

**Comments Received on Draft Report  
Water Policy 2000  
as of July 10, 2000**

**Vandenbosch, Mary**

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**From:** Alan Rollo [arollo@mcn.net]  
**Sent:** Tuesday, June 13, 2000 8:29 AM  
**To:** Mary Vandenbosch  
**Subject:** water policy draft report

Mary:

I just finished reading the draft report concerning the EQC water policy subcommittee. Overall it is a good report. I am unfortunately disappointed that the committee NEVER addressed funding for watershed groups. Last session and over the past year, watershed groups are crying for a better funding source. EPA 319 grants and the small DNRC startup \$\$ are falling way short of the demand.

If we want these groups to address TMDLs and help solve issues at a local level we need a long-term solution to their funding needs. These groups need \$\$ for help with a coordinator, administration (ie mailings), water quality monitoring, and on-the-ground projects.

We need help soon or these groups will become frustrated and quit trying to get something done. Please help with finding additional \$\$ for these efforts.

Thanks  
Alan Rollo

NEIL E. UGRIN  
JOHN D. ALEXANDER  
GARY M. ZADICK  
MARK F. HIGGINS  
NANCY P. CORY  
ROGER T. WITT  
J. MICHAEL YOUNG  
CATHY J. LEWIS

UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.  
ATTORNEYS AT LAW  
#2 RAILROAD SQUARE  
P.O. BOX 1746  
GREAT FALLS, MONTANA 59403-1746

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(406)771-0007  
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June 28, 2000

Our File: CO55-01

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**JUN 29 2000**

**ENVIRONMENTAL  
QUALITY COUNCIL**

Environmental Quality Council  
Water Policy Subcommittee  
P.O. Box 201704  
Helena, MT 59620-1704

Re: Draft Report Water Policy 2000

Dear Council:

This letter is being written on behalf of the various Hutterite Colonies who are Montana Livestock and Swine Producers.

With regard to the two proposals, we would like to respectfully comment as follows:

1. The perceived problem that seems to generate the report's conclusion is based on matters arising outside the State of Montana under far different circumstances than exist or likely will exist in Montana. Minnesota and Iowa hog production is conducted on a much larger, much different basis than anything envisioned in Montana. It seems that we are devoting a lot of energy to solving problems which don't exist and are not likely to exist.
2. Hog facility production and waste management are probably the most heavily regulated environmental area in Montana. This includes the use of appropriate lagoons, steel slurries and reasonable application programs for the nitrogen waste.
3. The report is devoid of any justification, based on facts existing in Montana, for the two recommendations. In fact, a fair reading of the report shows that hog production in Montana is stable at best and in a decline most likely. It is hardly a burgeoning industry or a growing threat.

4. It should be borne in mind that the principal issue involved in disposal of hog waste is nitrogen. Nitrogen is not an inherently toxic substance, and in fact is a necessary agricultural tool. Critically, in terms of the entire Montana Ag community, the nitrogen produced by hog waste is (a) minuscule in terms of that involved in farming but (b) the exact kind of element that is applied in Montana to hundreds of thousands of acres of crop land. The say that it is a slippery slope from a supposed regulation of hog facilities (based on out-of-state data) to the regulation of the application of nitrogen fertilizer by all of Montana's Ag producers. Thoughtful consideration should be given to the fact that it seems not only inappropriate, but extremely difficult and probably legally tenuous to attempt to regulate one group or type of agriculture, which is a very minor player, and leave the great majority of agriculture unregulated with regard to the same elements.

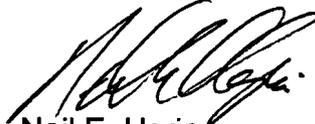
Unlike certain mining operations which have the potential of leaking or leaching cyanide and producing sulphuric acid forever, hog operations cease producing nitrogen once the operation itself ceases. Hog waste can always be easily disposed of.

To the best of our knowledge, there is no history of any unresolved problems as a result of the containment or disbursal of hog manure.

It seems that the Department of Environmental Quality is actually doing a good job and being rather stringent in applying current regulations to hog production facilities. Perhaps this is as it should be. The steps suggested in the report, however, based entirely on anecdotal data not germane to Montana, are potentially extremely harmful to a portion of Montana's agricultural industry and set a very easy precedent for overregulation in other areas of agriculture. It is respectfully urged that after careful consideration, these recommendations be withdrawn.

Sincerely,

UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.



Neil E. Ugrin

NEU/srd

Received  
July 3, 2000  
Environmental Quality  
Council

June 30, 00

Mary Vandembosch  
Environmental Quality Council  
PO Box 201704  
Helena, MT 59620-1704

Dear Ms Vandembosch

I am a small hog  
producer in Central Montana.  
I am very concerned about  
the additional unfair regulation  
that the committee is  
recommending. My Family has  
lived here all our lives and  
would like to stay here but  
with all these unfair  
regulations you are forcing  
us out of business. Please  
don't put these recommendations  
in force. I live here and  
I protect the environment.

Don Anderson

RECEIVED  
July 3, 2000  
EQL

6-30-00

## Environmental Quality Council

Writing to offer my Thoughts on proposed legislation on swine operations and I just  
*Don't think we need any regulations to push the small producers out of business in Mt.*

*I really Question the need for more laws and regulations when the ones we have are  
working fine.*

Dallas Denter  
Vice President Mt Pork Producers  
Box 576  
Chester Mt. 59522  
406 759 5414

*Dallas Denter*

David Jones, environmental engineer, reviewed the report and questioned the need for further regulations when current Montana law provides a system to evaluate and permit animal feeding units. He questioned the need for financial assurance because there is no history of a problem with closed swine units.

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7-5-2000  
Environmental  
Quality  
Council

July 2 - 00

To the Environmental Quality Council,

I have been raising swine in mt. for 30 years and we don't need any more restrictions put on us. The State all ready has plenty of existing Feedlot laws and water protection laws that we live by. Thanks to the mt.

Pork Producers Council, the swine growers pretty much police ~~themselves~~ themselves,

as farmers and ranchers, nobody wants cleaner air, water, and good soil and grass than we do!

Again, thanks for your concern, ~~that~~ But NO Thanks!

Fonda Fisher

# AGRI SYSTEMS

RECEIVED  
7-5-2000  
Environmental Quality  
Council

AGRI-TRADE CENTER  
1300 Minnesota Avenue  
Billings, Montana 59101  
(406) 245-6231  
Fax 245-6236

July 3, 2000

Mary Vandebosch  
Environmental Quality Council  
P. O. Box 201704  
Helena, MT 59620-1704

Dear Mary:

If swine operations are regulated by "special environmental laws" it will be an unjust burden on the industry.

As a producer we already comply with laws that cattle feeders thwart.

We are concerned with the environment and already comply with the costly requirements of DEQ.

Please allow free enterprise to prevail.

Sincerely,

AGRI-SYSTEMS



Robert H. Hamlin  
President

RHH:aa  
EnvironmentalQuality-070300

cc: Lt. Governor Judy Martz. Fax-406-444-4648

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7-3-00

7-4-2000

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JUL 06 2000

ENVIRONMENTAL  
QUALITY COUNCIL

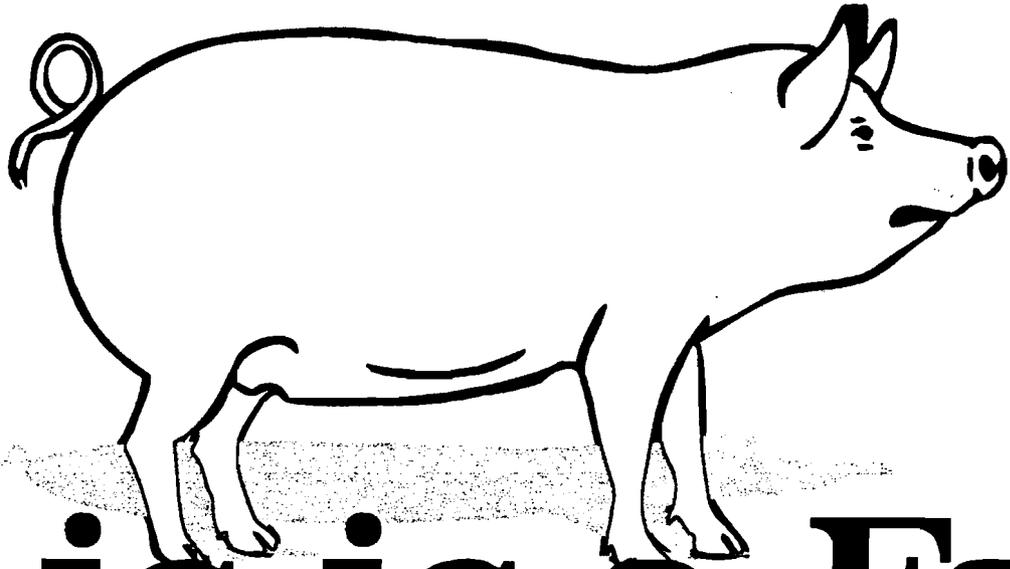
New Miami Colony  
RR#3 Box 448  
Conrad, Mt.  
59425

Attn: Environmental Quality Council.

This letter is in regards to the Report your Committee has issued, suggesting swine operations should be regulated with special Environmental Laws, we as Park Producers feel these regulations are unfair to Park Industry in Montana. We do not need further Regulations, Montana Law provides a system to evaluate and permit animal feeding units. We also question the need for financial assurance, because there is no history of a problem with closed swine units. More regulations will be costly for Park Producers and the people of Montana. More Regulations will require more people at the DEQ which results in spending more Tax dollars which we don't need. The Park Industry has existed with a very isolated complaints, and no major lawsuits we are Producers, and we are concerned with the Environment on our farm, because we over

live there. We hope your Committee  
acts wisely on the matter, to insure  
future Park Production in the state of  
Montana,

Sincerely  
Sam J. Marchel  
Swine Manager  
New Miami Colony



# This is a Fax

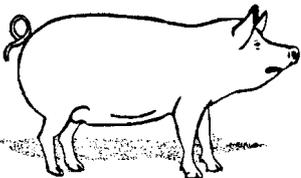
Cascade Colony Sun River, Montana  
Phone and Fax: 406-264-5265

*Dear Mary Vandenberg.*

*Please Mary, no more regulations or permits, the  
pork producers of Montana are so few and far between, that  
damage to the environment is nil, we have never had a problem  
with anyone whatsoever.*

*Yours Truly  
Joe Wipf (H.M.)*

**RECEIVED**  
JUL 06 2000  
ENVIRONMENTAL  
QUALITY COMMISSION



## Don't Oink Around

Louden Riverside Farms  
 2437 Lower Valley Rd.  
 Kalispell, MT, 59901  
 July 5, 2000

Mary Vandembusch  
 Environmental Quality Council  
 P.O. Box 201704  
 Helena, MT 59620-1704

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JUL 06 2000

**ENVIRONMENTAL  
 QUALITY COUNCIL**

TO whom it may concern:

Our farm, a partnership consisting of 2 brothers, has been raising pork for some 15 years. Our father had raised pork prior to our partnership for 45 years, and our grandfather and great grandfather raised pork prior to that, back to the very early 1900's.

I am writing to express our concern regarding the recommendations from the Environmental Quality Council for swine units. These proposed regulations will be costly for us as family farm pork producers, and also for the taxpayers of MT, because of additional people at the Dept. of Environmental Quality. The farm economy is in a severe tail spin already, and more taxes certainly aren't going to help.

We live and work on the farm where pork is raised and are quite concerned about environmental quality for us and our neighbors. We have never had a complaint nor a lawsuit, and I don't believe the pork industry in general <sup>has</sup> had

many complaints, and no major lawsuits.

In short, I don't believe any further regulations on our industry are necessary or called for, and would like to strongly register our protest to the consideration of these new recommendations for further

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regulation. I am concerned about the future of family farming in MT, ~~and~~

JAN 23 1974

because of the poor prices and high input costs, and these recommendations would be a further financial burden on us, one we can ill afford.

Thank you for listening to our concerns.

Sincerely,  
Bruce H. Louden  
for Louden Riverside Farms

**Environmental Quality Council  
Water Policy Subcommittee  
P.O. Box 201704  
Helena, MT 59620-1704**

**Dear Council:**

**We as pork producers are very concerned that the E.Q.C. wants to burden us with more environmental laws that are going to cost the pork producers and state a lot of funds.**

**We are concerned if we have another year like we had in 1998 and 1999 and have to pay for a lot of new laws and regulations we will not survive.**

**We are very concerned about our Environment on our farms were we live to keep it as healthy and clean as possible to live in.**

**We have never had any neighbor complaints or any trouble with any manure spills or lagoon leaks. We hope you will listen to our concerns.**

**Milford Colony**

**Eli Hofer**



July 6, 2000

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JUL 07 2000

**ENVIRONMENTAL  
QUALITY COUNCIL**

Environmental Quality Council  
Water Policy Subcommittee  
PO Box 201704  
Helena, MT 59620-1704

To Council Members:

On behalf of members of Montana Pork Producers Council I would like to comment on the Water Policy 2000 Draft Report.

Pork producers are concerned that recommendations in the report would impose additional costs for their business and for the State of Montana but do nothing to protect water quality.

- 1. The Draft Report recommendations are based on a fear of swine production growth which is not realistic for Montana.**

Large corporate farms look for two things when they locate: an abundant corn supply and modern packing plants. Montana and the surrounding states have neither of these essential resources. There has been no effort to attract large corporate hog farming to Montana or has there been interest from the companies who own large farms to locate here.

Montana produced 267,000 market hogs and 13,000 feeder pigs in 1999. That compares to 380,000 hogs raised in Montana in 1994. Montana ranks 28<sup>th</sup> in the nation in pork production. The industry is not growing.

In 1997-98, some producers attempted to develop networked operations which would cooperate on farrowing, feeding and marketing hogs using facilities located on several farms. This strategy would distribute livestock waste accumulation and water usage over a large area. Such operations would incorporate high quality waste management systems and need to be fully permitted by the state. These producers were unable to obtain the capital needed to build adequate facilities. These plans generated the swine production goal of the Vision 2005 Task Force. If several such networked operations had developed Montana might have raised production to about one-half million market hogs by 2005. The 1 million hog goal was very ambitious for 1998, and is impossible after disastrous hog prices in 1999 halted expansion throughout the entire industry.

Building a new swine facility or remodeling one of any size would require contacting MDEQ. Current permitting regulations place an operation in the general or individual permit category. Any large farm project would be monitored by state government, as well as the citizenry in public hearings. Our current system requires extensive application and review of the site, incorporation of

best management practices in the facility, a good waste management system, adequate land base to apply stored manure, records of correct application and periodic reporting.

If swine production increased in Montana, the pigs would have to be marketed. Montana hogs are sold into niche markets in California, Idaho and Oregon. Producers pool hogs to ship to plants that are outside the region where most hogs are raised, so they must pay a little more than Midwestern plants for small lots. This slightly higher price is the only way Montana hogs can be sold for a profit. These plants would not be an outlet for large production units, and there are no new processing plants in planning or under construction.

**2. Current water quality law is adequate to regulate swine facilities. The pork industry does not have a record of violations which warrant changing the system.**

The main concern of our organization is fairness to the pork producing sector of agriculture in Montana. Pork producers who are currently in business do not have a record of water pollution, fines or lawsuits. They should not be penalized with excessive regulation based on the very minute possibility that future operators would not observe laws or regulations.

Any swine entity polluting Montana water would be in violation of CURRENT law, without adding anything new.

Please consider that the Draft Report recommendations would do nothing to preserve water quality in Montana that current law does not already provide. Thank you for your consideration.

Sincerely,



Sue Huls  
Executive Director

Farm to Market Pork  
4290 FARM TO MARKET RD.  
KALISPELL, MT 59901  
(406) 755-5326

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July 6, 2000

Mary Vandebosch  
Environmental Quality Council  
PO Box 201704  
Helena, MT 59620-1704

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JUL 07 2000

**ENVIRONMENTAL  
QUALITY COUNCIL**

Dear Committee Members:

As a Montana Pork Producer, I am concerned about any further regulation by DEQ. I am currently operating under DEQ's jurisdiction in another related enterprise and find they lack the manpower and knowledge to properly address the needs of that concern. Permitting hog farms, would only add a great expense to DEQ, and in turn to the taxpayers, and not change anything as far as the way waste is handled. Pork Producers today are very aware of proper waste management techniques and are using them in their operations.

Please don't add another layer of bureaucracy to a concern that doesn't exist.

Thank You,



Duane Braaten

BRUCE & MARIE SAMSON  
1420 LOGAN TRIDENT RD.  
THREE FORKS, MONTANA 59752

406-285-~~3385~~  
3385

RECEIVED  
7/10/00

ENVIRONMENTAL QUALITY COUNCIL,

JULY 8, 2000

MY NAME IS BRUCE SAMSON. I OWN A 300 SOW FALLOW-TO-FINISH HOG OPERATION 20 MILES WEST OF BOZEMAN. I PRODUCE 5500 FAT PIGS ANNUALLY. THE OPERATION IS 95% CONFINEMENT WITH A 3 ACRE WASTE LAGOON. THE FACILITY HAS BEEN OPERATIONAL SINCE 1979. WE HAVE NEVER HAD ANY ENVIRONMENTAL PROBLEM AND, TO MY KNOWLEDGE, THERE HAVE NEVER BEEN ANY COMPLAINTS RELATING TO THE OPERATION.

MY FAMILY AND I CARE VERY MUCH ABOUT THE ENVIRONMENT, QUALITY OF LIFE, AND OUR COMMUNITY. MY PARENTS AND MY WIFE'S PARENTS ARE ALL PROFESSIONAL PEOPLE. MY WIFE AND I BOTH HAVE COLLEGE DEGREES. WE LIVE IN AN AREA WE LOVE AND ARE DOING WHAT WE'VE ALWAYS DREAMED OF DOING. WE ARE RAISING SIX CHILDREN IN A LIFESTYLE WE BELIEVE TO BE HEALTHY AND POSITIVE.

I FRANKLY DO NOT UNDERSTAND THE RATIONALE BEHIND THE HARSH AND RESTRICTIVE REGULATIONS YOUR COUNCIL IS PROPOSING. THE SWINE INDUSTRY IN MONTANA IS NOT DESERVING OF THE UNFAIR AND EXCESSIVE LEGISLATION YOU ARE CONSIDERING.

AS I READ YOUR REPORT I SAW REFERENCE MADE TO MINNESOTA AND NORTH CAROLINA. HAVE YOU PERSONALLY VISITED THESE STATES? THEY HAVE

BRUCE & MARIE SAMSON  
1420 LOGAN TRIDENT RD.  
THREE FORKS, MONTANA 59752 -3-

SHEEP, POULTRY, CROPS, ETC.

I RECALL READING A QUOTE ATTRIBUTED TO TEDDY ROOSEVELT AT THE TOP OF YOUR REPORT, WHAT IT SAID TO ME IS THAT YOU NEED TO KNOW ABOUT SOMETHING BEFORE YOU TRY TO GOVERN/CONTROL IT. GOOD ADVICE BUT ARE YOU FOLLOWING IT? DO YOU HAVE REPRESENTATIVES FROM THE PORK PRODUCING SECTOR ADVISING YOUR COUNCIL? I HAVE A HARD TIME BELIEVING THE MEMBERS OF THE "ENVIRONMENTAL QUALITY COUNCIL" KNOW MUCH ABOUT HOG PRODUCTION IN MONTANA.

ONE OF THE REAL SHAMES IN WHAT YOU ARE PROPOSING IS THAT YOU ARE TRYING TO RESTRICT THE ONE AGRICULTURAL ENDEAVOR WHERE A YOUNG PERSON CAN START HIS OR HER OWN OPERATION FROM THE GROUND UP AND MAKE IT INTO A SUCCESS. WE STARTED WITH NOTHING 14 YEARS AGO AND ARE NOW WORTH \$500,000. FAMILY FARMS IN MONTANA CAN GENERATE ENOUGH INCOME THROUGH HOG PRODUCTION TO ALLOW FAMILY MEMBERS TO RETURN TO THE FARM.

A 300-SOW UNIT IS BIG ENOUGH FOR THE OWNER AND 1.5 HIRED PEOPLE TO PRODUCE 5500 FAT PIGS PER YEAR. A 1200 SOW UNIT WITH 8 EMPLOYEES GENERATES ALMOST 2.5 MILLION DOLLARS WHICH GOES RIGHT BACK INTO THE

BRUCE & MARIE SAMSON  
1420 LOGAN TRIDENT RD.  
THREE FORKS, MONTANA 59752

-2-

LITTLE IN COMMON WITH MONTANA. THEY HAVE HUGE AMOUNTS OF PRECIPITATION, A HIGH DEGREE OF RUN-OFF, AND GROUNDWATER ISSUES. THEY SUPPORT DENSELY POPULATED AREAS AND MANUFACTURING AND INDUSTRY OF ALL TYPES. THIS IS ABOUT AS DISSIMILAR TO MONTANA AS YOU COULD GET.

OWNERS OF HOG OPERATIONS IN MONTANA HAVE BY AND LARGE PROVEN THEMSELVES TO BE GOOD STEWARDS OF THE LAND AND GOOD NEIGHBORS. HOW CAN YOU SINGLE OUT THE PORK INDUSTRY FROM ALL THE OTHER AGRICULTURAL ENTITIES IN MONTANA AND TRY TO REGULATE IT INTO OBLIVION?

I WILL HOPE YOUR COMMITTEE IS BASING ITS DECISION ON SOUND SCIENTIFIC FACT. IT SEEMS TO ME THE REPORT YOU ISSUED HAS A STRONG VIGILANTE TONE TO IT, AND YOU ARE ATTEMPTING TO WARD OFF A PROBLEM YOU HAVE "HEARD" ABOUT BUT WHICH DOES NOT PERTAIN TO THE SWINE INDUSTRY IN MONTANA.

IN THIS DAY AND AGE WHEN EVERYONE IS "EQUAL" AND EVERYONE HAS "RIGHTS", HOW CAN YOU SINGLE OUT THIS SECTOR OF THE AGRICULTURAL COMMUNITY, WHICH HAS DONE NOTHING WRONG, AND CRUCIFY IT? IT DOESN'T MAKE SENSE. IF YOU IMPOSE THESE TYPES OF REGULATIONS ON THE HOG INDUSTRY YOU HAD BETTER BE DOING THE SAME TO CATTLE, DAIRY,

406-285-3385

BRUCE & MARIE SAMSON  
1420 LOGAN TRIDENT RD.  
THREE FORKS, MONTANA 59752

-4-

ECONOMY. WHEN THE HOG MARKET IS DEPRESSED THE REPERCUSSION IS FELT THROUGHOUT ALL SECTORS OF THE STATE ECONOMY FROM CAR DEALERSHIPS TO GROCERY STORES. HOG PRODUCTION IS AN EXCELLENT WAY TO GENERATE MONEY AND PROVIDE A HEALTHY LIFESTYLE FOR A FAMILY. WE ARE PROOF OF THAT. THERE IS ALSO A HUGE, UNTAPPED POTENTIAL FOR BRINGING LIFE INTO RURAL MONTANA COMMUNITIES BY PROVIDING EMPLOYMENT OPPORTUNITIES.

LEGISLATION SUCH AS YOU PROPOSE THREATENS OUR INDUSTRY BY PLACING STIFLING RESTRICTIONS ON THE WAY WE RUN OUR OPERATIONS.

I BELIEVE ANY FEDERAL OR STATE AGENCY LEGISLATION PERTAINING TO THE HOG INDUSTRY SHOULD BE BASED ON SCIENTIFIC RESEARCH AND FACT, AND SHOULD TAKE INTO CONSIDERATION ITS IMPACT ON MONTANA PORK PRODUCERS. I FEEL SWINE INDUSTRY PERSONEL SHOULD BE INVOLVED WITH YOUR COUNCIL TO ADVISE AND EDUCATE YOU ABOUT THE PORK PRODUCING INDUSTRY IN MONTANA.

I am extremely concerned about the potential harm that could come to the hog industry in Montana as a result of your proposed legislation. Please make every attempt to see our side of the coin and realize that a negative impact

Mary Vandenberg

Box 189  
Curt Bank, MT, 59427

July 18 - 2000

Dear EPC: or who it may concern

Hidden Lake Colony is a cork producer in the state of Montana.

We set up our Barns and Manure systems with Certified Eng. of Montana, with the state and are operating under a permit now if we should have more laws and Expenses to operate it is impossible to stay in Business of producing cork or any Limestone it Costs alot of Money to get Certified with the state as is.

We use our Manure as a fertilizer and raise good Crops plus Monitor Our Water and have no Problems what so ever.

And Hidden Lake Colony would not try to do anything to make Environment Quality Bad, because we have to live in it.

Cork industry has existed with very limited Complaints and no Major Lawsuits We think there are enough Costly Regulations in place and don't need any more.

Best Regards

David D. Huff  
Sect. Foreman  
Hidden Lake Colony

Ph. 406-336-3695

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JUL 10 2000

ENVIRONMENTAL  
QUALITY CENTER

exp. we as may learn in the environment & quality...

As Certified Operators for Waste water in the State.

This issue is unnecessary! We have done our best, as Producers, for up most production, animal husbandry and Consumer Quality. The Environmental issue has been with us, since we opened doors for swine units!

Our waste water application is on file, at the Environmental Quality office with the former Tim Byrnes. We have a Slurry Store Structure and all waste water is applied injected in Soil.

Our Neighbors don't even know, or notice, when we apply waste water! Our animals are housed in a draft free, clean and dry environment! All houses or barns are mechanical ventilated.

Let's ask you People a few questions.

Since when has wheat, corn, potatoes, and all that we eat, that has grown as a plant, come without, milling, processing or packaging oils and dyes? Much less without herbicides or insecticides? We can go to Wall Mart and find shelves upon shelves of chemicals, the one uses in the common household.

Where will milk, eggs, bacon, cereals, potatoes come from. When our law makers keep pushing the farmer in an ever ~~his~~ tightening corner! The Farmer, which is the minority of the population, Feeds the World. Keep pushing the Farmer and one morning we will all awaken, to a broken up Russia Our kids will look us in the eyes, and tell us, what Poor judgement.

Peter J. Wiper  
Pleasant Valley Col.

22

07/18/2008 11:24 406-736-5294

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JUL 10 2000

**ENVIRONMENTAL  
QUALITY COUNCIL**

July 7, 2000

To: Mary Vandebosch  
Environmental Quality Council  
PO Box 201704  
Helena, MT 59620-1704

From: John W. Rauser  
106 Rauser Lane  
Toston, MT 59643-9752

Subject: Draft Report Water Policy 2000

Dear Ms Vandebosch:

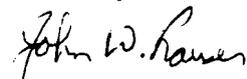
I am writing to you because I am concerned about Montana's economy and Montana's water quality. The Draft Report Water Policy 2000 includes recommendations for pork producers in the State of Montana that would prove costly to them, and they would also prove costly for the people of Montana.

I am a small pork producer in the state, and I am concerned about the environment on my farm because I live there. I have a waste management plan in place on my farm, and I adhere to it and practice the plan at all times. I am courteous to my neighbors and I communicate with them constantly. My neighbors are concerned about the environment as much as I am. We want an environmentally safe place live.

David Jones, environmental engineer, has questioned the need for more regulations when current Montana law provides a system to evaluate and permit animal feeding units. He also questioned the need for financial assurance because there is no history of a problem with closed swine units. I am also concerned about a need for more regulations when these regulations are singling out just one industry in agriculture. The pork industry has existed with very isolated complaints and no major lawsuits. These regulations would be detrimental to the pork producers in the state as well as the economy of the state.

I believe these recommendations are unfair to the pork industry and the committee should reconsider the recommendations. If you have any questions for me, I can be reached at home at 406-266-3804 or at work at 406-266-3176. I appreciate your attention to my concerns.

Sincerely,



John W. Rauser

Environmental Quality Council

P O Box 201704

Helena Mt 59620-1704

Dear Mary Vandembosch,

I do care about the environment in regards to swine operations.

We are pork producers and have been for many years. Curs is a confinement operation.

There is no reason that swine operations be regulated with special environmental laws. The recommendations being presented are unfair. There is no record to warrant such laws because the current law is handling everything adequately.

Sincerely yours,

Mabel Herzog

P O Box 85

Rapelje Mt 59067

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JUL 10 2000

**ENVIRONMENTAL  
QUALITY COUNCIL**

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JUL 10 2000

ENVIRONMENTAL  
QUALITY COUNCIL

Environmental Quality Council,

This letter is in regard to the possibility of increased regulation for pork operations in Montana.

There are already laws and a permit system in place to deal with animal feeding operations. This could turn into another case of more regulation, more bureaucracy, and more cost. It is already difficult enough to do business in this state.

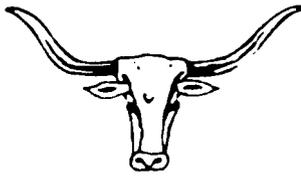
I am a pork producer and have been for 35 years. During that time our industry has had an excellent track record on environmental issues. Please don't punish us for that.

Donald J. Herzog

Herzog Farms

Rapelje, MT 59067

406-663-2112



# Montana Stockgrowers Association

Serving Montana's Cattle Industry Since 1884

420 N. California  
Helena, MT 59601  
Phone: 406-442-3420  
Fax: 406-449-5105  
E-mail: msga@mtbeef.org

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Emigrant/Belt

July 10, 2000

Mary Vandebosch  
Environmental Quality Council Staff  
P.O. Box 201704  
Helena, MT 59620-1704

RE: Water Policy 2000 Draft Report

Dear Mary:

On behalf of the Montana Stockgrowers Association, I would like to submit the following comments on the Draft Report Water Policy 2000. After attending several of the meetings of the Water Policy Committee and reviewing this draft report, it is quite apparent the issues confronting the committee this interim are considerable less controversial and of much less magnitude than past issues. However, Chapter 3: Summary of Court Decisions Relevant to Montana's Water Policy clearly points out that water remains an important issue for Montana citizens. Unfortunately, this summary also points out that issues are being addressed more frequently via the court system rather than conventional administrative and legislative means.

Of all of the Water Policy Committee activities during the interim, the issue of livestock waste management and in particular, livestock waste from swine operations seems to have received an incredible amount of attention. As stated in the report, livestock waste is a very strong waste that *can* have a significant impact on water quality but only when discharged to surface or groundwater. However, that can be said for a wide range of substances, many of which exist in far greater volume and concentrations than swine waste in Montana. Also, it is important to note those water quality impacts only occur when there is a discharge and Montana has an effective regulatory program to prevent such discharges.

As a general comment, I am concerned that much of the information contained in Chapter 4 relates to conditions and problems experienced in mid-western states. While I certainly agree with the need to learn from experiences in other states and with preventive measures but I think we may be over-reacting in this case given the historic trend of swine operations and population numbers. As an example, to list a specific number of discharges from swine facilities in 1998 without identifying the total number of swine operations in that state could be quite misleading. A more detailed description of the problems which have occurred in Montana might be more appropriate if in fact the recommendations being made are intended to deal with those issues.

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I would also like to comment on the two specific draft recommendations contained in this report. With respect to recommendation number one, to require individual permits for all swine facilities that meet the definition of a Concentrated Animal Feeding Operation (CAFO), I believe too much emphasis is being placed on the benefits individual permits would provide over general permits. General permits are intended to minimize the administrative burden for both the regulated community and the regulatory agency when dealing with facilities that are similar in nature and therefore pose a similar level of threat to the environment. The authorization letter which is necessary before a general permit is valid for any facility, could be used to address the majority of site specific differences among facilities. Current regulations allow the Department of Environmental Quality adequate latitude to require an individual permit when conditions warrant the same. To require an individual permit for all CAFO swine facilities creates considerable more administrative workload for the agency and unjustified additional time and expense on the part of the facility owner.

