

HOUSE BILL NO. 160

INTRODUCED BY GILBERT, RANEY, T. BECK, GRADY, DRISCOLL,
HARP, YELLOWTAIL, WEEDING
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE HOUSE

JANUARY 12, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

JANUARY 14, 1991 FIRST READING.

JANUARY 24, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 25, 1991 PRINTING REPORT.

JANUARY 26, 1991 SECOND READING, DO PASS.

JANUARY 28, 1991 ENGROSSING REPORT.

JANUARY 30, 1991 THIRD READING, PASSED.
AYES, 100; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

MARCH 7, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 11, 1991 SECOND READING, CONCURRED IN.

MARCH 12, 1991 THIRD READING, CONCURRED IN.
AYES, 35; NOES, 14.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 16, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 18, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 160
 2 INTRODUCED BY Dellbert Roney
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL Grady
 4 Chrisell HARP Yellowtail Underhill
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SOLID
 6 WASTE REDUCTION TARGET; ESTABLISHING INTEGRATED WASTE
 7 MANAGEMENT PRIORITIES; ESTABLISHING A STATE GOVERNMENT
 8 SOURCE REDUCTION AND RECYCLING PROGRAM; DIRECTING THE
 9 DEPARTMENT OF ADMINISTRATION TO DEVELOP PROCUREMENT
 10 GUIDELINES FOR RECYCLED MATERIALS; AUTHORIZING THE
 11 PREPARATION OF A STATE SOLID WASTE MANAGEMENT PLAN; AND
 12 AMENDING SECTION 75-10-104, MCA."

13
14 STATEMENT OF INTENT

15 A statement of intent is required for this bill because
 16 the department of health and environmental sciences will
 17 need to promulgate rules in order to implement this bill. It
 18 is the intent of the legislature that these regulations
 19 reflect an emphasis on integrated waste management and
 20 achieving the 25% source reduction goal by 1996. In
 21 addition, the regulations must be designed to protect the
 22 public health, safety, and welfare and the environment. It
 23 is also the intent of the legislature that state government
 24 assume a leadership role in the development and
 25 implementation of source reduction and recycling programs

1 and in the establishment of markets for the purchase and use
 2 of recyclable materials.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 NEW SECTION. **Section 1.** Short title. [Sections 1
 6 through 7] may be cited as the "Montana Integrated Waste
 7 Management Act".

8 NEW SECTION. **Section 2.** Definitions. As used in
 9 [sections 1 through 7], the following definitions apply:

10 (1) "Composting" means the controlled biological
 11 decomposition of organic matter into humus.

12 (2) "Department" means the department of health and
 13 environmental sciences provided for in 2-15-2101.

14 (3) "Integrated waste management" means the coordinated
 15 use of a priority of waste management methods, including
 16 waste prevention, as specified in [section 4].

17 (4) "Recycling" means all activities involving the
 18 collection of recyclable material, including but not limited
 19 to glass, paper, or plastic; the processing of recyclables
 20 to prepare them for resale; and the marketing of recovered
 21 material for use in the manufacture of similar or different
 22 products.

23 (5) "Special waste" means solid waste that has unique
 24 handling, transportation, or disposal requirements to ensure
 25 protection of the public health, safety, and welfare and the

1 environment.

2 (6) "Waste reduction" means practices that decrease the
3 weight, volume, or toxicity of material entering the solid
4 waste management stream after consumer or commercial use but
5 prior to incineration or disposal.

6 NEW SECTION. **Section 3. Solid waste reduction target.**

7 It is the goal of the state, by January 1, 1996, to reduce
8 by 25% the volume of solid waste that is either disposed of
9 in a landfill or incinerated.

10 NEW SECTION. **Section 4. Integrated waste management**
11 **priorities.** It is the policy of the state to plan for and
12 implement an integrated approach to solid waste management,
13 which must be based upon the following order of priority:

- 14 (1) reduction of waste generated at the source;
15 (2) reuse of waste;
16 (3) recycling of waste;
17 (4) composting of biodegradable waste; and
18 (5) landfill disposal or incineration.

19 NEW SECTION. **Section 5. State government source**
20 **reduction and recycling program.** In order to progress toward
21 achieving the waste reduction target identified in [section
22 3], each state agency, the legislature, and the university
23 system shall:

24 (1) prepare a source reduction and recycling plan by
25 January 1, 1992, to reduce the solid waste generated by

1 state government. This plan must be submitted to the
2 department and must include, at a minimum, provisions for
3 the composting of yard wastes and the recycling of office
4 and computer paper, cardboard, used motor oil, and other
5 materials produced by the state for which recycling markets
6 exist or may be developed.

7 (2) establish and implement a source reduction and
8 recycling program by July 1, 1992.

9 NEW SECTION. **Section 6. State government procurement**
10 **of recycled supplies and materials.** (1) The department of
11 administration shall write purchasing specifications that
12 incorporate requirements for the purchase of materials and
13 supplies made from recycled materials if the use is
14 technologically practical and reasonably cost-effective. By
15 January 1, 1992, these requirements must be incorporated
16 into the purchase of:

- 17 (a) paper and paper products;
18 (b) plastic and plastic products;
19 (c) glass and glass products;
20 (d) automobile and truck tires;
21 (e) motor oil and lubricants; and
22 (f) other materials and supplies as determined by the
23 department of administration.

24 (2) It is the goal of the state that by January 1,
25 1996, 95% of the paper and paper products used by state

1 agencies, universities, and the legislature must be made
2 from recycled material.

3 (3) Prior to January 1, 1996, the state shall, to the
4 maximum extent possible, purchase for use by state agencies
5 paper and paper products that contain recycled rather than
6 new material.

