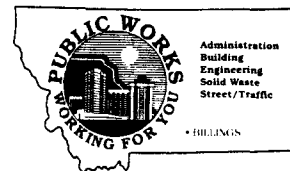
Senate Natural Resources Committee
Capital Station
Helena, MT 59624

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 3-17-93

BILL NO. HB 454



RE: **HOUSE BILL #454**
"AN ACT AMENDING THE MEGALANDFILL SITING ACT"

Dear Sirs:

Today I am presenting testimony in favor of House Bill #454. I feel that there are very compelling reasons to pass this bill, some of these reasons are as follows:

1. During the 1991 Legislative Session, there was no magic involved with the 200,000 ton per year number. There was considerable discussion as to whether this would effect the City of Billings landfill or not. Through some erroneous information, several legislators had the impression that the City of Billings was sized at approximately 125,000 tons per year rather than the more accurate 180,000 tons per year.
2. This bill would still accomplish the legislative purpose of assuring that a major solid waste operation moving into the state of Montana meet stringent requirements.
3. The City of Billings landfill, which would be directly affected by this legislation, already has in place the necessary environmental and testing requirements that would be required under the Megalandfill Siting Act.
4. The passage of this act would continue the City of Billings ability to serve as a regional landfill in compliance with the State of Montana's longer range plans. The artificially imposed 200,000 per year cap could require us to not provide services to outlying communities.
5. The City of Billings landfill provides probably the best disposal method available for solid waste in the south central region of Montana. The site is able to be operated with basically no impact on the surrounding environment. If the usage of this site were cut back, it would create a situation where the solid waste of many other communities would have to be disposed of in what could be a less than ideal situation.

Background:

At the time the Megalandfill Bill was being debated in the 1991 Legislature, the City presented testimony that they felt they were near 180,000 tons per year annual usage. The City does not maintain a scale or weighing operation, so the volumes have been estimated through load counts of vehicles coming into the landfill. During the summer of 1991, the City experienced a major hail storm. This hail storm precipitated a major re-roofing boom for the City of Billings. Unfortunately, this re-roofing boom also created a large amount of solid waste which has been accepted at the landfill. Our load counts indicate that we may be very close to the 200,000 tons per year megalandfill cutoff point. In consultation with the State Solid Waste Bureau, we felt that the best way to avoid problems in this area is to ask for legislative relief of the 200,000 tons per year. Since the State has not yet

promulgated the Megalandfill Siting Act regulations, we are not assured that the administrative rules will exclude existing landfill operations or not. To assure that we do not have this problem, we are asking for legislative relief.

The City of Billings landfill provides service to all of Musselshell County and the City of Roundup, portions of Big Horn County, all of Carbon County and the incorporated communities within Carbon County, all of Stillwater County and the Town of Columbus, as well as all of Yellowstone County and the communities of Laurel and Broadview. Of the estimated 200,000+ ton per year coming into the landfill, we estimate that the City of Billings is generating 150,000 tons and the regional area that we are serving is generating the other 50,000 tons. Thus if we chose to provide service only to our citizens, we would, of course, not need the 200,000 ton cap increased. As responsible citizens, however, we do not feel that shutting off the landfill to our neighbors is a good solution to the solid waste management program in this region.

The passage of this bill does not mean that the communities served will be any less aggressive in their recycling and composting programs. The City of Billings, for example, supports a twice yearly "Trash for Trees" collection and supports the Bright 'N Beautiful effort to educate the public about solid waste and recycling. We are moving towards recycling, but as we all know, successful recycling efforts are market driven and we are still having some problems in Montana with markets for recycled materials. As long as these market difficulties continue, it will be very difficult to create a meaningful decrease in the volume of solid waste entering the Billings landfill.

Since the last legislative session, the City has updated its long range master plan of the landfill operation and completed Hydrogeologic, Methane, Geologic and Run-Off Studies. The technical results of all of these studies confirm our previous contention that the City of Billings landfill is operating in an environmentally safe manner. The technical reports show that there is no evidence that the landfill is impacting the uppermost water bearing unit beneath the landfill or is creating a methane air pollution problem for the area. Additionally, the programs that we have implemented assure that if, for any reason, this situation changed, we would be able to rapidly respond with any remedial actions that would be necessary. The City of Billings landfill site is rapidly becoming one of the best studied areas in the state of Montana and is continuing to prove itself as an extremely environmentally friendly site for a landfill operation. I have attached a copy of the Huntington Consulting Engineers Environmental Scientists Chen-Northern, Inc. Billings Sanitary Landfill Fact Sheet to this testimony. This report indicates that we are taking the steps that will be necessary to comply with the Federal Sub-Title D regulations for landfill operation and monitoring.

I would be happy to answer any questions you may have on this subject.

Sincerely,



Ken Haag, P.E.
Director of Public Works

KH:tlr

Attachment

BILLINGS SANITARY LANDFILL FACT SHEET

- ◆ The City of Billings initiated geologic and hydrogeological investigations at the Billings Sanitary Landfill during 1978 (Henningson, Durham and Richardson, 1978). The first monitoring wells were installed at that time and groundwater samples were collected from the monitoring wells for laboratory analysis. The Billings Landfill was one of the first landfills in Montana to monitor groundwater conditions.
- ◆ Four new monitoring wells (DH-10, DH-11, DH-12, and DH-13) were installed at the landfill during 1984 (Northern Engineering and Testing, 1984). During 1985, the City of Billings began collecting and analyzing water samples from these wells on a regular basis.
- ◆ An operating plan was prepared for the landfill during 1990 (Damschen and Associates, 1991). Hydrogeological conditions at the landfill were further characterized in conjunction with preparing the operating plan. Recommendations were provided to the City of Billings regarding issues related to proposed Subtitle D regulations.
- ◆ In anticipation of the promulgation of Subtitle D regulations, the City of Billings contracted Chen-Northern, Inc. to implement recommendations contained in Damschen and Associates's report. From December, 1991 through April, 1992, Chen-Northern completed a hydrogeological investigation, a soil stability investigation, and installed methane monitoring wells at the Billings Sanitary Landfill (Chen-Northern, 1992). Four additional monitoring wells were installed at the landfill at that time.
- ◆ Information obtained during the hydrogeological investigation indicated that groundwater beneath the landfill generally flows to the north under a gradient of approximately 7%. This relatively steep gradient is indicative of low permeability water-bearing material. Slug-tests completed in monitoring wells at the landfill indicate the hydraulic conductivity of water bearing units range from 1×10^{-4} to less than 1×10^{-7} cm/sec.
- ◆ Groundwater samples were collected from seven monitoring wells at the landfill during April, 1992. The water samples were analyzed for an extensive list of parameters including inorganic and volatile organic compounds (parameters required by both Federal and State Rules). Conclusion related to groundwater quality data collected at the landfill include the following:
 - Background monitoring well DH-91-16 intercepts groundwater that is representative of groundwater at and downgradient of the landfill.
 - Nitrate in monitoring well DH-12 and cadmium in well DH-91-14 were the only parameters to exceed maximum contaminant levels for water samples collected during April, 1992. Nitrate concentrations have consistently been high in well DH-12 since it was installed during 1986. Because relatively high nitrate concentrations have not been measured in other monitoring wells located downgradient from the landfill, it is possible that the presence of nitrate in well DH-12 is attributable to other sources associated with the Blain Trailer Park (e.g. lawn fertilizers, sewage, etc.). Because only one background groundwater sample has been collected at the landfill, it is difficult to determine at this time whether cadmium in well DH-91-14 is related to the landfill.
 - All groundwater samples collected at the landfill for the period of record exhibit sulfate concentrations that exceed secondary maximum contaminant levels, including the sample collected from background well DH-91-16. The elevated sulfate concentrations are attributable natural sulfate minerals (i.e. gypsum) associated with the Frontier Formation.

EXHIBIT #3
DATE 3-17-93
HB - 454BILLINGS LANDFILL FACT SHEET
PAGE 2 OF 2

- None of the groundwater samples collected at the landfill during April, 1992 contained volatile organic compounds (VOCs) at concentrations above their respective laboratory detection limits.
- ♦ Environmental data collected at the landfill by Chen-Northern do not indicate that the landfill is impacting the upper-most water-bearing unit beneath the landfill.
- ♦ Groundwater samples were collected from seven monitoring wells at the landfill during December, 1992 in compliance with State and Federal Regulations. Groundwater samples were collected in accordance with a state-approved Groundwater Sampling and Analysis Plan that was prepared for the City of Billings during the fall of 1992. The water samples are currently being analyzed.
- ♦ During December, 1992, the City of Billings contracted Damschen and Associates and Chen-Northern to design and oversee the construction of run-on and run-off control structures at the landfill in accordance with Subtitle D regulations. These structures are scheduled to be constructed during the summer of 1993.
- ♦ Chen-Northern is currently under contract with the City of Billings to complete groundwater sampling events at the landfill on a twice-year basis and perform methane monitoring at the landfill on a quarterly basis until June, 1994.

REFERENCES CITED

- Chen-Northern, Inc., 1992. Phase I Hydrogeological and Engineering Services. Prepared for the City of Billings Sanitary Landfill, Yellowstone County, Montana. September, 1992.
- Damschen and Associates, Inc., 1991. City of Billings Sanitary Landfill Analysis and Design. Prepared for the City of Billings by Damschen and Associates. February.
- Henningson, Durham & Richardson, 1978. Sanitary Landfill Study for City of Billings, Montana. March.
- Northern Engineering and Testing, 1984. Groundwater Monitoring Wells, City of Billings Sanitary Landfill. August 2, 1984.

NAME

Vicki Hyatt

ADDRESS

Box 107 Columbus, MT 59015

HOME PHONE

322-4375

WORK PHONE

322-4546

REPRESENTING

Stillwater County

APPEARING ON WHICH PROPOSAL?

HB 454

DO YOU:

SUPPORT

☒

OPPOSE

AMEND

☐

COMMENTS:

Stillwater County recently closed its
land fill because of the increasing reg-
ulatory climate on the solid waste
field. We are dependent on our
neighbors for land fill services. We
contrast with the City of Billings on
a year to year basis, largely because
of the regulatory definition. We
need the limit on burning raised
upward so our county can continue
working regionally to solve solid
waste problems.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Brian RootADDRESS Box 1126 Red Lodge MTHOME PHONE 446 2267 WORK PHONE _____REPRESENTING CITY OF RED LODGE - MAYORAPPEARING ON WHICH PROPOSAL? HB 454/02DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

RED LODGE WOULD BE ADVERSELY AFFECTED BY A
200,000 TON/YR CAP ON BILLINGS LANDFILL. AS AMENDED,
HB 454/02 WILL PROTECT NECESSARY CONCERNS
WHILE ASSURING RED LODGE AND OTHER COMMUNITIES
NEAR BILLINGS CONTINUED USE OF BILLINGS
LANDFILL AT A REASONABLE AND AFFORDABLE
COST. ALSO, SMALL LANDFILLS TO SERVE
THESE AREAS NEAR BILLINGS WILL NOT
BECOME NECESSARY, THEREBY PRECLUDING
THE NEED OF SUPERVISION BY STATE.

I THANK YOU.

Brian Root Mayor

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Northern Plains Resource Council

SENATE NATURAL RESOURC
EXHIBIT NO. 6

March 17, 1993

Testimony of the Northern Plains Resource Council
Opposing HB 454

DATE 3-17-93
BILL NO. HB 454

NPRC and NPRC's Billings affiliate, the Yellowstone Valley Citizens Council (YVCC), are very concerned about exempting the Billings Landfill from the requirements of the Megalandfill Siting Act.

We believe the Megalandfill Act provides a strong incentive for local and county governments to actively develop improved waste management systems. We believe that the Megalandfill Act also provides an important opportunity for citizen input into the waste management planning process. Specifically, we believe that if Billings is required to comply with the Megalandfill Act as it currently stands, the city would pursue composting and recycling options far more actively than it has to date.

