

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on March 15, 1993, at 5:20 p.m.

ROLL CALL

Members Present:

Sen. Don Bianchi, Chair (D)
Sen. Bob Hockett, Vice Chair (D)
Sen. Sue Bartlett (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: Sen. Steve Doherty (D)

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: HJR 11, HJR 20
Executive Action: None.

HEARING ON HJR 11

Opening Statement by Sponsor:

Representative Fritz Daily, HD 69, said Don Peoples asked him to carry HJR 11, and discussed his concern with mine waste cleanup in the Berkeley Pit. Rep. Daily said the pit should be viewed as an asset, as a tremendous amount of mineral resources remain in the pit. He detailed the amount and value of minerals in the Berkeley Pit, stating all the minerals value over 155 million dollars. Rep. Daily added the minerals will be worth over 635 million dollars when the pit is full, but stated water is the most valuable asset in the Berkeley Pit.

Proponents' Testimony:

Don Peoples, chief executive officer, Montana Technology Company (MTC), said MTC will be operating the National Environmental Waste Technology Testing and Evaluation Center (NEWTTECH) facility. He distributed and discussed a handout detailing NEWTTECH's operations, functions and technology (Exhibit #1). Mr. Peoples said he had letters of support for NEWTTECH from Representative Pat Williams, Senator Max Baucus, and Senator Conrad Burns (Williams and Baucus' letters - Exhibits #2 and #3; Burns' letter was not submitted).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Weeding asked Mr. Peoples if NEWTTECH had plans to accept nuclear waste. Mr. Peoples said the center is not contemplating radioactive materials. He said NEWTTECH's dealings with the Department of Defense would focus on groundwater and soil contamination.

Closing by Sponsor:

Representative Daily said he is asking for support, not money, from the Legislature. He said the Environmental Protection Agency (EPA) is not required to look into economic development and research opportunities as part of the superfund process.

HEARING ON HJR 20**Opening Statement by Sponsor:**

Representative Dick Knox, HD 29, said HJR 20 is a product of the House Natural Resources Committee. He said there is evidence that the EPA has not been as responsive as it should have in dealing with the Berkeley Pit. Rep. Knox stated water in the pit is rising at a rate of 6 to 7 million gallons per day. He added the water contains elements that cannot be allowed to escape into the aquifer. Rep. Knox said there is conflicting data on when the critical water level will be reached, but said the water must be treated before that happens.

Proponents' Testimony:

Representative Fritz Daily, HD 69, said HJR 20 would send a message to the federal government, EPA, and the Department of

Health that the situation at the pit needs more serious attention. Rep. Daily said the Berkeley Pit sits at the headwaters of the Columbia River Basin, and eventually the water filling the pit will enter the aquifer. He said a treatment plant must be in place before the water discharges. Rep. Daily stated he remembers the Clark Fork River flowing red because of the mineral content, and warned that it could happen again. He said Montana needs to take a proactive approach to the Berkeley Pit situation, adding there will be serious consequences if a treatment plant is not in place by 1998. Rep. Daily said statistics in SJR 20 were generated by the Department of Health and Montana Bureau of Mines. He discussed a lawsuit in which ARCO is suing Montana Resources, Inc. (MRI) demanding that MRI begin treating Berkeley Pit water immediately. He added ARCO has negotiated an agreement with EPA to allow the water to rise 200 feet above the level that had previously had been established as critical. Rep. Daily said liabilities associated with the pit are in the hundreds of millions of dollars.

Don Peoples, chief executive officer, Montana Technology Company urged the Committee to concur in SJR 20.

Ted Doney, representing ASARCO, said ASARCO is a 49% partner with MRI, the resulting entity being Montana Resources. He said ASARCO agrees with Rep. Daily that more information is needed about the pit.

David McLean, Montana Resources, expressed support for HJR 20.

Mark Daspit, Montana Audubon Legislative Fund, submitted written testimony (Exhibit #4).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Hockett asked when the water in the pit would discharge into the aquifer and if a content analysis had been conducted on the water. Rep. Daily stated there is currently a study taking place on the Berkeley Pit water. He said the contamination is getting more serious and test wells have been drilled. Rep. Daily said there is evidence that the water will discharge into the aquifer when it reaches the bedrock alluvial interface, at an elevation of 5,216 feet, according to EPA, ARCO and DHES information. He added the current water level is at about 5,035 feet. Rep. Daily noted there is clean water flowing into the pit, but there has been no effort to divert it.

Sen. Bianchi asked if technology existed to solve the problem in the pit. Don Peoples said there is a considerable body of

knowledge that could be applied, and those technologies are currently being screened to determine if they can be economically applied. He said treatment technologies can be in place when water reaches the critical level if adequate funding is received.