7 (4) To the extent practical, guidelines for the
8 recycled material content of paper should be consistent with
9 nationwide standards for recycled paper developed by the
10 U.S. environmental protection agency or other appropriate
11 national organizations.

12 (5) The department and the department of administration
13 shall establish a joint recycling market development task
14 force. Task force membership must include but is not limited
15 to representatives of the recycling industry, wholesalers,
16 state agencies, and citizen and environmental organizations,
17 as well as other interested persons. The task force shall:

18 (a) assist the department of administration in
19 developing purchasing specifications as required in
20 subsection (1);

21 (b) develop additional mechanisms for state government
22 to develop markets for recycled materials;

23 (c) identify procurement barriers that discriminate
24 against the purchase of supplies and products that contain
25 recycled material; and

1 (d) develop recommendations for an informational
2 program designed to educate state employees on how to reduce
3 waste and recycle in the workplace.

4 NEW SECTION. **Section 7.** Requirement to prepare and
5 implement state solid waste management plan. (1) As a basis
6 for developing an integrated waste management program and
7 ensuring adequate disposal capacity, the department shall
8 prepare and implement a state solid waste management plan in
9 accordance with [sections 1 through 7].

10 (2) The plan must be comprehensive and integrated and
11 must include at least the following elements:

12 (a) a capacity assurance element that identifies
13 existing disposal capacity, estimates waste generation
14 rates, and determines the disposal capacity needed for the
15 future and that assesses the potential effect of interstate
16 disposal on capacity;

17 (b) an element that incorporates federal regulations 40
18 CFR, parts 257 and 258.

19 (c) an element that identifies the role of each of the
20 components of the integrated waste management priorities
21 contained in [section 4] in meeting the solid waste
22 reduction target in [section 3];

23 (d) a technology assessment element that assesses the
24 availability and practicality of alternative technologies
25 for solid waste management;

1 (e) an education and public information element that
 2 identifies existing education and information programs and
 3 describes how the state will increase the awareness and
 4 cooperation of the public in environmentally safe solid
 5 waste management;

6 (f) a special waste and household hazardous waste
 7 element that identifies types and quantities of wastes that
 8 create special disposal problems and recommends methods for
 9 handling, collecting, transporting, and disposing of those
 10 wastes and that identifies existing and future strategies
 11 for managing those wastes;

12 (g) an element that identifies the needs of rural
 13 communities and management strategies to address those
 14 needs;

15 (h) an element that identifies mechanisms to ensure
 16 proper training of landfill operators; and

17 (i) a timeline and implementation strategy for each of
 18 the plan elements.

19 (3) The plan must be developed with the involvement of
 20 local officials, citizens, solid waste and recycling
 21 industries, environmental organizations, and others involved
 22 in the management of solid waste.

23 (4) The department shall conduct hearings as provided
 24 in 75-10-111.

25 (5) The plan must be evaluated every 5 years and

1 updated as necessary.

2 **Section 8.** Section 75-10-104, MCA, is amended to read:

3 "75-10-104. Duties of department. The department shall:

4 (1) prepare a state solid waste management and resource
 5 recovery plan as required by [section 7] for submission to
 6 the board;

7 (2) prepare rules necessary for the implementation of
 8 this part for submission to the board, including but not
 9 limited to rules:

10 (a) governing the submission of plans for a solid waste
 11 management system;

12 (b) governing procedures to be followed in applying for
 13 and making loans;

14 (c) governing agreements between a local government and
 15 the department for grants or loans under this part;

16 (d) establishing, for the purpose of determining the
 17 solid waste management fee to which a facility is subject
 18 under 75-10-115, methods for determining or estimating the
 19 amount of solid waste incinerated or disposed of at a
 20 facility;

21 (e) providing procedures for the quarterly collection
 22 of the solid waste management fee provided for in 75-10-115;
 23 and

24 (f) providing guidelines for a waiver of fees for
 25 certain incineration or disposal of solid waste, as provided

1 for in 75-10-115(2); and
 2 (g) providing guidelines for integrated waste
 3 management;
 4 (3) provide financial assistance to local governments
 5 for front-end planning activities for a proposed solid waste
 6 management system which is compatible with the state plan
 7 whenever financial assistance is available;
 8 (4) provide technical assistance to persons within the
 9 state for planning, designing, constructing, financing, and
 10 operating;
 11 (a) a solid waste management system in order to insure
 12 ensure that the system conforms to the state plan;
 13 (b) integrated waste management programs; and
 14 (c) collection and disposal programs for household
 15 hazardous waste and conditionally exempt small quantities of
 16 hazardous waste as defined in Rule 16.44.402, Administrative
 17 Rules of Montana;
 18 (5) provide front-end organizational loans for the
 19 implementation of an approved solid waste management system
 20 whenever funds for loans are available;
 21 (6) enforce and administer the provisions of this part;
 22 (7) administer loans made by the state under the
 23 provisions of this part; and
 24 (8) approve plans for a proposed solid waste management
 25 system submitted by a local government; and

1 (9) serve as a clearinghouse for information on waste
 2 reduction and reuse, recycling technology and markets,
 3 composting, and household hazardous waste disposal,
 4 including chemical compatibility."
 5 NEW SECTION. Section 9. Codification instruction.
 6 [Sections 1 through 7] are intended to be codified as an
 7 integral part of Title 75, chapter 10, and the provisions of
 8 Title 75, chapter 10, apply to [sections 1 through 7].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0160, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill to establish a solid waste reduction target; establish integrated waste management priorities; establish a state government source reduction and recycling program; direct the Department of Administration to develop procurement guidelines for recycled materials; and authorize the preparation of a state solid waste management plan.

ASSUMPTIONS:

1. The costs of HB0160 represent resource requirements in addition to those proposed in the executive budget. Separate legislation providing for fees for solid waste management program purposes would be enacted, as proposed in the executive budget.
2. The costs of recycled paper would be 16% higher than non-recycled paper and the costs of printing products would be 10% higher.
3. A gradual increase in the purchase of products containing recycled paper would occur under targets of 25% in FY92 and 40% in FY93.
4. Increased DoA costs proprietary funding reflects corresponding costs to state agencies purchasing products from DoA.
5. DHES would require 18 months to prepare the state solid waste management plan. Rulemaking tasks would be spread out over the biennium. Federal Subtitle D rules for municipal landfills would be finalized by May, 1991.
6. No DHES regulation would be required for source reduction and recycling plans submitted by state agencies, the legislature, and the university system.
7. No funds would be available for grants or loans for solid waste management systems or local government solid waste projects.

FISCAL IMPACT:

see page 2

 1-17-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/18/91
BOB GILBERT, PRIMARY SPONSOR DATE

Fiscal Note for HB0160, as introduced.

HB 160

FISCAL IMPACT:

Department of Administration:

	<u>FY92</u>			<u>FY93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Operating Expenses	0	178,987	178,987	0	301,565	301,565
Proprietary Fund	0	178,987	178,987	0	301,565	301,565

Department of Health and Environmental Sciences:

	<u>FY92</u>			<u>FY93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	0.00	2.50	2.50	0.00	2.50	2.50
Personal Services	0	76,762	76,762	0	76,584	76,584
Operating Expenses	<u>0</u>	<u>115,276</u>	<u>115,276</u>	<u>0</u>	<u>79,276</u>	<u>79,276</u>
Total	0	192,038	192,038	0	155,860	155,860
State Special Revenue (02)	0	192,038	192,038	0	155,860	155,860

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

After completion of the state solid waste management plan, it would be necessary to continue 1.00 FTE of the 2.50 FTE to perform information clearinghouse and other technical assistance functions.

HB 160

APPROVED BY COMM. ON
NATURAL RESOURCES

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STATEMENT OF INTENT

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 16 A statement of intent is required for this bill because
 17 the department of health and environmental sciences will
 18 need to promulgate rules in order to implement this bill. It
 19 is the intent of the legislature that these regulations
 20 reflect an emphasis on integrated waste management and
 21 achieving the 25% source WASTE reduction goal by 1996. In
 22 addition, the regulations must be designed to protect the
 23 public health, safety, and welfare and the environment. It
 24 is also the intent of the legislature that state government
 25 assume a leadership role in the development and

1 implementation of source reduction and recycling programs
 2 and in the establishment of markets for the purchase and use
 3 of recyclable materials.
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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 7 through 7] may be cited as the "Montana Integrated Waste
 8 Management Act".

9 NEW SECTION. **Section 2.** Definitions. As used in
 10 [sections 1 through 7], the following definitions apply:

11 (1) "Composting" means the controlled biological
 12 decomposition of organic matter into humus.

13 (2) "Department" means the department of health and
 14 environmental sciences provided for in 2-15-2101.

15 (3) "Integrated waste management" means the coordinated
 16 use of a priority of waste management methods, including
 17 waste prevention, as specified in [section 4].

18 (4) "POSTCONSUMER MATERIAL" MEANS ONLY THOSE PRODUCTS
 19 GENERATED BY A CONSUMER THAT HAVE SERVED THEIR INTENDED END
 20 USES AND HAVE BEEN SEPARATED OR DIVERTED FROM THE SOLID
 21 WASTE STREAM.

22 (5) "PRECONSUMER MATERIAL" MEANS REJECTED STOCK,
 23 OBSOLETE INVENTORIES, OR OTHER PAPER WASTE CREATED BY THE
 24 MILL OR BY CONVERSION OPERATIONS AND THAT HAS NOT BEEN SOLD
 25 TO CONSUMERS.

SECOND READING



1 (6) "RECYCLED MATERIAL" MEANS MATERIAL CONSISTING
 2 ENTIRELY OF POSTCONSUMER AND PRECONSUMER MATERIAL AND OF
 3 WHICH AT LEAST 50% IS POSTCONSUMER MATERIAL.

4 ~~(4)~~(7) "Recycling" means all activities involving the
 5 collection of recyclable material, including but not limited
 6 to glass, paper, or plastic; the processing of recyclables
 7 to prepare them for resale; and the marketing of recovered
 8 material for use in the manufacture of similar or different
 9 products; AND THE PURCHASE OF PRODUCTS CONTAINING RECYCLED
 10 MATERIAL.

11 ~~(5)~~(8) "Special waste" means solid waste that has
 12 unique handling, transportation, or disposal requirements to
 13 ensure protection of the public health, safety, and welfare
 14 and the environment.

15 ~~(6)~~(9) "Waste reduction" means practices that decrease
 16 the weight, volume, or toxicity of material entering the
 17 solid waste management stream after consumer or commercial
 18 use but prior to incineration or disposal.

19 NEW SECTION. Section 3. Solid waste reduction target.
 20 It is the goal of the state, by January 1, 1996, to reduce
 21 by AT LEAST 25% the volume of solid waste that is either
 22 disposed of in a landfill or incinerated.

23 NEW SECTION. Section 4. Integrated waste management
 24 priorities. It is the policy of the state to plan for and
 25 implement an integrated approach to solid waste management,

1 which must be based upon the following order of priority:

- 2 (1) reduction of waste generated at the source;
- 3 (2) reuse of waste;
- 4 (3) recycling of waste;
- 5 (4) composting of biodegradable waste; and
- 6 (5) landfill disposal or incineration.

7 NEW SECTION. Section 5. State government source
 8 reduction and recycling program. (1) In order to progress
 9 toward achieving the waste reduction target identified in
 10 [section 3], each state agency, the legislature, and the
 11 university system shall:

12 ~~(1)~~(A) prepare a source reduction and recycling plan by
 13 January 1, 1992, to reduce the solid waste generated by
 14 state government. This plan must be submitted to the
 15 department and must include, at a minimum, provisions for
 16 the composting of yard wastes and the recycling of office
 17 and computer paper, cardboard, used motor oil, and other
 18 materials produced by the state for which recycling markets
 19 exist or may be developed.

20 ~~(2)~~(B) establish and implement a source reduction and
 21 recycling program by July 1, 1992; AND

22 (C) APPLY COMPUTER TECHNOLOGY TO REDUCE THE GENERATION
 23 OF WASTE PAPER THROUGH:

- 24 (I) THE USE OF ELECTRONIC BULLETIN BOARDS;
- 25 (II) THE TRANSFER OF INFORMATION IN ELECTRONIC RATHER

1 THAN PAPER FORM; AND

2 (III) OTHER APPLICATIONS OF COMPUTER TECHNOLOGY.

3 (2) THE PLAN MUST BE EVALUATED EVERY 5 YEARS AND
 4 UPDATED AS NECESSARY.

5 NEW SECTION. Section 6. State government procurement
 6 of recycled supplies and materials. (1) The department of
 7 administration shall write purchasing specifications that
 8 incorporate requirements for the purchase of materials and
 9 supplies made from recycled materials if the use is
 10 technologically practical and reasonably cost-effective. By
 11 January 1, 1992, these requirements must be incorporated
 12 into the purchase of:

- 13 (a) paper and paper products;
- 14 (b) plastic and plastic products;
- 15 (c) glass and glass products;
- 16 (d) automobile and truck tires;
- 17 (e) motor oil and lubricants; and
- 18 (f) other materials and supplies as determined by the
- 19 department of administration.

20 (2) It is the goal of the state that by January 1,
 21 1996, 95% of the paper and paper products used by state
 22 agencies, universities, and the legislature must be made
 23 from recycled material.

24 (3) Prior to January 1, 1996, the state shall, to the
 25 maximum extent possible, purchase for use by state agencies

1 paper and paper products that contain recycled rather than
 2 new material.

3 (4) To the extent practical, guidelines for the
 4 recycled material content of paper should be consistent with
 5 nationwide standards for recycled paper developed by the
 6 U.S. environmental protection agency or other appropriate
 7 national organizations.

8 (5) The department and the department of administration
 9 shall establish a joint recycling market development task
 10 force. Task force membership must include but is not limited
 11 to representatives of the recycling industry, wholesalers,
 12 state agencies, and citizen and environmental organizations,
 13 as well as other interested persons. The task force shall:

- 14 (a) assist the department of administration in
- 15 developing purchasing specifications as required in
- 16 subsection (1);
- 17 (b) develop additional mechanisms for state government
- 18 to develop markets for recycled materials;
- 19 (c) identify procurement barriers that discriminate
- 20 against the purchase of supplies and products that contain
- 21 recycled material; and
- 22 (d) develop recommendations for an informational
- 23 program designed to educate state employees on how to reduce
- 24 waste and recycle in the workplace.

25 NEW SECTION. Section 7. Requirement to prepare and

1 implement state solid waste management plan. (1) As a basis
2 for developing an integrated waste management program and
3 ensuring adequate disposal capacity, the department shall
4 prepare and implement a state solid waste management plan in
5 accordance with [sections 1 through 7].

6 (2) The plan must be comprehensive and integrated and
7 must include at least the following elements:

8 (a) a capacity assurance element that identifies
9 existing disposal capacity, estimates waste generation
10 rates, and determines the disposal capacity needed for the
11 future and that assesses the potential effect of interstate
12 disposal on capacity;

13 (b) an element that incorporates federal regulations 40
14 CFR, parts 257 and 258.

15 (c) an element that identifies the role of each of the
16 components of the integrated waste management priorities
17 contained in [section 4] in meeting the solid waste
18 reduction target in [section 3];

19 (d) a technology assessment element that assesses the
20 availability and practicality of alternative technologies
21 for solid waste management;

22 (e) an education and public information element that
23 identifies existing education and information programs and
24 describes how the state will increase the awareness and
25 cooperation of the public in environmentally safe solid

1 waste management;

2 (f) a special waste and household hazardous waste
3 element that identifies types and quantities of wastes that
4 create special disposal problems and recommends methods for
5 REDUCING, handling, collecting, transporting, and disposing
6 of those wastes and that identifies existing and future
7 strategies for managing those wastes;

8 (g) an element that identifies the needs of rural
9 communities and management strategies to address those
10 needs;

11 (h) an element that identifies mechanisms to ensure
12 proper training of landfill operators; and

13 (i) a timeline and implementation strategy for each of
14 the plan elements.

15 (3) The plan must be developed with the involvement of
16 local officials, citizens, solid waste and recycling
17 industries, environmental organizations, and others involved
18 in the management of solid waste.

19 (4) The department shall conduct hearings as provided
20 in 75-10-111.

21 (5) The plan must be evaluated every 5 years and
22 updated as necessary.

23 **Section 8.** Section 75-10-104, MCA, is amended to read:

24 "75-10-104. Duties of department. The department shall:

25 (1) prepare a state solid waste management and resource

1 recovery plan as required by [section 7] for submission to
2 the board;

3 (2) prepare rules necessary for the implementation of
4 this part for submission to the board, including but not
5 limited to rules:

6 (a) governing the submission of plans for a solid waste
7 management system;

8 (b) governing procedures to be followed in applying for
9 and making loans;

10 (c) governing agreements between a local government and
11 the department for grants or loans under this part;

12 (d) establishing, for the purpose of determining the
13 solid waste management fee to which a facility is subject
14 under 75-10-115, methods for determining or estimating the
15 amount of solid waste incinerated or disposed of at a
16 facility;

17 (e) providing procedures for the quarterly collection
18 of the solid waste management fee provided for in 75-10-115;
19 and

20 (f) providing guidelines for a waiver of fees for
21 certain incineration or disposal of solid waste, as provided
22 for in 75-10-115(2); and

23 (g) providing guidelines for integrated waste
24 management;

25 (3) provide financial assistance to local governments

1 for front-end planning activities for a proposed solid waste
2 management system which is compatible with the state plan
3 whenever financial assistance is available;

4 (4) provide technical assistance to persons within the
5 state for planning, designing, constructing, financing, and
6 operating;

7 (a) a solid waste management system in order to insure
8 ensure that the system conforms to the state plan;

9 (b) integrated waste management programs; and

10 (c) collection, and disposal, REDUCTION, AND
11 EDUCATIONAL programs for household hazardous waste and
12 conditionally exempt small quantities of hazardous waste as
13 defined in Rule 16.44.402, Administrative Rules of Montana;

14 (5) provide front-end organizational loans for the
15 implementation of an approved solid waste management system
16 whenever funds for loans are available;

17 (6) enforce and administer the provisions of this part;

18 (7) administer loans made by the state under the
19 provisions of this part; and

20 (8) approve plans for a proposed solid waste management
21 system submitted by a local government; and

22 (9) serve as a clearinghouse for information on waste
23 reduction and reuse, recycling technology and markets,
24 composting, and household hazardous waste disposal,
25 including chemical compatibility."

HB 0160/02

1 NEW SECTION. **Section 9.** Codification instruction.
2 [Sections 1 through 7] are intended to be codified as an
3 integral part of Title 75, chapter 10, and the provisions of
4 Title 75, chapter 10, apply to [sections 1 through 7].

-End-

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 22 addition, the regulations must be designed to protect the
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1 implementation of source reduction and recycling programs
 2 and in the establishment of markets for the purchase and use
 3 of recyclable materials.

4
 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6 NEW SECTION. Section 1. Short title. [Sections 1
 7 through 7] may be cited as the "Montana Integrated Waste
 8 Management Act".

9 NEW SECTION. Section 2. Definitions. As used in
 10 [sections 1 through 7], the following definitions apply:

11 (1) "Composting" means the controlled biological
 12 decomposition of organic matter into humus.

13 (2) "Department" means the department of health and
 14 environmental sciences provided for in 2-15-2101.

15 (3) "Integrated waste management" means the coordinated
 16 use of a priority of waste management methods, including
 17 waste prevention, as specified in [section 4].

18 (4) "POSTCONSUMER MATERIAL" MEANS ONLY THOSE PRODUCTS
 19 GENERATED BY A CONSUMER THAT HAVE SERVED THEIR INTENDED END
 20 USES AND HAVE BEEN SEPARATED OR DIVERTED FROM THE SOLID
 21 WASTE STREAM.

22 (5) "PRECONSUMER MATERIAL" MEANS REJECTED STOCK,
 23 OBSOLETE INVENTORIES, OR OTHER PAPER WASTE CREATED BY THE
 24 MILL OR BY CONVERSION OPERATIONS AND THAT HAS NOT BEEN SOLD
 25 TO CONSUMERS.

THIRD READING



1 (6) "RECYCLED MATERIAL" MEANS MATERIAL CONSISTING
2 ENTIRELY OF POSTCONSUMER AND PRECONSUMER MATERIAL AND OF
3 WHICH AT LEAST 50% IS POSTCONSUMER MATERIAL.

4 ~~(4)~~(7) "Recycling" means all activities involving the
5 collection of recyclable material, including but not limited
6 to glass, paper, or plastic; the processing of recyclables
7 to prepare them for resale; and the marketing of recovered
8 material for use in the manufacture of similar or different
9 products; AND THE PURCHASE OF PRODUCTS CONTAINING RECYCLED
10 MATERIAL.

11 ~~(5)~~(8) "Special waste" means solid waste that has
12 unique handling, transportation, or disposal requirements to
13 ensure protection of the public health, safety, and welfare
14 and the environment.

15 ~~(6)~~(9) "Waste reduction" means practices that decrease
16 the weight, volume, or toxicity of material entering the
17 solid waste management stream after consumer or commercial
18 use but prior to incineration or disposal.

19 NEW SECTION. Section 3. Solid waste reduction target.
20 It is the goal of the state, by January 1, 1996, to reduce
21 by AT LEAST 25% the volume of solid waste that is either
22 disposed of in a landfill or incinerated.

23 NEW SECTION. Section 4. Integrated waste management
24 priorities. It is the policy of the state to plan for and
25 implement an integrated approach to solid waste management,

1 which must be based upon the following order of priority:

- 2 (1) reduction of waste generated at the source;
- 3 (2) reuse of waste;
- 4 (3) recycling of waste;
- 5 (4) composting of biodegradable waste; and
- 6 (5) landfill disposal or incineration.

7 NEW SECTION. Section 5. State government source
8 reduction and recycling program. (1) In order to progress
9 toward achieving the waste reduction target identified in
10 (section 3), each state agency, the legislature, and the
11 university system shall:

12 ~~(1)~~(A) prepare a source reduction and recycling plan by
13 January 1, 1992, to reduce the solid waste generated by
14 state government. This plan must be submitted to the
15 department and must include, at a minimum, provisions for
16 the composting of yard wastes and the recycling of office
17 and computer paper, cardboard, used motor oil, and other
18 materials produced by the state for which recycling markets
19 exist or may be developed.

20 ~~(2)~~(B) establish and implement a source reduction and
21 recycling program by July 1, 1992; AND

22 (C) APPLY COMPUTER TECHNOLOGY TO REDUCE THE GENERATION
23 OF WASTE PAPER THROUGH:

- 24 (I) THE USE OF ELECTRONIC BULLETIN BOARDS;
- 25 (II) THE TRANSFER OF INFORMATION IN ELECTRONIC RATHER

1 THAN PAPER FORM; AND

2 (III) OTHER APPLICATIONS OF COMPUTER TECHNOLOGY.

3 (2) THE PLAN MUST BE EVALUATED EVERY 5 YEARS AND
 4 UPDATED AS NECESSARY.

5 NEW SECTION. Section 6. State government procurement
 6 of recycled supplies and materials. (1) The department of
 7 administration shall write purchasing specifications that
 8 incorporate requirements for the purchase of materials and
 9 supplies made from recycled materials if the use is
 10 technologically practical and reasonably cost-effective. By
 11 January 1, 1992, these requirements must be incorporated
 12 into the purchase of:

- 13 (a) paper and paper products;
- 14 (b) plastic and plastic products;
- 15 (c) glass and glass products;
- 16 (d) automobile and truck tires;
- 17 (e) motor oil and lubricants; and
- 18 (f) other materials and supplies as determined by the
 19 department of administration.

20 (2) It is the goal of the state that by January 1,
 21 1996, 95% of the paper and paper products used by state
 22 agencies, universities, and the legislature must be made
 23 from recycled material.

24 (3) Prior to January 1, 1996, the state shall, to the
 25 maximum extent possible, purchase for use by state agencies

1 paper and paper products that contain recycled rather than
 2 new material.

3 (4) To the extent practical, guidelines for the
 4 recycled material content of paper should be consistent with
 5 nationwide standards for recycled paper developed by the
 6 U.S. environmental protection agency or other appropriate
 7 national organizations.

8 (5) The department and the department of administration
 9 shall establish a joint recycling market development task
 10 force. Task force membership must include but is not limited
 11 to representatives of the recycling industry, wholesalers,
 12 state agencies, and citizen and environmental organizations,
 13 as well as other interested persons. The task force shall:

- 14 (a) assist the department of administration in
 15 developing purchasing specifications as required in
 16 subsection (1);
- 17 (b) develop additional mechanisms for state government
 18 to develop markets for recycled materials;
- 19 (c) identify procurement barriers that discriminate
 20 against the purchase of supplies and products that contain
 21 recycled material; and
- 22 (d) develop recommendations for an informational
 23 program designed to educate state employees on how to reduce
 24 waste and recycle in the workplace.

25 NEW SECTION. Section 7. Requirement to prepare and

1 implement state solid waste management plan. (1) As a basis
2 for developing an integrated waste management program and
3 ensuring adequate disposal capacity, the department shall
4 prepare and implement a state solid waste management plan in
5 accordance with [sections 1 through 7].

6 (2) The plan must be comprehensive and integrated and
7 must include at least the following elements:

8 (a) a capacity assurance element that identifies
9 existing disposal capacity, estimates waste generation
10 rates, and determines the disposal capacity needed for the
11 future and that assesses the potential effect of interstate
12 disposal on capacity;

13 (b) an element that incorporates federal regulations 40
14 CFR, parts 257 and 258.

15 (c) an element that identifies the role of each of the
16 components of the integrated waste management priorities
17 contained in [section 4] in meeting the solid waste
18 reduction target in [section 3];

19 (d) a technology assessment element that assesses the
20 availability and practicality of alternative technologies
21 for solid waste management;

22 (e) an education and public information element that
23 identifies existing education and information programs and
24 describes how the state will increase the awareness and
25 cooperation of the public in environmentally safe solid

1 waste management;

2 (f) a special waste and household hazardous waste
3 element that identifies types and quantities of wastes that
4 create special disposal problems and recommends methods for
5 REDUCING, handling, collecting, transporting, and disposing
6 of those wastes and that identifies existing and future
7 strategies for managing those wastes;

8 (g) an element that identifies the needs of rural
9 communities and management strategies to address those
10 needs;

11 (h) an element that identifies mechanisms to ensure
12 proper training of landfill operators; and

13 (i) a timeline and implementation strategy for each of
14 the plan elements.

15 (3) The plan must be developed with the involvement of
16 local officials, citizens, solid waste and recycling
17 industries, environmental organizations, and others involved
18 in the management of solid waste.

19 (4) The department shall conduct hearings as provided
20 in 75-10-111.

21 (5) The plan must be evaluated every 5 years and
22 updated as necessary.

23 **Section 8.** Section 75-10-104, MCA, is amended to read:

24 ***75-10-104. Duties of department.** The department shall:

25 (1) prepare a state solid waste management and resource

1 recovery plan as required by [section 7] for submission to
 2 the board;

3 (2) prepare rules necessary for the implementation of
 4 this part for submission to the board, including but not
 5 limited to rules:

6 (a) governing the submission of plans for a solid waste
 7 management system;

8 (b) governing procedures to be followed in applying for
 9 and making loans;

10 (c) governing agreements between a local government and
 11 the department for grants or loans under this part;

12 (d) establishing, for the purpose of determining the
 13 solid waste management fee to which a facility is subject
 14 under 75-10-115, methods for determining or estimating the
 15 amount of solid waste incinerated or disposed of at a
 16 facility;

17 (e) providing procedures for the quarterly collection
 18 of the solid waste management fee provided for in 75-10-115;
 19 and

20 (f) providing guidelines for a waiver of fees for
 21 certain incineration or disposal of solid waste, as provided
 22 for in 75-10-115(2); and

23 (g) providing guidelines for integrated waste
 24 management;

25 (3) provide financial assistance to local governments

1 for front-end planning activities for a proposed solid waste
 2 management system which is compatible with the state plan
 3 whenever financial assistance is available;

4 (4) provide technical assistance to persons within the
 5 state for planning, designing, constructing, financing, and
 6 operating;

7 (a) a solid waste management system in order to insure
 8 ensure that the system conforms to the state plan;

9 (b) integrated waste management programs; and

10 (c) collection, and disposal, REDUCTION, AND
 11 EDUCATIONAL programs for household hazardous waste and
 12 conditionally exempt small quantities of hazardous waste as
 13 defined in Rule 16.44.402, Administrative Rules of Montana;

14 (5) provide front-end organizational loans for the
 15 implementation of an approved solid waste management system
 16 whenever funds for loans are available;

17 (6) enforce and administer the provisions of this part;

18 (7) administer loans made by the state under the
 19 provisions of this part; and

20 (8) approve plans for a proposed solid waste management
 21 system submitted by a local government; and

22 (9) serve as a clearinghouse for information on waste
 23 reduction and reuse, recycling technology and markets,
 24 composting, and household hazardous waste disposal,
 25 including chemical compatibility."

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1 NEW SECTION. Section 9. Codification instruction.
2 [Sections 1 through 7] are intended to be codified as an
3 integral part of Title 75, chapter 10, and the provisions of
4 Title 75, chapter 10, apply to [sections 1 through 7].

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 160 (third reading copy -- blue), respectfully report that House Bill No. 160 be amended and as so amended be concurred in:

1. Page 2, line 18.

Following: "THOSE"

Insert: "paper"

2. Page 2, lines 22 through 25.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

3. Page 3, lines 1 through 3.

Strike: subsection (6) in its entirety

Renumber: subsequent subsections

4. Page 5, line 23.

Following: "material"

Insert: "that maximizes postconsumer material content"

5. Page 6, line 1.

Strike: "recycled"

Insert: "postconsumer material"

6. Page 6, lines 5 through 7.

Strike: "developed" on line 5 through "organizations" on line 7

Signed:


Lawrence G. Stimatz, Chairman

JA 3-7-91
Amd. Coord.

JA 3-7
Sec. of Senate

10:45

SENATE
HB 160

HOUSE BILL NO. 160

INTRODUCED BY GILBERT, RANEY, T. BECK, GRADY, DRISCOLL,

HARP, YELLOWTAIL, WEEDING

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SOLID WASTE REDUCTION TARGET; ESTABLISHING INTEGRATED WASTE MANAGEMENT PRIORITIES; ESTABLISHING A STATE GOVERNMENT SOURCE REDUCTION AND RECYCLING PROGRAM; DIRECTING THE DEPARTMENT OF ADMINISTRATION TO DEVELOP PROCUREMENT GUIDELINES FOR RECYCLED MATERIALS; AUTHORIZING THE PREPARATION OF A STATE SOLID WASTE MANAGEMENT PLAN; AND AMENDING SECTION 75-10-104, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because the department of health and environmental sciences will need to promulgate rules in order to implement this bill. It is the intent of the legislature that these regulations reflect an emphasis on integrated waste management and achieving the 25% source WASTE reduction goal by 1996. In addition, the regulations must be designed to protect the public health, safety, and welfare and the environment. It is also the intent of the legislature that state government assume a leadership role in the development and

implementation of source reduction and recycling programs and in the establishment of markets for the purchase and use of recyclable materials.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 7] may be cited as the "Montana Integrated Waste Management Act".

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 7], the following definitions apply:

(1) "Composting" means the controlled biological decomposition of organic matter into humus.

(2) "Department" means the department of health and environmental sciences provided for in 2-15-2101.

(3) "Integrated waste management" means the coordinated use of a priority of waste management methods, including waste prevention, as specified in [section 4].

(4) "POSTCONSUMER MATERIAL" MEANS ONLY THOSE PAPER PRODUCTS GENERATED BY A CONSUMER THAT HAVE SERVED THEIR INTENDED END USES AND HAVE BEEN SEPARATED OR DIVERTED FROM THE SOLID WASTE STREAM.

~~(5) "PRECONSUMER MATERIAL" MEANS REJECTED STOCK, OBSOLETE INVENTORIES, OR OTHER PAPER WASTE CREATED BY THE MILL OR BY CONVERSION OPERATIONS AND THAT HAS NOT BEEN SOLD TO CONSUMERS.~~



1 ~~(6) -- "RECYCLED MATERIAL" MEANS MATERIAL CONSISTING~~
 2 ~~ENTIRELY OF POSTCONSUMER AND PRECONSUMER MATERIAL AND OF~~
 3 ~~WHICH AT LEAST 50% IS POSTCONSUMER MATERIAL;~~

4 ~~(4)(7)(5)~~ "Recycling" means all activities involving
 5 the collection of recyclable material, including but not
 6 limited to glass, paper, or plastic; the processing of
 7 recyclables to prepare them for resale; and the marketing of
 8 recovered material for use in the manufacture of similar or
 9 different products; AND THE PURCHASE OF PRODUCTS CONTAINING
 10 RECYCLED MATERIAL.

11 ~~(5)(8)(6)~~ "Special waste" means solid waste that has
 12 unique handling, transportation, or disposal requirements to
 13 ensure protection of the public health, safety, and welfare
 14 and the environment.

15 ~~(6)(9)(7)~~ "Waste reduction" means practices that
 16 decrease the weight, volume, or toxicity of material
 17 entering the solid waste management stream after consumer or
 18 commercial use but prior to incineration or disposal.

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 25 implement an integrated approach to solid waste management.

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 15 department and must include, at a minimum, provisions for
 16 the composting of yard wastes and the recycling of office
 17 and computer paper, cardboard, used motor oil, and other
 18 materials produced by the state for which recycling markets
 19 exist or may be developed.

20 ~~(2)(B)~~ establish and implement a source reduction and
 21 recycling program by July 1, 1992; AND

22 (C) APPLY COMPUTER TECHNOLOGY TO REDUCE THE GENERATION
 23 OF WASTE PAPER THROUGH:

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- 18 (f) other materials and supplies as determined by the
 19 department of administration.

20 (2) It is the goal of the state that by January 1,
 21 1996, 95% of the paper and paper products used by state
 22 agencies, universities, and the legislature must be made
 23 from recycled material THAT MAXIMIZES POSTCONSUMER MATERIAL
 24 CONTENT.

25 (3) Prior to January 1, 1996, the state shall, to the

1 maximum extent possible, purchase for use by state agencies
 2 paper and paper products that contain recycled POSTCONSUMER
 3 MATERIAL rather than new material.

4 (4) To the extent practical, guidelines for the
 5 recycled material content of paper should be consistent with
 6 nationwide standards for recycled paper ~~developed-by-the~~
 7 ~~EPA-environmental-protection-agency--or--other--appropriate~~
 8 ~~national-organizations.~~

9 (5) The department and the department of administration
 10 shall establish a joint recycling market development task
 11 force. Task force membership must include but is not limited
 12 to representatives of the recycling industry, wholesalers,
 13 state agencies, and citizen and environmental organizations,
 14 as well as other interested persons. The task force shall:

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 21 against the purchase of supplies and products that contain
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 25 waste and recycle in the workplace.

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5 prepare and implement a state solid waste management plan in
6 accordance with [sections 1 through 7].

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8 must include at least the following elements:

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10 existing disposal capacity, estimates waste generation
11 rates, and determines the disposal capacity needed for the
12 future and that assesses the potential effect of interstate
13 disposal on capacity;

14 (b) an element that incorporates federal regulations 40
15 CFR, parts 257 and 258.

16 (c) an element that identifies the role of each of the
17 components of the integrated waste management priorities
18 contained in [section 4] in meeting the solid waste
19 reduction target in [section 3];

20 (d) a technology assessment element that assesses the
21 availability and practicality of alternative technologies
22 for solid waste management;

23 (e) an education and public information element that
24 identifies existing education and information programs and
25 describes how the state will increase the awareness and

1 cooperation of the public in environmentally safe solid
2 waste management;

3 (f) a special waste and household hazardous waste
4 element that identifies types and quantities of wastes that
5 create special disposal problems and recommends methods for
6 REDUCING, handling, collecting, transporting, and disposing
7 of those wastes and that identifies existing and future
8 strategies for managing those wastes;

9 (g) an element that identifies the needs of rural
10 communities and management strategies to address those
11 needs;

12 (h) an element that identifies mechanisms to ensure
13 proper training of landfill operators; and

14 (i) a timeline and implementation strategy for each of
15 the plan elements.

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17 local officials, citizens, solid waste and recycling
18 industries, environmental organizations, and others involved
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25 **"75-10-104. Duties of department.** The department shall:

1 (1) prepare a state solid waste management and resource
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3 the board;

4 (2) prepare rules necessary for the implementation of
5 this part for submission to the board, including but not
6 limited to rules:

7 (a) governing the submission of plans for a solid waste
8 management system;

9 (b) governing procedures to be followed in applying for
10 and making loans;

11 (c) governing agreements between a local government and
12 the department for grants or loans under this part;

13 (d) establishing, for the purpose of determining the
14 solid waste management fee to which a facility is subject
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16 amount of solid waste incinerated or disposed of at a
17 facility;

18 (e) providing procedures for the quarterly collection
19 of the solid waste management fee provided for in 75-10-115;
20 and

21 (f) providing guidelines for a waiver of fees for
22 certain incineration or disposal of solid waste, as provided
23 for in 75-10-115(2); and

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1 (3) provide financial assistance to local governments
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3 management system which is compatible with the state plan
4 whenever financial assistance is available;

5 (4) provide technical assistance to persons within the
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7 operating;

8 (a) a solid waste management system in order to insure
9 ensure that the system conforms to the state plan;

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12 EDUCATIONAL programs for household hazardous waste and
13 conditionally exempt small quantities of hazardous waste as
14 defined in Rule 16.44.402, Administrative Rules of Montana;

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16 implementation of an approved solid waste management system
17 whenever funds for loans are available;

18 (6) enforce and administer the provisions of this part;

19 (7) administer loans made by the state under the
20 provisions of this part; and

21 (8) approve plans for a proposed solid waste management
22 system submitted by a local government; and

23 (9) serve as a clearinghouse for information on waste
24 reduction and reuse, recycling technology and markets,
25 composting, and household hazardous waste disposal,

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1 including chemical compatibility."

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3 [Sections 1 through 7] are intended to be codified as an
4 integral part of Title 75, chapter 10, and the provisions of
5 Title 75, chapter 10, apply to [sections 1 through 7].

-End-