Before this committee considers approving HB 454, there are several important questions that we feel need to be answered:

- Does Billings have in place the best waste management system possible?
- Is the city actively planning composting and recycling programs that will significantly reduce the waste stream?
- Is Billings actively encouraging significant composting and recycling programs in any community that ships its waste to the Billings landfill?
- Is there any guarantee that Billings will not use this exemption to import waste from out-of-state without the departmental and public review that the Megalandfill Act would require?
- Will this exemption have positive longterm effects or will it just postpone the inevitable waste management decisions the City will have to make as federal regulations lead to the closing of more and more outlying landfills - resulting in an ever-expanding regional waste management responsibility for Billings? Will it be only a couple more years before this landfill reaches 300,000 tons per year?

Billings has a history of exemptions which suggest to us that this exemption may not be a good idea. In the mid-1980's Billings was exempted from state air quality standards in the hope that self-regulation would protect air quality and that the exemption would allow new industry to locate in Billings. Billings' air today is as bad as ever and no new industry has been able to locate in the city. Will this Megalandfill exemption be any more successful in solving Billings' problems? Thank you.

SENATE NATURAL RESOURCES
EXHIBIT NO. 7
DATE 3-17-93
BILL NO. HB 567

NAME CONNIE BELLET

ADDRESS P O Box 161, RINGLING, MT 59642

HOME PHONE 547-2272 WORK PHONE 547-2272

REPRESENTING LAST OF THE BEST COALITION

APPEARING ON WHICH PROPOSAL? 567

DO YOU: SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS:

IN ORDER TO ASSESS THE IMPACT OF MEDICAL WASTE
INCINERATION ON A COMMUNITY, THE BUSINESSES THEREIN, PROPERTY
VALUES, AND THE IMPACT ON THE HEALTH OF HUMANS AND LIVESTOCK,
ENVIRONMENTAL
BASELINE HEALTH & TOXIN DATA NEED TO BE COLLECTED PRIOR
TO PERMITTING, AND LIMITS ESTABLISHED TO PROTECT PUBLIC HEALTH.
PERMITTEES MUST BE SHOWN TO BE FINANCIALLY AND ENVIRONMENTALLY
RESPONSIBLE, TO BE "GOOD NEIGHBORS" IN COMMUNITIES THEY MAY
PLACE AT RISK. WHAT IS ACCEPTABLE RISK? AS MORE INFECTIOUS
AND HAZARDOUS WASTE IS ALLOWED INTO MONTANA, TO BE TRANS-
PORTED ON MT. ROADS & RAILROADS, THE PROBABILITY OF A WASTE
OR ASH SPILL INCREASES. OUR ROADS OFTEN FOLLOW PRISTINE
WATERWAYS, WHERE TOTAL CLEANUP WOULD BE IMPOSSIBLE. THERE ARE
OTHER, SAFER ALTERNATIVES TO BURNING INFECTIOUS MEDICAL
WASTE. IT IS MORE COST EFFECTIVE TO BE STRINGENT IN THE PERMITTING
PROCESS THAN TO CLEAN UP A NASTY MESS LATER.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

53rd LEGISLATIVE SESSION

NATURAL RESOURCES COMMITTEE

I, Senator Triet do hereby
submit my vote to Chairman Bianchi as follows:

BILL NUMBER HJR 11

MOTION

Do Pass

Yes X

No _____

Do Not Pass

Yes _____

No _____

Indefinitely Postponed

Yes _____

No _____

Tabled

Yes _____

No _____

Larry Triet
Signature

Date

53rd LEGISLATIVE SESSION

NATURAL RESOURCES COMMITTEE

I, Senator Treut do hereby
submit my vote to Chairman Bianchi as follows:

BILL NUMBER HJR 20

MOTION

Do Pass

Yes ☒

No ☐

Do Not Pass

Yes ☐

No ☐

Indefinitely Postponed

Yes ☐

No ☐

Tabled

Yes ☐

No ☐

Larry Treut
Signature

Date _____

53rd LEGISLATIVE SESSION

NATURAL RESOURCES COMMITTEE

I, Senator Leung do hereby
submit my vote to Chairman Bianchi as follows:

BILL NUMBER HJR 20

MOTION

Do Pass

Yes ☒

No ☐

Do Not Pass

Yes ☐

No ☐

Indefinitely Postponed

Yes ☐

No ☐

Tabled

Yes ☐

No ☐

3-17-93
Date

Chuck Leung
Signature

53rd LEGISLATIVE SESSION

NATURAL RESOURCES COMMITTEE

I, Senator Surysogal do hereby
submit my vote to Chairman Bianchi as follows:

BILL NUMBER HJR 11

MOTION

Do Pass

Yes ☒

No ☐

Do Not Pass

Yes ☐

No ☐

Indefinitely Postponed

Yes ☐

No ☐

Tabled

Yes ☐

No ☐

Chris Surysogal
Signature

3-17-93
Date

53rd LEGISLATIVE SESSION

NATURAL RESOURCES COMMITTEE

I, Senator Simpson do hereby
submit my vote to Chairman Bianchi as follows:

BILL NUMBER HB 30 as Amended

MOTION

Do Pass

Yes _____

No ✓

Do Not Pass

Yes ✓

No _____

Indefinitely Postponed

Yes ✓

No _____

Tabled

Yes ✓

No _____

Chuck Simpson
Signature

3-17-93
Date

53rd LEGISLATIVE SESSION

NATURAL RESOURCES COMMITTEE

I, Senator Swygrod do hereby
submit my vote to Chairman Bianchi as follows:

BILL NUMBER HB 30

MOTION

Do Pass

Yes _____

No _____

Do Not Pass

Yes _____

No _____

Indefinitely Postponed

Yes _____

No _____

Tabled

Yes _____

No _____

Chuck Swygrod
Signature

3-17-93
Date

No to reconsider

53rd LEGISLATIVE SESSION

NATURAL RESOURCES COMMITTEE

I, Senator Seating do hereby
submit my vote to Chairman Bianchi as follows:

BILL NUMBER HJR 11

MOTION

Do Pass
Yes ☒

No ☐

Do Not Pass
Yes ☐

No ☐

Indefinitely Postponed
Yes ☐

No ☐

Tabled
Yes ☐

No ☐

Seating
Signature

Date

53rd LEGISLATIVE SESSION

NATURAL RESOURCES COMMITTEE

I, Senator Keating do hereby
submit my vote to Chairman Bianchi as follows:

BILL NUMBER HJR 20

MOTION

Do Pass
Yes ☒

No ☐

Do Not Pass
Yes ☐

No ☐

Indefinitely Postponed
Yes ☐

No ☐

Tabled
Yes ☐

No ☐

Keating
Signature

Date

DATE 3/17

SENATE COMMITTEE ON

Natural Resources

BILLS BEING HEARD TODAY:

HB 442, HB 454, HB 567

Name	Representing	Bill No.	Check One	Support	Oppose
------	--------------	----------	-----------	---------	--------

Charles Homen	DHES - Air Quality	567			
Andi Allen	DSL - HRCB	442	X		
Eric Williams	Pegasus Gold	442	X		
Mary A. Canale	MONTANA MINING ASSN.	442	X		
Dicki Hefert	Stillwater Co.	454	X		
Jim Worthington	City of Laurel	454	X		
Jim R...	City of Red Lodge	454	X		
Jim Flisrond	City of Billings	454	X		
Mike Miconz	MHA	442	X		
Mark Dargatz	Art Audubon Leg. Fund	567	X		
John North	DSL	442	X		
CONNIE BELLET	LAST OF THE BEST COALITION	567	✓		
Elizabeth Brewer	Brewer Ranch	567	✓		
Maura Kusek	Kusek Family - Lennep	567	✓		
Dennis Olson	NARC	HB 442			✓
		HB 454			✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY