

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRPERSON BOB RANEY**, on January 16, 1991, at
3:00 pm

ROLL CALL

Members Present:

Bob Raney, Chair (D)
Mark O'Keefe, Vice-Chair (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
David Hoffman (R)
Dick Knox (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Members Excused or Absent: none

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Secretary

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

Announcements/Discussion: **CHAIR RANEY** called for a hearing on HB
145.

HEARING ON HB 145

Presentation and Opening Statement by Sponsor:

REP. ED GRADY, House District 47, stated that HB 145 originated
from the Environmental Quality Council (EQC). The bill is an act
to require oil retailers to display a sign indicating the

location of the nearest waste oil collection. The disposal of used oil is creating a hazardous waste situation. The essential aspects of the bill are found in Section 1. No fiscal impacts are perceived.

Informational Testimony:

Roger Thorvilson, Department of Health and Environmental Sciences (DHES), stated the Department is in favor of the concept of the bill but is neither a proponent or opponent of HB 145.

Mr. Thorvilson shared several informational items, concerns and recommended amendments EXHIBIT 1. Since some oil collection centers improperly dispose of used oil, Mr. Thorvilson emphasized that the intent of the bill is to foster the collection of used oil for legitimate recycling purposes. The signs will help inform the public of the nearest recycling collection center. He offered the following amendments to help clarify the intent of HB 145:

- Page 1, Line 7 Strike "collector"; Insert "recycling collection center"
- Line 14 Strike "266.40"; Insert "266.23"
- Line 15 Strike "disposal"; Insert "management"
- Line 16 Strike "burning"; Insert "use as a substitute fuel"
- Page 2, Line 4 Strike "collector"; Insert "recycling collection center"

Mr. Thorvilson added that recycling is a good concept and that the DHES can handle the additional duties resulting from this bill.

Proponents' Testimony:

Chris Kaufman, Montana Environmental Information Center, supports HB 145 as it will help inform people of places to recycle. This legislation represents a small but important piece of a recycling network that needs to be established. Ms. Kaufman added that she is supportive of all amendments presented by Mr. Thorvilson.

Neva Hassanein, Northern Plains Resource Council, stated that HB 145 will facilitate recycling of used oil and will inform citizens of recycling options.

Questions From Committee Members:

REP. DAVID WANZENRIED asked why this bill is limited to retailers and doesn't include wholesalers. REP. GRADY responded that they hadn't considered including wholesalers and perhaps it should be added. REP. MARK O'KEEFE asked REP. GRADY if he supported the amendments proposed by DHES and also asked for the reasons of limiting the notice to only displaying the location of the nearest recycling center rather than providing a selection of recycling centers. REP. GRADY replied he was supportive of the

proposed amendments. The reason for listing only the nearest center was that there aren't very many centers and they wanted to keep the signs as small and convenient as possible.

REP. ED DOLEZAL inquired as to the number of collection centers in the state. Mr. Thorvilson responded that they did not have that information but he estimated that statewide there are 10 - 12 major collectors and knew of only 2 locations in Helena.

REP. GILBERT asked for clarification that the sign constructed by DHES would be a generic sign leaving a blank spot for retailers to fill in the location of the nearest collector, therefore the burden of signing the actual locations is not on DHES but rather on the retailer. REP. GRADY concurred. REP. BEN COHEN asked

Mr. Thorvilson what is happening to used oil now. He replied the major use is for heating fuel. Other uses include dust abatement and re-refining. A significant amount is improperly disposed in

landfills and alleys. REP. DOLEZAL asked if the main intent of the bill is to promote "do it yourselfers" to dispose of oil properly. REP. GRADY replied yes. REP. DOLEZAL requested

clarification of signing for recycling center versus disposal center. REP. GRADY explained that the intent is to sign for recycling collection centers. The addition of the word "recycling" is to clarify that the intent is to promote proper disposal of oil for recycling purposes. REP. DOLEZAL commented that he supported the bill.

Closing by Sponsor:

REP. GRADY stated that the committee needs to adopt the amendments and suggestions proposed to improve the bill.

EXECUTIVE ACTION ON HB 145

CHAIR RANEY called for executive action to discuss if the researcher should be requested to draft the proposed amendments. Executive action was deferred until a later date.

Amendments, Discussion, and Votes:

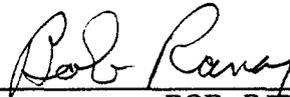
CHAIR RANEY suggested the bill be referred to researcher, Paul Sihler, for revision to include amendments proposed by DHES. The committee voted yes unanimously. CHAIR RANEY proposed that Mr. Sihler incorporate "wholesalers" along with "retailers" in HB 145. The committee voted yes unanimously. CHAIR RANEY suggested the amendments be drafted to change the nearest "collector" to read "collectors" in order to inform the public of options of recycling collection centers. The committee voted yes unanimously.

CHAIR RANEY closed the executive session.

Informational Presentation: Karen Barclay, Department of Natural Resources and Conservation (DNRC) presented an informational overview of the Department EXHIBITS 2,3,4. Ms. Barclay introduced staff members; Wayne Wetzel - Deputy Director, Don MacIntyre - Chief Legal Council, John Armstrong - Central Services Division, Van Jamison - Energy Division, Gary Fritz - Water Resource Division, Ray Beck - Conservation and Resource Development Division, and Dee Rickman - Oil and Gas Division. Presenters provided insight to the function of their divisions, provided examples of projects, identified issues and bills that may come before legislative committees, and shared concerns facing the Department. A concern repeatedly emphasized was "the brain drain"; the difficulty the Department is experiencing to recruit and retain qualified professionals particularly hydrologists, engineers, energy education specialists, economists and environmental specialists. Lack of a competitive salary was stated as the reason. The inability to maintain a full staff of professionals is negatively impacting the production and moral of the Department.

ADJOURNMENT

Adjournment: 4:45 pm



BOB RANEY, Chair



Lisa Fairman, Secretary

BR/lf

**HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE**

ROLL CALL

DATE Jan 16, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN	✓		
REP. DICK KNOX	✓		
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 1
DATE 1-16-91
HB 145

Solid and Hazardous Waste Bureau

STAN STEPHENS, GOVERNOR (406) 444-1430

FAX #(406) 444-1499



STATE OF MONTANA

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LOCATION: Helena, Montana

MAILING Cogswell Building
ADDRESS: Helena, MT 59620

January 16, 1991

DHES TESTIMONY ON HB 145
SIGN REQUIRED FOR OIL RETAIL ESTABLISHMENTS

DHES is a proponent of the concept of collection of used oil for legitimate recycling as opposed to disposal. A large share of the used motor oil produced in Montana is currently being collected and reclaimed via materials recovery (re-refining) or energy recovery (use as a substitute fuel). Notification at the point of sale as to where customers may properly deposit their used oil for recycling will be a good public education tool. Disposal of used oil in landfills results in an increased risk of generating leachate from the landfill. Too often, used oil is just placed in with the trash or dumped down drains or in alleys simply because the private citizen knows of no other methods of disposition. Since dust suppression is in fact "a use constituting disposal," it is not a form of legitimate, environmentally sound recycling.

There is some concern that the "nearest used oil collector" may not be a proper used oil collection center. It should also be noted that a used oil recycling sign could give a false impression to the consumer that his or her used oil is being recycled, when in fact it may be destined for dust suppression use or perhaps just illegal dumping.

The department offers the following suggested amendments to clarify the intent of this bill to foster the collection of used oil for legitimate recycling purposes:

(OVER)

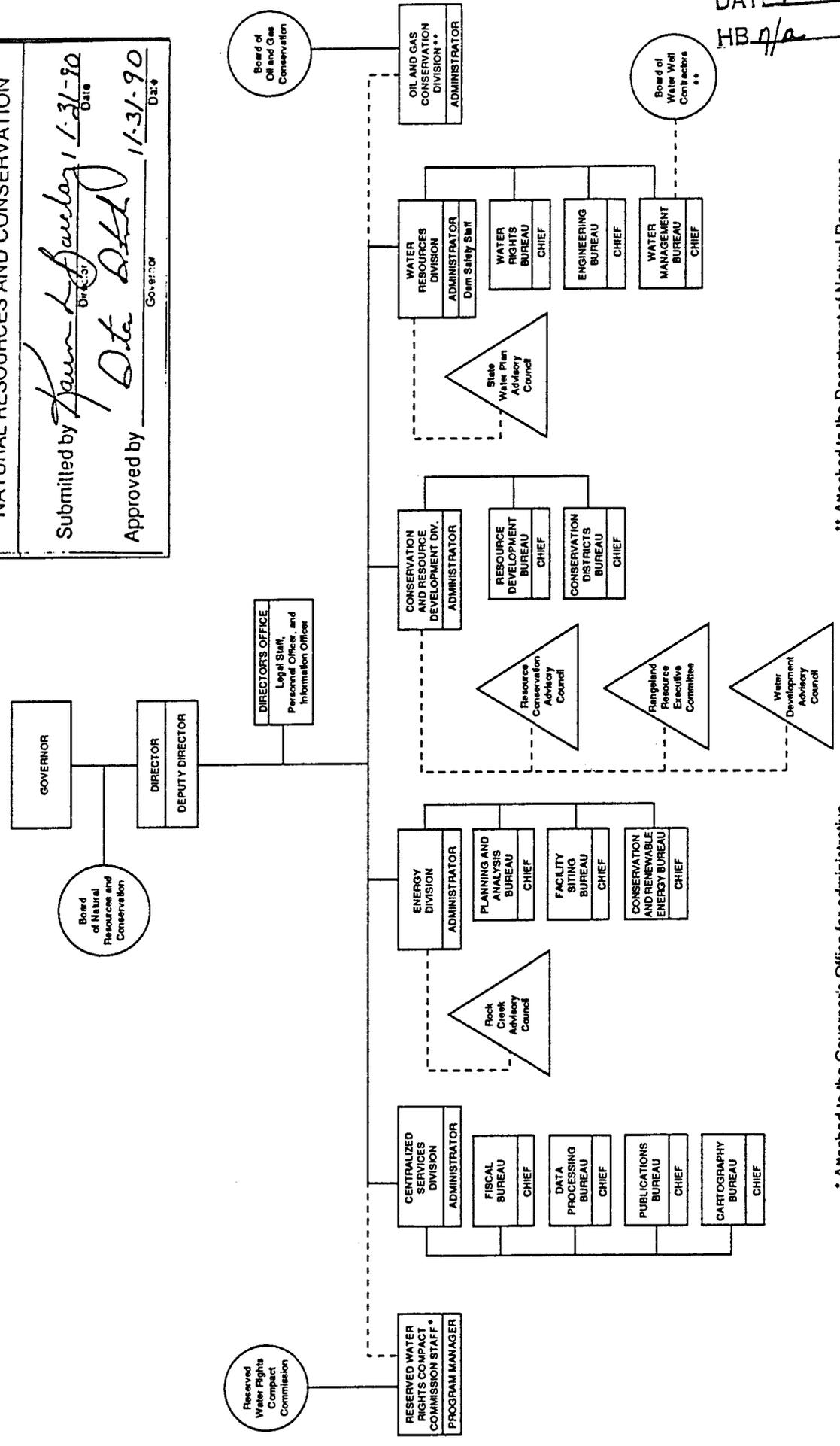
ORGANIZATIONAL CHART

**DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION**

Submitted by *John L. Sawley* 1-31-90
Date

Approved by *Dota Datta* 11-31-90
Date

Governor



* Attached to the Governor's Office for administrative purposes, but by executive action assigned to the Department of Natural Resources and Conservation.

** Attached to the Department of Natural Resources and Conservation for administrative purposes.

MONTANA WATER PLAN

FINAL

December 1990

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HB 414 DARC informational presentation

MONTANA WATER PLAN

FINAL

December 1990

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