Sen. Grosfield and Rep. Daily discussed the elevation of the critical water level. Rep. Daily stated there has been dispute over the facts, but most documentation indicates that the critical level is at 5,216 feet. He added water could also discharge through the mine tunnels under Butte.

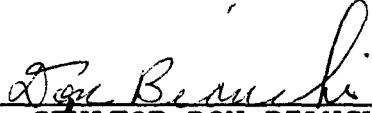
Sen. Hockett asked if the Department of Health was concerned about water quality in the Butte area. Dick Peterson, DHES Superfund section, said DHES is concerned about the water quality, and offers oversight and state support for maintaining it.

Closing by Sponsor:

Representative Knox asked the Committee to concur in HJR 20.

ADJOURNMENT

Adjournment: 6:45 p.m.



SENATOR DON BIANCHI, Chair



LEANNE KURTZ, Secretary

DB/lk

ROLL CALL

SENATE COMMITTEE NATURAL RESOURCES DATE 3/15

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

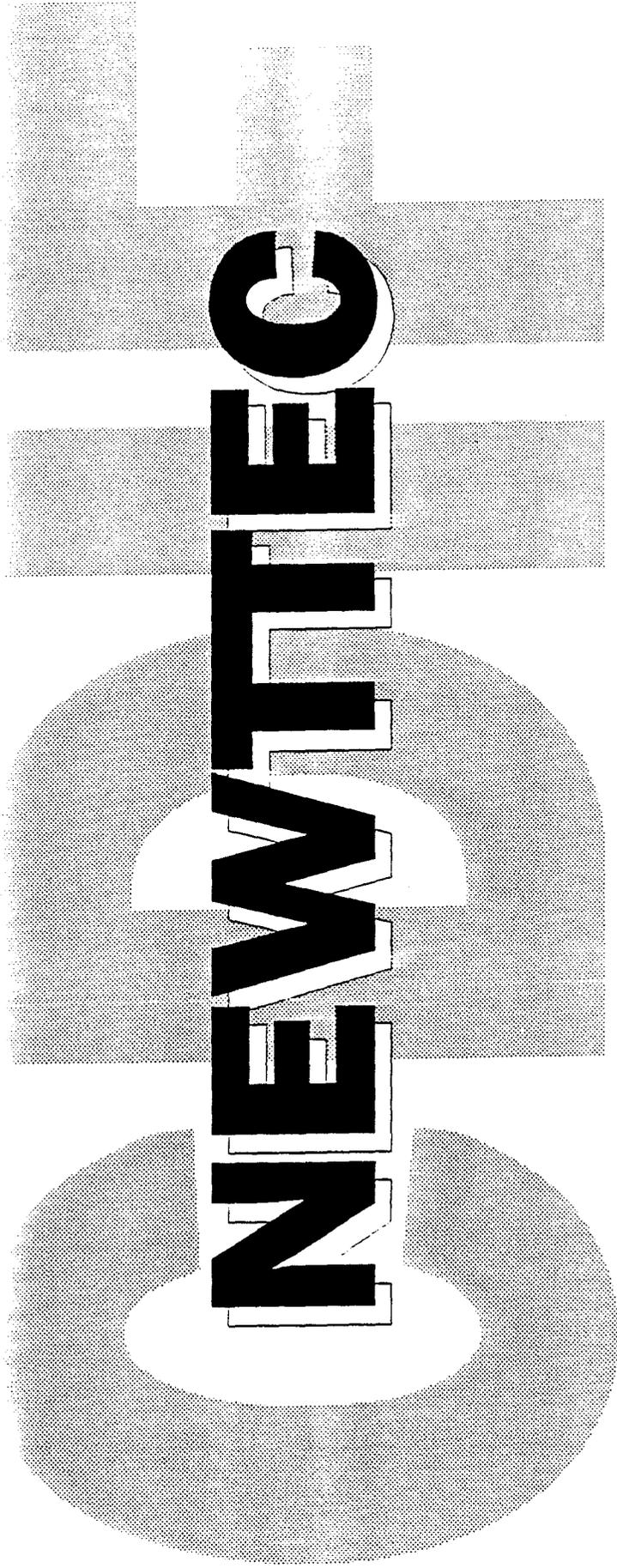
U.S. DEPARTMENT OF ENERGY
FEDERAL BUREAU OF SURVEY
GENERAL NATURAL RESOURCES

EXHIBIT NO. 6

DATE 3/15/93

BILL NO. HSE 11

U.S. DEPARTMENT OF ENERGY



CDIF-COMPONENT DEVELOPMENT AND INTEGRATION FACILITY/
SITE OF THE NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY
TESTING AND EVALUATION CENTER-NEWTTEC

NEWTTEC

The proposed mission of NEWTTEC is to facilitate the research, development, and demonstration of new cost effective and innovative treatment technologies and to further the development of existing treatment technologies for mining and other environmental wastes.



EXHIBIT #1
DATE 3-15-93
FL HSR-11

NEWTTEC

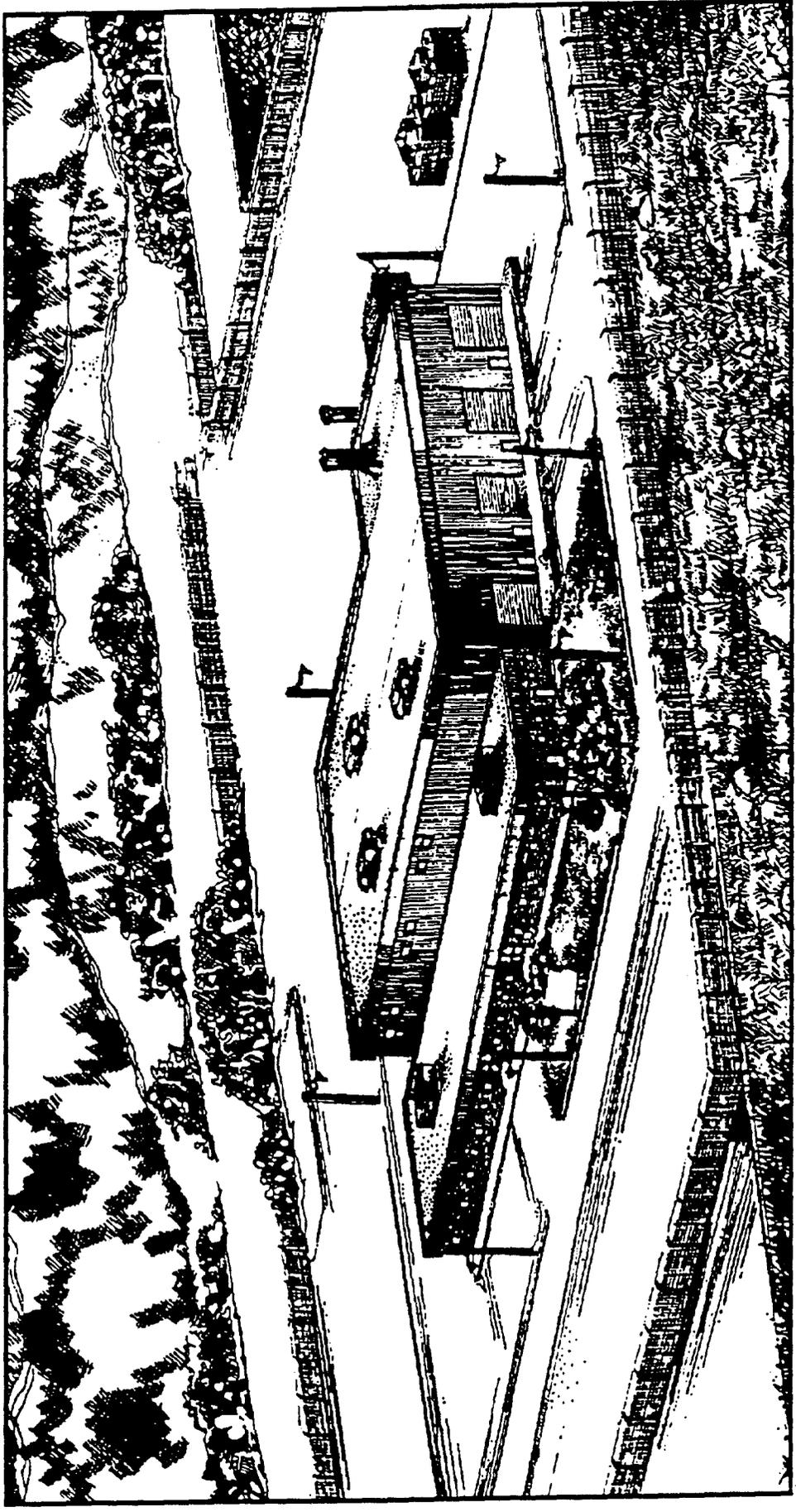
- Operated by MSE, Inc. under contract to the U.S. Department of Energy (DOE)
- Located at DOE's Component Development and Integration Facility (CDIF), Butte, Montana



NEWTTEC

- **Description of facility**
 - **40,000 square feet of floor area**
 - **Waste receiving and storage area**
 - **Process feed preparation area**
 - **High-bay test areas**
 - **Laboratory**
 - **Air pollution control and waste treatment systems**

EXHIBIT #1
DATE 3-15-93
HSR-11



NEWTTEC

Functions:

- **Provide test facility**
- **Environmental compliance**
- **Analyze and evaluate technology performance**
- **Quality assurance**
- **Technology transfer**
- **Facilitate industrial and agency involvement**
- **Education and Training**
 - **Montana College of Mineral Science and Technology**
 - **Butte Vocational Technical Center**

EXHIBIT #1
DATE 3-15-93
L HSR-11

NEWTTEC

Technology Testing and Evaluation:

- Development
- Pilot-scale demonstration
- Performance evaluation
 - Minimization
 - Neutralization
 - Cost effectiveness
 - Resource Recovery



NEWTTEC

Permit Requirements:

- Montana Department of Health and Environmental Sciences
 - Resource Conservation and Recovery Act (RCRA) Research, Development and Demonstration Permit
 - Air Quality Permit
 - Storm Water Runoff Permit

- Butte-Silver Bow Metro Sewer
 - Wastewater Pretreatment (Discharge) Permit



EXHIBIT #1

DATE 3-15-93

HJR-11

NEWTTEC

FY93 APPROPRIATION	
DOD	\$10 Million
DOE	\$9 Million
EPA	\$2.5 Million
Total	\$21.5 Million

NEWTTEC

Current Components:

- **National Mine Waste Pilot Program - EPA funded**
- **Resource Recovery**
- **DOE Office of Technology Development**
- **Technical Project Management Support**



EXHIBIT #1
DATE 3-15-93
#JR-11

NEWTTEC

- **What's in it for Montana?**
 - **Jobs**
 - **Technological "nexus" between Montana and the nation**
 - **Silicon Valley of environmental treatment technology**
 - **International recognition**
 - **Clean environment for future generations**



NEWTTEC

**Putting technology to work for
government, industry, and the environment.**



Butte, Montana

723-8213

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
(202) 225-3211

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(406) 443-7878

BUTTE 59701
FINLEN COMPLEX
(406) 723-4404

MISSOULA 59802
302 WEST BROADWAY
(406) 549-5550

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

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 3/15/93

BILL NO. HJR 11

MAX BAUCUS
MONTANA

WASHINGTON, DC
(202) 224-2651

MONTANA TOLL FREE NUMBER
1-800-332-6108

United States Senate

WASHINGTON, DC 20510

March 11, 1993

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

Dear Don:

I am writing to support a Joint Resolution of the Senate and the House of Representatives recognizing and urging continued support for the National Environmental Waste Technology Testing Evaluation Center in Butte.

As Chairman of the U.S. Senate Committee on Environment and Public Works, I intend to put a great deal of emphasis on the development of Environmental Waste Technology and I think NEWTTEC is right on track.

The Montana Congressional delegation and the federal agencies have provided increased financial and technical support for NEWTTEC and it is important that they have support from the state of Montana.

Thank you for your consideration.

With best personal regards, I am

Sincerely,



MSB/kk

SENATE NATURAL RESOURCES

EXHIBIT NO. 3

DATE 3/15/93

BILL NO. HJR 11



Montana Audubon Council

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

3/15/93

Chapters:

Bitterroot Audubon
Bitterroot Valley

Flathead Audubon
Flathead Valley

Five Valleys Audubon
Missoula

Last Chance Audubon
Helena

Pintlar Audubon
Southwest Montana

Rosebud Audubon
Miles City

Sacajawea Audubon
Bozeman

Upper Missouri
Breaks Audubon
Great Falls

Yellowstone Valley
Audubon
Billings

Chairman Bianchi, members of the committee. My name is Mark Daspit and I represent the Montana Audubon Legislative Fund. I am here today in support of House Joint Resolution 20.

Audubon is concerned about the health of the citizens of Butte, which could be harmed if the Berkeley Pit is not cleaned up. We believe that HJR 20 is a step in the direction of that clean up.

We urge you to pass this HJR 20.

Thank You

Mark E. Daspit

SENATE NATURAL RESOURCES
EXHIBIT NO. 4
DATE 3/15/93
BILL NO. HJR 20



Recycled Paper

DATE 3/15/93

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: HJR 11, HJR 20

Name	Representing	Bill No.	Check One Support Oppose	
Mark E. Leggett	KIT Audubon legislative fund	HJR 20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David McLean	MT Resources	HJR 20	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY