

Testimony to Montana DEQ — October 10, 2019

Good morning. My name is Hal Schmid.

I am a third-generation Montanan, a native of Missoula, and have lived near Arlee on the Flathead Indian Reservation in Western Montana for the past 35 years. I am a certified teacher with teaching endorsements in biology, broad-field science, and English language arts. My doctorate in education was earned at the University of Montana, and I have been involved in curriculum and staff development across the State of Montana for more than 25 years.

I do not live in Eastern Montana, and I am not directly impacted by this issue at the moment—at least not geographically. But as a Montana native who has worked to educate and prepare the next generation of Montanans for a healthy and vibrant future in our state, I am concerned about the impact these rules will play in ensuring that these young Montana citizens and their children and grandchildren have a healthy and vibrant future homeland in which to live.

I would therefore like to thank the Department of Environmental Quality for drafting rules to govern the disposal of radioactive oil waste in Montana. The rules have long been needed and will go a long way toward protecting the land and water around any proposed and/or permitted landfills.

I was initially unsure as to whether or not I should drive to Helena for this hearing today given the weather. But, with the serious nature of the rules being addressed and the fact that winter road conditions have prevented many participants from Eastern Montana communities from making the trip to Helena, I chose to come and to provide testimony despite the weather.

I would like to begin by asking—imploring, really—that the DEQ, in constructing state landfill rules, err on the side of caution. We are, after all, talking about long-lasting impacts to air and water and people's health. To me, the issue is much more about public health and safety, about environmental health and stewardship, than it is about economic development.

So I have three main concerns: (1) that the DEQ place a cautious and judicious radioactivity limit on allowable landfill waste; (2) that the DEQ ensure adequate fees are assessed and collected for the disposal of allowable waste; and (3) that the State of Montana assures that it will not shirk its responsibility to personally and adequately monitor these sites . . . in perpetuity, essentially, given the radioactive materials that the rules are addressing.

Item #1: Cautious Limits

Increasing Montana's radioactivity gate limit from 50 picocuries to 200 picocuries per gram does not seem to me to be erring on the side of caution. The DEQ may insist that, even with increasing the gate limit to 200, there will still be a requirement for an average 50 picocuries per gram within the active landfill unit. But a cautious approach would have multiple

safeguards, and the initial gate limit would certainly seem the safest and the easiest way to monitor and manage sites. After the fact, post-disposal, we're already talking about remediation, clean up, and fines. Aren't we? Again, gate limits would seem to be the safest and most cautious approach—and the easiest and most direct way to expose and track false record keeping if landfills exceed the average 50 picocuries per gram. Isn't a 50 picocuries per gram gate limit the standard North Dakota uses? How is 200 picocuries per gram a more stringent gate limit? Is Montana's land and water less precious than North Dakota's?

Item #2: Adequate Fees

In my lifetime, I have witnessed the growth of an environmental cleanup industry in Montana. To be sure, this has added to Montana's economy. But, in many cases, cleanup costs have been put on the backs of Montana and U.S. taxpayers. I think a cautious approach to rules formation should include assessment of landfill fees for low-level radioactive mining waste that adequately addresses both long-term State of Montana monitoring and management as well as potential future cleanup costs. I've heard that Oaks Disposal in Glendive has shown significant increased concentrations of chloride and radium in ground water monitoring wells for several years. Please proactively address this issue in DEQ rules. Montana's rules should be stricter and more prudent than existing rules and requirements in other states. We should be setting the standard. And, in the case of any future cleanups, to where does the DEQ propose the massive amounts of material be removed and disposed? The time to plan is now.

Item #3: The State of Montana's Responsibility

Responsibility can be defined as an ability to respond appropriately. Accountability, on the other hand, refers to consequences for failure to perform adequately. DEQ rules should focus on responsibility—the State of Montana's responsibility to protect the land, water, air, and people of Montana in perpetuity. Many times, the responsibility of the state is viewed in a short time frame. It adopts a political lens. It becomes financial. These DEQ rules address the disposal of radioactive materials being produced by human activity. There are three main entities involved, as I see it: (1) the commercial entity generating the radioactive waste; (b) the landfill operator accepting the waste; and (3) the State of Montana who is representing the interests of the citizens of Montana—past, present, and future. Shifting accountability down the road is not acceptable. Accepting responsibility and acting with prudent caution now seems a much better and more acceptable path to me as the DEQ finalizes rules.

In conclusion, thank you for this opportunity to present my thoughts and opinions. And thank you for your time and your work on behalf of all Montanans—those living here today and those who will eagerly arrive at some future date! They are your true constituents!

Hal Schmid, Ed.D.

PO Box 3603
Missoula, MT 59806

hschmid@montana.com