

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on April 20, 1993, at 8:05 a.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. Bernie Swift (R)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: Sen. Ed Kennedy (D), Sen. Larry Tveit (R)

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: SJR 34
Executive Action: SJR 34

HEARING ON SJR 34

Opening Statement by Sponsor:

Senator Dorothy Eck, SD 40, said SJR 34 asks the Environmental Quality Council (EQC) to conduct an interim study on the management and disposal of hazardous waste in Montana. She stated the study would examine hazardous waste reduction, recycling, siting criteria, and regional solutions.

Proponents' Testimony:

Harley Warner, Montana Association of Churches, said Montanans

should be "trustees of our world," and protect the land, air, and water for future generations.

Paul Johnson, Montana City resident and member of Neighbors of Ash Grove, said enough information and light cannot be generated on this issue. He added Montana City residents are concerned about the public health risk of burning hazardous waste. Mr. Johnson stated the results of a 1993 Environmental Protection Agency (EPA) study have come to light showing that cement kilns burning hazardous waste produce dioxins, furans and other hazardous compounds in the kiln dust. He said these results have prompted a new round of EPA testing, and the Texas Air Control Board is undertaking a study of the health risks of burning hazardous waste in cement kilns. Mr. Johnson said the EPA has recently admitted in an Ohio lawsuit "that their risk assessment for cement kilns burning hazardous waste may be off by a factor of a thousand percent."

Sharon Hoff, Montana Catholic Conference, said the U.S. Catholic bishops and Pope John Paul II have made numerous statements about the need to protect the environment for future generations. She discussed her husband's medical problems from lead poisoning he contracted by working at the East Helena smelter. Ms. Hoff noted there have been numerous cases of lymphatic cancer in her East Helena neighborhood.

Phyllis Lefohn, Clancy resident, said there is new data emerging daily on the issue of burning hazardous waste in cement kilns. She said EPA has extended its current study because researchers did not expect to find dioxins and furans in cement kiln dust, and had not examined the possibility of dioxins and furans entering the food chain.

Dave Anderson, Jefferson County Commissioner, referred to the newspaper article entitled "Alcotech Breaks the Law", adding that the state Department of Health and Environmental Sciences (DHES) does not have adequate staff to enforce current air and water quality violations.

Paul Smietanka, member of the Jefferson County Solid Waste Board, said Montana must take a comprehensive approach to all hazardous and solid waste disposal issues. He said EPA is only able to identify 10% of the emissions that come out of a stack.

Kathy Coleman, Montana City resident, said citizens of Montana City and the state have a right for this issue to be studied to the fullest.

Rachael Raue Sirs, Montana City resident, urged the Committee to support SJR 34.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Swysgood said EQC has already been assigned to conduct a water nondegradation interim study. He asked Debbie Schmidt, director, EQC, how much the study in SJR 34 will cost and how EQC will fund it. Ms. Schmidt stated both studies request EQC to give them priority. She said EQC will weigh all its obligations within the existing appropriations, adding it will be difficult to conduct extensive studies on both nondegradation and hazardous waste disposal without additional funds. Ms. Schmidt discussed additional funding EQC has received in the past, and said both studies will have to be framed fairly narrowly.

Senator Hockett asked if regional concerns will be taken into account. Ms. Schmidt said Montana is a part of a number of regional agreements, and all Montana's non-exempt waste is shipped outside the state for disposal. She discussed the regional agreements, noting regional concerns and solutions will be critical issues.

Senator Weeding asked how many other statutory directives EQC has received. Ms. Schmidt said EQC has been assigned no other study resolutions except nondegradation, but the Legislature has adopted an energy policy development process, which is an additional responsibility. She added EQC's primary statutory responsibility is to oversee the implementation of the Montana Environmental Policy Act (MEPA).

Senator Bianchi and Ms. Schmidt discussed the possibility of the interim Water Policy Committee addressing the nondegradation issue.

Senator Keating asked if the definition of hazardous waste is so broad that a comprehensive study would be too difficult. Ms. Schmidt stated federal and state law require tracking of waste disposal and management, so considerable work has already been done to define the locations. Ms. Schmidt added EQC would be working closely with DHES. Senator Keating discussed the work state agencies have already done, and said SJR 34 indicates there is concern that state agency standards are not adequate. He suggested the study focus on the adequacy of air and water quality standards, rather than concentrating on defining hazardous waste and the siting of hazardous waste facilities.

Senator Grosfield asked why a study of the standards is not referred to in the resolution. Senator Eck said everyone recognizes that adequacy of standards is in question, as DHES does not have the funding to sufficiently monitor air and water quality. Senator Eck said nobody expects EQC to conduct a lot of

original research because studies have already been done dealing with management and disposal of hazardous waste.

Senator Weldon asked about the research design for EQC's projects. Ms. Schmidt discussed how EQC approaches interim study projects. Senator Weldon asked if the study of statute and administrative rule would be a natural part of EQC's research design. Ms. Schmidt stated most statutes and rules involving hazardous waste have been adopted to respond to specific problems that have arisen. She added the state has not been able to easily incorporate new technological developments into the regulatory framework. Senator Weldon asked if SJR 34 gives EQC adequate direction to conduct a meaningful study. Ms. Schmidt said SJR 34 gives a broad outline for the study, adding EQC would have to rely heavily on a scoping process to get a reasonable outline for the interim study.

Senator Weeding stated it is important to clarify for the record what the Committee expects the study to encompass. He said the Committee should not direct EQC to study the statutes and rules, adding that should be the Department's job. He said SJR 34 is properly directed to the study of management and disposal of hazardous waste.

Closing by Sponsor:

Senator Eck said the EQC study would be productive in helping the state deal with its hazardous waste.

EXECUTIVE ACTION ON SJR 34

Motion:

Senator Weeding moved SJR 34 DO PASS.

Discussion:

Senator Swysgood said he is concerned that the Legislature is asking EQC to do too much, considering the nondegradation study resolution has already been adopted. He said people may be expecting more than EQC can provide, given the Council's limited resources. He said the current regulations should be looked at to obtain a comprehensive overview of the hazardous waste management process.

Senator Grosfield stated DHES should be involved in the study, adding he does not think siting criteria can be fully examined without looking at adequacy of current regulations.

Substitute Motion:

Senator Grosfield moved the Committee include language in the resolution directing EQC to study the adequacy of the current Montana regulatory framework regarding the disposal of hazardous waste.

Discussion:

Paul Sihler said the term "regulatory framework" might include statute, rules, programs, and funding.

Senator Hockett said hazardous waste problems should be addressed before they get out of hand, adding he supports directing EQC to examine the regulatory framework.

Senator Weeding said the primary focus of the study should be management and disposal of hazardous waste.

Vote:


The substitute motion CARRIED UNANIMOUSLY.

Vote:


The motion that SJR 34 DO PASS CARRIED with Senators Swysgood and Keating voting NO and Senators Tveit and Kennedy absent at the time of the vote.

ADJOURNMENT

Adjournment: 8:50 a.m.



SENATOR DON BIANCHI, Chair



LEANNE KURTZ, Secretary

DB/lk

ROLL CALL

SENATE COMMITTEE NATURAL RESOURCES DATE 4/20

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

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 20, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration Senate Joint Resolution No. 34 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 34 be amended as follows and as so amended do pass.

Signed: 
Senator Don Bianchi, Chair

That such amendments read:

1. Page 2, line 24.

Strike: "and"

2. Page 3, line 3.

Following: "waste"

Insert: "; and

(f) the adequacy of the current regulatory framework for the management and disposal of hazardous waste in Montana"

-END-

DATE 4/20
 SENATE COMMITTEE ON Natural Resources
 BILLS BEING HEARD TODAY: SJR 34

Name	Representing	Bill No.	Check One Support Oppose	
HARLEY WARNER	ASSOC. OF CHURCHES	SJR 34	X	
RACHAEL SIRS	FAMILY (6)	SJR 34	X	
PAUL SMIETANKA	SELF	SJR 34	X	
PHYLLIS LEFONN	SELF	SJR 34	X	
SHARON HOFF	MT Catholic Cong	SJR 34	X	
Kathy Cleman	SELF	SJR 34	X	
DAVE ANDERSON	Anderson Co	SJR 34	X	
Jackie Daggy	Family (4)	SJR 34	X	
Ralph Beer	Beer Ranch	SJR 34	X	
Cyndy Morey	family	SJR 34	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY