

HOUSE BILL NO. 607

INTRODUCED BY RANEY, REA, BRADLEY
BY REQUEST OF THE DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

FEBRUARY 5, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

FEBRUARY 16, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
 AYES, 86; NOES, 13.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

MARCH 26, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 28, 1991 SECOND READING, CONCURRED IN.

APRIL 1, 1991 THIRD READING, CONCURRED IN.
 AYES, 41; NOES, 8.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 10, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 607
 2 INTRODUCED BY Raney & Bradley
 3 BY REQUEST OF THE DEPARTMENT OF
 4 HEALTH AND ENVIRONMENTAL SCIENCES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
 7 RELATING TO PERMIT REQUIREMENTS FOR SOLID WASTE
 8 INCINERATORS; EXTENDING THE PERMIT REQUIREMENTS TO HAZARDOUS
 9 WASTE INCINERATORS; AMENDING SECTION 75-2-215, MCA; AND
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11 STATEMENT OF INTENT

12
 13 It is the intent of the legislature that the department
 14 of health and environmental sciences not issue an air
 15 quality permit for any new solid waste incinerator that is
 16 designed to burn more than 200 pounds an hour of solid waste
 17 and not authorize any existing or permitted solid waste
 18 incinerator that is designed to burn more than 200 pounds an
 19 hour of solid waste to change the amount, form, or content
 20 of the solid waste it incinerates or to incinerate any solid
 21 waste that would change the nature, character, or
 22 composition of its emissions until the department and the
 23 public have the necessary information to understand the
 24 composition and concentrations of emissions. It is also the
 25 intent of the legislature that the department apply the

1 concept of best available control technology to all air
 2 pollutants, including hazardous air pollutants, when
 3 considering a permit application or modification for a solid
 4 waste incinerator. The legislature intends that these
 5 additional permit requirements be extended to hazardous
 6 waste incinerators as well.

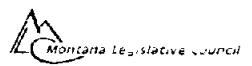
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 75-2-215, MCA, is amended to read:

10 "75-2-215. Solid or hazardous waste incineration --
 11 additional permit requirements. (1) A person may not
 12 construct, modify, or operate a solid or hazardous waste
 13 incinerator of any of the following categories until the
 14 department has issued an air quality permit pursuant to this
 15 chapter, including the conditions provided in this section:

16 (a) a new commercial solid or hazardous waste
 17 incinerator that is designed to burn more than 200 pounds an
 18 hour of solid or hazardous waste; or

19 (b) a an existing or permitted solid or hazardous waste
 20 incinerator that is designed to burn more than 200 pounds an
 21 hour of solid or hazardous waste and that incinerates or
 22 would incinerate solid or hazardous waste in an amount,
 23 form, kind, or content different from its designed or
 24 permitted operation or that incinerates or would incinerate
 25 any material solid or hazardous waste that changes the



1 nature, character, or composition of its emissions.

2 (2) The department may not issue a permit to a facility
3 described in subsection (1) until:

4 (a) the owner or operator has provided to the
5 department's satisfaction:

6 (i) a characterization of emissions and ambient
7 concentrations of air pollutants, including hazardous air
8 pollutants, from any existing incineration at the facility;
9 and

10 (ii) an estimate of emissions and ambient concentrations
11 of air pollutants, including hazardous air pollutants, from
12 the incineration of solid or hazardous waste as proposed in
13 the permit application or modification; and

14 (b) the public has had an opportunity to review and
15 comment on the permit application or modification; and

16 ~~{c}--the-department-has-reached-a-determination-that-the~~
17 ~~projected--emissions---and---ambient---concentrations---will~~
18 ~~constitute--a--negligible-risk-to-the-public-health, safety,~~
19 ~~and-welfare-and-to-the-environment.~~

20 (3) The department shall require the application of air
21 pollution control equipment, engineering, or other operating
22 procedures as necessary to satisfy---the---determination
23 required---under---subsection---(2)(c);---The---equipment,
24 engineering, or---procedures---must provide particulate--and
25 gaseous--emission reductions of air pollutants, including

1 hazardous air pollutants, equivalent to or more stringent
2 than those achieved through the best available control
3 technology;--in-addition-to-any-other-controls--necessary--to
4 satisfy-the-determination-required-under-subsection-(2)(c).

5 (4) This section does not relieve an owner or operator
6 of a solid or hazardous waste incinerator that is not
7 included under subsection (1) from the obligation to obtain
8 any permit otherwise required under this chapter or rules
9 implementing this chapter."

10 NEW SECTION. Section 2. Effective date. [This act] is
11 effective on passage and approval.

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 607

INTRODUCED BY RANEY, REA, BRADLEY

BY REQUEST OF THE DEPARTMENT OF

HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
RELATING TO PERMIT REQUIREMENTS FOR SOLID WASTE
INCINERATORS; EXTENDING THE PERMIT REQUIREMENTS TO HAZARDOUS
WASTE INCINERATORS; AMENDING SECTION 75-2-215, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

It is the intent of the legislature that the department
of health and environmental sciences not issue an air
quality permit for any new solid waste incinerator that is
designed to burn more than 200 pounds an hour of solid waste
and not authorize any existing or permitted solid waste
incinerator that is designed to burn more than 200 pounds an
hour of solid waste to change the amount, form, or content
of the solid waste it incinerates or to incinerate any solid
waste that would change the nature, character, or
composition of its emissions until the department and the
public have the necessary information to understand the
composition and concentrations of emissions. It is also the
intent of the legislature that the department apply the

concept of best available control technology to all air
pollutants, including hazardous air pollutants, when
considering a permit application or modification for a solid
waste incinerator. The legislature intends that these
additional permit requirements be extended to hazardous
waste incinerators as well. IT IS ALSO THE INTENT OF THE
LEGISLATURE THAT THE DEPARTMENT DEVELOP A RISK
ASSESSMENT-BASED DEFINITION OF THE TERM "NEGLIGIBLE RISK" AS
USED IN 75-2-215(2)(C).

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

Section 1. Section 75-2-215, MCA, is amended to read:

"75-2-215. Solid or hazardous waste incineration --
additional permit requirements. (1) A person may not
construct, modify, or operate a solid or hazardous waste
incinerator of any of the following categories until the
department has issued an air quality permit pursuant to this
chapter, including the conditions provided in this section:

(a) a new commercial solid or hazardous waste
incinerator that is designed to burn more than 200 pounds an
hour of solid or hazardous waste; or

(b) an existing or permitted solid or hazardous waste
incinerator that is designed to burn more than 200 pounds an
hour of solid or hazardous waste and that incinerates or
would incinerate solid or hazardous waste in an amount,

SECOND READING

HB 607



1 form, kind, or content different from its designed or
2 permitted operation or that incinerates or would incinerate
3 any ~~material~~ solid or hazardous waste that changes the
4 nature, character, or composition of its emissions.

5 (2) The department may not issue a permit to a facility
6 described in subsection (1) until:

7 (a) the owner or operator has provided to the
8 department's satisfaction:

9 (i) a characterization of emissions and ambient
10 concentrations of air pollutants, including hazardous air
11 pollutants, from any existing incineration at the facility;
12 and

13 (ii) an estimate of emissions and ambient concentrations
14 of air pollutants, including hazardous air pollutants, from
15 the incineration of solid or hazardous waste as proposed in
16 the permit application or modification; and

17 (b) the public has had an opportunity to review and
18 comment on the permit application or modification; and

19 ~~(c) the department has reached a determination that the~~
20 ~~projected emissions and ambient concentrations will~~
21 ~~constitute a negligible risk to the public health, safety,~~
22 ~~and welfare and to the environment; AND~~

23 (C) THE DEPARTMENT HAS REACHED A DETERMINATION THAT THE
24 PROJECTED EMISSIONS AND AMBIENT CONCENTRATIONS WILL
25 CONSTITUTE A NEGLIGIBLE RISK TO THE PUBLIC HEALTH, SAFETY,

1 AND WELFARE AND TO THE ENVIRONMENT.

2 (3) The department shall require the application of air
3 pollution control equipment, engineering, or other operating
4 procedures as necessary to ~~satisfy the determination~~
5 ~~required under subsection (2)(c).~~ ~~The equipment,~~
6 ~~engineering, or procedures must~~ provide particulate and
7 gaseous emission reductions of air pollutants, including
8 hazardous air pollutants, equivalent to or more stringent
9 than those achieved through the best available control
10 technology; ~~in addition to any other controls necessary to~~
11 ~~satisfy the determination required under subsection (2)(c).~~

12 (4) This section does not relieve an owner or operator
13 of a solid or hazardous waste incinerator that is not
14 included under subsection (1) from the obligation to obtain
15 any permit otherwise required under this chapter or rules
16 implementing this chapter."

17 NEW SECTION. Section 2. Effective date. [This act] is
18 effective on passage and approval.

-End-

1 HOUSE BILL NO. 607

2 INTRODUCED BY RANEY, REA, BRADLEY

3 BY REQUEST OF THE DEPARTMENT OF

4 HEALTH AND ENVIRONMENTAL SCIENCES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
7 RELATING TO PERMIT REQUIREMENTS FOR SOLID WASTE
8 INCINERATORS; EXTENDING THE PERMIT REQUIREMENTS TO HAZARDOUS
9 WASTE INCINERATORS; AMENDING SECTION 75-2-215, MCA; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11 STATEMENT OF INTENT

12
13 It is the intent of the legislature that the department
14 of health and environmental sciences not issue an air
15 quality permit for any new solid waste incinerator that is
16 designed to burn more than 200 pounds an hour of solid waste
17 and not authorize any existing or permitted solid waste
18 incinerator that is designed to burn more than 200 pounds an
19 hour of solid waste to change the amount, form, or content
20 of the solid waste it incinerates or to incinerate any solid
21 waste that would change the nature, character, or
22 composition of its emissions until the department and the
23 public have the necessary information to understand the
24 composition and concentrations of emissions. It is also the
25 intent of the legislature that the department apply the

1 concept of best available control technology to all air
2 pollutants, including hazardous air pollutants, when
3 considering a permit application or modification for a solid
4 waste incinerator. The legislature intends that these
5 additional permit requirements be extended to hazardous
6 waste incinerators as well. IT IS ALSO THE INTENT OF THE
7 LEGISLATURE THAT THE DEPARTMENT DEVELOP A RISK
8 ASSESSMENT-BASED DEFINITION OF THE TERM "NEGLIGIBLE RISK" AS
9 USED IN 75-2-215(2)(C).

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 **Section 1.** Section 75-2-215, MCA, is amended to read:

13 "75-2-215. Solid or hazardous waste incineration --
14 additional permit requirements. (1) A person may not
15 construct, modify, or operate a solid or hazardous waste
16 incinerator of any of the following categories until the
17 department has issued an air quality permit pursuant to this
18 chapter, including the conditions provided in this section:

19 (a) a new commercial solid or hazardous waste
20 incinerator that is designed to burn more than 200 pounds an
21 hour of solid or hazardous waste; or

22 (b) a an existing or permitted solid or hazardous waste
23 incinerator that is designed to burn more than 200 pounds an
24 hour of solid or hazardous waste and that incinerates or
25 would incinerate solid or hazardous waste in an amount,

THIRD READING

1 form, kind, or content different from its designed or
2 permitted operation or that incinerates or would incinerate
3 any material solid or hazardous waste that changes the
4 nature, character, or composition of its emissions.

5 (2) The department may not issue a permit to a facility
6 described in subsection (1) until:

7 (a) the owner or operator has provided to the
8 department's satisfaction:

9 (i) a characterization of emissions and ambient
10 concentrations of air pollutants, including hazardous air
11 pollutants, from any existing incineration at the facility;

12 and

13 (ii) an estimate of emissions and ambient concentrations
14 of air pollutants, including hazardous air pollutants, from
15 the incineration of solid or hazardous waste as proposed in
16 the permit application or modification; and

17 (b) the public has had an opportunity to review and
18 comment on the permit application or modification; and

19 ~~(c) the department has reached a determination that the~~
20 ~~projected emissions and ambient concentrations will~~
21 ~~constitute a negligible risk to the public health, safety,~~
22 ~~and welfare and to the environment; AND~~

23 (C) THE DEPARTMENT HAS REACHED A DETERMINATION THAT THE
24 PROJECTED EMISSIONS AND AMBIENT CONCENTRATIONS WILL
25 CONSTITUTE A NEGLIGIBLE RISK TO THE PUBLIC HEALTH, SAFETY,

1 AND WELFARE AND TO THE ENVIRONMENT.

2 (3) The department shall require the application of air
3 pollution control equipment, engineering, or other operating
4 procedures as necessary to ~~satisfy the determination~~
5 ~~required under subsection (2)(c). The equipment,~~
6 ~~engineering, or procedures must provide particulate and~~
7 ~~gaseous emission reductions of air pollutants, including~~
8 ~~hazardous air pollutants, equivalent to or more stringent~~
9 ~~than those achieved through the best available control~~
10 ~~technology, in addition to any other controls necessary to~~
11 ~~satisfy the determination required under subsection (2)(c).~~

12 (4) This section does not relieve an owner or operator
13 of a solid or hazardous waste incinerator that is not
14 included under subsection (1) from the obligation to obtain
15 any permit otherwise required under this chapter or rules
16 implementing this chapter."

17 NEW SECTION. Section 2. Effective date. [This act] is
18 effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 607 (third reading copy -- blue), respectfully report that House Bill No. 607 be amended and as so amended be concurred in:

1. Page 2, line 7.

Following: "A"

Insert: "reasonable and practical health"

Signed: 
Lawrence G. Stimatz, Chairman

per 3-26-91
Amd. Coord.
SB 3-26 9:15
Sec. of Senate

SENATE
HB 607

1 HOUSE BILL NO. 607
 2 INTRODUCED BY RANEY, REA, BRADLEY
 3 BY REQUEST OF THE DEPARTMENT OF
 4 HEALTH AND ENVIRONMENTAL SCIENCES
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
 7 RELATING TO PERMIT REQUIREMENTS FOR SOLID WASTE
 8 INCINERATORS; EXTENDING THE PERMIT REQUIREMENTS TO HAZARDOUS
 9 WASTE INCINERATORS; AMENDING SECTION 75-2-215, MCA; AND
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 11

12 STATEMENT OF INTENT

13 It is the intent of the legislature that the department
 14 of health and environmental sciences not issue an air
 15 quality permit for any new solid waste incinerator that is
 16 designed to burn more than 200 pounds an hour of solid waste
 17 and not authorize any existing or permitted solid waste
 18 incinerator that is designed to burn more than 200 pounds an
 19 hour of solid waste to change the amount, form, or content
 20 of the solid waste it incinerates or to incinerate any solid
 21 waste that would change the nature, character, or
 22 composition of its emissions until the department and the
 23 public have the necessary information to understand the
 24 composition and concentrations of emissions. It is also the
 25 intent of the legislature that the department apply the

1 concept of best available control technology to all air
 2 pollutants, including hazardous air pollutants, when
 3 considering a permit application or modification for a solid
 4 waste incinerator. The legislature intends that these
 5 additional permit requirements be extended to hazardous
 6 waste incinerators as well. IT IS ALSO THE INTENT OF THE
 7 LEGISLATURE THAT THE DEPARTMENT DEVELOP A REASONABLE AND
 8 PRACTICAL HEALTH RISK ASSESSMENT-BASED DEFINITION OF THE
 9 TERM "NEGLIGIBLE RISK" AS USED IN 75-2-215(2)(C).
 10

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

12 **Section 1.** Section 75-2-215, MCA, is amended to read:

13 "75-2-215. Solid or hazardous waste incineration --
 14 additional permit requirements. (1) A person may not
 15 construct, modify, or operate a solid or hazardous waste
 16 incinerator of any of the following categories until the
 17 department has issued an air quality permit pursuant to this
 18 chapter, including the conditions provided in this section:

19 (a) a new ~~commercial~~ solid or hazardous waste
 20 incinerator that is designed to burn more than 200 pounds an
 21 hour of solid or hazardous waste; or

22 (b) a an existing or permitted solid or hazardous waste
 23 incinerator that is designed to burn more than 200 pounds an
 24 hour of solid or hazardous waste and that incinerates or
 25 would incinerate solid or hazardous waste in an amount,

1 form, kind, or content different from its designed or
2 permitted operation or that incinerates or would incinerate
3 any material solid or hazardous waste that changes the
4 nature, character, or composition of its emissions.

5 (2) The department may not issue a permit to a facility
6 described in subsection (1) until:

7 (a) the owner or operator has provided to the
8 department's satisfaction:

9 (i) a characterization of emissions and ambient
10 concentrations of air pollutants, including hazardous air
11 pollutants, from any existing incineration at the facility;
12 and

13 (ii) an estimate of emissions and ambient concentrations
14 of air pollutants, including hazardous air pollutants, from
15 the incineration of solid or hazardous waste as proposed in
16 the permit application or modification; and

17 (b) the public has had an opportunity to review and
18 comment on the permit application or modification; and

19 ~~(c) the department has reached a determination that the~~
20 ~~projected emissions and ambient concentrations will~~
21 ~~constitute a negligible risk to the public health, safety,~~
22 ~~and welfare and to the environment; AND~~

23 (C) THE DEPARTMENT HAS REACHED A DETERMINATION THAT THE
24 PROJECTED EMISSIONS AND AMBIENT CONCENTRATIONS WILL
25 CONSTITUTE A NEGLIGIBLE RISK TO THE PUBLIC HEALTH, SAFETY,

1 AND WELFARE AND TO THE ENVIRONMENT.

2 (3) The department shall require the application of air
3 pollution control equipment, engineering, or other operating
4 procedures as necessary to ~~satisfy the determination~~
5 ~~required under subsection (2)(c).~~ ~~The equipment,~~
6 ~~engineering, or procedures must provide particulate and~~
7 ~~gaseous emission reductions of air pollutants, including~~
8 ~~hazardous air pollutants,~~ equivalent to or more stringent
9 than those achieved through the best available control
10 technology, ~~in addition to any other controls necessary to~~
11 ~~satisfy the determination required under subsection (2)(c).~~

12 (4) This section does not relieve an owner or operator
13 of a solid or hazardous waste incinerator that is not
14 included under subsection (1) from the obligation to obtain
15 any permit otherwise required under this chapter or rules
16 implementing this chapter."

17 NEW SECTION. Section 2. Effective date. [This act] is
18 effective on passage and approval.

-End-