With respect to the recommendation that the Board of Environmental Review adopt rules to require financial assurance to pay the costs of closure, post closure care and corrective actions for all swine operations that meet the definition of a CAFO I would argue we have a serious case of overkill. I am not aware of a single incident in Montana where the people of Montana have been left "holding the bag" for cleanup or closure costs associated with a swine facility. To burden an entire industry without better justification seems totally inappropriate. If there is a concern with what are referred to as "corporate farms", we should deal with that concern directly and not on an industry wide basis.

While there have been documented, and well publicized, instances of improper management of swine waste, I would argue strongly, the regulatory mechanism to address those problems currently exist. The answer is in strict implementation and enforcement of existing regulatory authority and not in additional regulatory burden.

I appreciate the opportunity to provide these comments and would be happy to respond to any questions you or the Council might have.

Sincerely,



Steven L. Pilcher

Natural Resources Coordinator

## **Vandenbosch, Mary**

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**From:** Jim & Marla Drga [drga@ttc-cmc.net]  
**Sent:** Monday, July 10, 2000 9:38 AM  
**To:** Water Policy Subcommittee %Mary Vandenbosch  
**Cc:** Jon Tester  
**Subject:** Comment on draft recommendations on regulations for swine operations

To: Senator Bea McCarthy  
Representative Bill Tash  
Senator Jon Tester

We own a small grain and hog operation which we are attempting to make a living on. We do not agree with the recommendations for swine operations. Adequate water quality laws already exist to permit all animal feeding operations in the state. More regulations are not what agriculture in Montana currently needs. Regulations intended to control a certain segment of the industry have a tendency to legislate the small producer out of business. It's not only the cost of the permit fees that are a burden to the producer but the labor cost of the compiling and filing of these records. There are no guarantees that a permitted facility is any better than a non-permitted facility. There is a guarantee that a permitted facility has a higher cost of production.

There will be an added cost to the state to hire qualified people to issue and regulate these permits. According to your figures there would currently be only 3 to 19 operations that would need an individual permit. \$3-19,000 wouldn't even cover one person's salary.

We can see the closure cost to be prohibitive for new units to start up in Montana. If it is your intent to limit large operations in Montana, 1000au swine operation is probably not a viable size for a family to make a living on.

Sincerely,

Jim and Marla Drga

Mary Vanderbosch  
Environmental Quality Council  
P.O. Box 201704,  
Helena, Mont., 59620-1704.

Glacier Colony Inc.,  
P.O. Box 2209,  
Cut Bank Mont.,  
59427.

July 4, 2000.  
Tel # 406-2622  
Fax # 406-2660.

Attention: Mary Vandebosch.

Dear Madam: (or whomever this petition may concern)

Glacier Colony received information that the Environmental Quality Council is suggesting that hog operations of over one thousand animal units should be regulated with special environmental laws.

Please be informed that Glacier Colony (as a hog producer), cannot bear any additional burden financially. That applies to all other Montana hog producers as well. Besides that, there are at present enough regulations in place, to take care of the rural environment. Glacier Colony buries its dead animals in soil that is impervious to water. Our liquid manure is hauled to, and spread on grain producing and grazing fields, as an organic fertilizer, in a manner complying with current State of Montana laws.

We are very conscious of the environment we live in, and try to control it for the benefit and health (and health) of Glacier Colony's members, and our immediate neighborhood.

May we respectfully suggest to the Environmental Quality Council members, that they could more beneficially harness their energy and financial resources, in cleaning up the environment of atomic energy producing, and using facilities?

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As to legislating the posting of a bond for the cost of closing or postclosing a hog producing facility with more than 1,000 animal units, we know beforehand, that this will not work. The oil and gas producing industry requires such a bond from oil and gas well operators in the North Cut Bank Oil and Gas Field in which we live, for cleaning up depleted oil and gas wells. Ask the Oil and Gas Conservation Commission how many oil and gas wells need to be cleaned up, but for lack of adequate bond money, cannot be cleaned up, or restored to even a sub-natural state.

Therefore, members of The Environmental Quality Council, please ask yourselves if you are pro or con, in promoting the business entities in the State of Montana. One of the Montana proverbs is: Don't fix anything, that does not need fixing.

We are earnestly petitioning you, to try to promote the logging businesses in Montana, so that the State of Montana does not become a Wild Game Refuge and Hunting Ground for billionaires only.

Respectfully Yours.

John K. Wipf (Pres)  
Glacier Colony, Inc.