

HOUSE BILL 838

Introduced by Southworth, et al.

2/14	Introduced
2/14	Referred to Natural Resources
2/14	First Reading
2/14	Fiscal Note Requested
2/18	Fiscal Note Received
2/21	Fiscal Note Printed
2/22	Hearing
2/23	Committee Report--Bill Passed as Amended
2/26	2nd Reading Do Pass as Amended Motion Failed

1 *House* BILL NO. *838*
 2 INTRODUCED BY *Southworth*
 3 *Koch* *Johnson* *Madison* *Rife* *Ream*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE
 5 DISPOSAL OF CERTAIN COMPONENTS OF SOLID WASTE IN LANDFILLS
 6 OR WASTE INCINERATORS; REQUIRING LOCAL GOVERNMENTS TO
 7 DEVELOP SOLID WASTE MANAGEMENT PLANS; AUTHORIZING THE
 8 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO GRANT
 9 VARIANCES; AND REQUIRING THAT USED LEAD ACID BATTERIES BE
 10 RECYCLED."
 11

12 STATEMENT OF INTENT

13 It is the intent of the legislature that the department
 14 of health and environmental sciences adopt rules to
 15 implement the provisions of [sections 1 through 7]. These
 16 regulations must be designed to protect the public health,
 17 safety, and welfare and the environment. In preparation for
 18 drafting the rules, the department shall consult with local
 19 governments, solid waste contractors, and others involved
 20 with solid waste management.
 21

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

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

25 (1) "Integrated waste management" means the coordinated

1 use of multiple waste management methods based on the
 2 following order of preference:

- 3 (a) reduction of waste generated at the source;
- 4 (b) reuse of waste;
- 5 (c) recycling of waste;
- 6 (d) composting of biodegradable waste; and
- 7 (e) landfill disposal or incineration.

8 (2) "Local government" means a county, a consolidated
 9 government, an incorporated city or town, or a refuse
 10 disposal district organized under the laws of this state.

11 (3) "Major appliance" includes but is not limited to a
 12 residential or commercial air conditioner, clothes dryer,
 13 clothes washer, dishwasher, freezer, microwave oven, oven,
 14 refrigerator, or stove.

15 (4) "Opportunity to recycle" means the availability of
 16 a place for collecting source-separated, recyclable material
 17 located at either the disposal site or at another location
 18 more convenient to the population being served and, if the
 19 population being served is 1,000 or more persons, collection
 20 at least once a month of source-separated, recyclable
 21 material from collection service customers.

22 (5) "Person" means any individual, firm, partnership,
 23 company, association, corporation, city, town, local
 24 governmental entity, or any other state, federal, or private
 25 entity, whether organized for profit or not.

1 (6) "Yard waste" means vegetative matter resulting from
2 landscaping, yard maintenance, and land-clearing operations.

3 NEW SECTION. Section 2. Prohibition on landfilling and
4 incineration. (1) After January 1, 1993, a person may not
5 dispose of lead acid batteries, major appliances, or waste
6 oil in a landfill or incinerator licensed under 75-10-221.

7 (2) After January 1, 1995, a person may not dispose of
8 yard waste in a landfill or waste incinerator licensed under
9 75-10-221.

10 (3) After January 1, 1997, a person may not dispose of
11 aluminum, glass, or corrugated paper or containers in a
12 landfill or incinerator licensed under 75-10-221.

13 NEW SECTION. Section 3. Waste reduction plans. (1) By
14 January 1, 1993, each local government shall develop and
15 implement a program to manage the solid waste within its
16 jurisdiction in compliance with [section 2].

17 (2) By July 1, 1993, each local government shall submit
18 to the department a solid waste management plan that is
19 consistent with and designed to implement the state solid
20 waste management and resource recovery plan required under
21 75-10-104. The plan must:

22 (a) be developed with the participation of the local
23 health department, solid waste management system operators
24 or owners, solid waste haulers, and other interested
25 individuals;

1 (b) incorporate the concept of integrated waste
2 management;

3 (c) identify the alternative strategies to be used to
4 manage each of the components of the waste stream banned
5 from landfills under [section 2];

6 (d) identify the person or persons responsible for
7 implementing the plan; and

8 (e) provide an implementation time line.

9 NEW SECTION. Section 4. Variance from prohibitions and
10 waste reduction plans. The department shall provide a
11 variance from the requirements of [section 2(2) and (3)] if
12 the local government:

13 (1) provides the opportunity to recycle; and

14 (2) develops a public education and recycling promotion
15 program that gives notice to each person being served of the
16 opportunity to recycle and encourages source separation of
17 recyclable materials.

18 NEW SECTION. Section 5. Permitted methods of lead acid
19 battery disposal. (1) After January 1, 1993, a person shall
20 only dispose of a lead acid battery by delivery to a lead
21 acid battery retailer or wholesaler, to a collection or
22 recycling facility, or to a secondary lead smelter permitted
23 by a state or the U.S. environmental protection agency.

24 (2) Lead acid battery retailers shall dispose of used
25 lead acid batteries by delivery to the agent of a battery

1 wholesaler, to a battery manufacturer for delivery to a
 2 secondary lead smelter permitted by a state or the U.S.
 3 environmental protection agency, to a collection or
 4 recycling facility, or to a secondary lead smelter permitted
 5 by a state or the U.S. environmental protection agency.

6 NEW SECTION. **Section 6.** Acceptance of used batteries
 7 by retailers and wholesalers. (1) A person offering lead
 8 acid batteries for retail sale shall, after December 31,
 9 1992, accept used lead acid batteries from any customer at
 10 the point of transfer in a quantity at least equal to the
 11 number of new batteries offered for retail sale.

12 (2) A person selling new lead acid batteries at
 13 wholesale shall, after December 31, 1992, accept used lead
 14 acid batteries from any customer at the point of transfer in
 15 a quantity at least equal to the number of new batteries
 16 offered for wholesale.

17 NEW SECTION. **Section 7.** Notice to customers. A person
 18 selling new lead acid batteries shall post in each area
 19 where lead acid batteries are sold a clearly visible and
 20 legible sign stating that:

21 (1) lead acid batteries cannot be disposed of in a
 22 landfill or incinerator but must be recycled; and

23 (2) the dealer will accept used lead acid batteries.

24 NEW SECTION. **Section 8.** Codification instruction.
 25 [Sections 1 through 7] are intended to be codified as an

1 integral part of Title 75, chapter 10, and the provisions of
 2 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 HB0838, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill prohibiting the disposal of certain components of solid waste in landfills or waste incinerators; requiring local governments to develop solid waste management plans; authorizing the Department of Health and Environmental Sciences to grant variances; and requiring that used lead acid batteries be recycled.

FISCAL IMPACT:

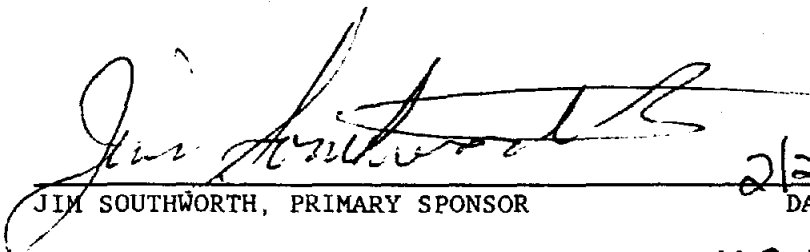
None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

1. Local governments would incur increased expenditures associated with the "opportunity to recycle" centers but these expenditures would be wholly or partially offset by savings in landfill siting costs realized by extending the life of municipal landfills. If the "opportunity to recycle" option is rejected, local governments would incur expenditures to develop and implement an integrated waste management plan.
2. There may not be markets for some of the materials separated from the waste stream, so quantities could accumulate or local governments may pay to have materials recycled.



ROD SUNDSTED, BUDGET DIRECTOR 2-18-91 DATE
Office of Budget and Program Planning



JIM SOUTHWORTH, PRIMARY SPONSOR 2/21/91 DATE
Fiscal Note for HB0838, as introduced. **HB 838**

APPROVED BY COMM. ON
NATURAL RESOURCES

1 HOUSE BILL NO. 838
2 INTRODUCED BY SOUTHWORTH, TOWE, COHEN, HARPER, KADAS,
3 J. JOHNSON, MADISON, O'KEEFE, REAM, BARNHART, DRISCOLL,
4 DOLEZAL, WEEDING, HALLIGAN

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE
7 DISPOSAL OF CERTAIN COMPONENTS OF SOLID WASTE IN LANDFILLS
8 OR WASTE INCINERATORS; REQUIRING LOCAL GOVERNMENTS TO
9 DEVELOP SOLID WASTE MANAGEMENT PLANS; AUTHORIZING THE
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21 population being served is 1,000 or more persons, collection
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 6 manage each of the components of the waste stream banned
 7 from landfills under [section 2];

8 (d) identify the person or persons responsible for
 9 implementing the plan; and

10 (e) provide an implementation time line; AND

11 (F) COMPLY WITH THE PUBLIC POLICIES UNDER 75-10-102.

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