

SENATE BILL NO. 209

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

IN THE SENATE

JANUARY 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 26, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 37; NOES, 12.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

MARCH 20, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 5, 1991 SECOND READING, CONCURRED IN.

APRIL 6, 1991 THIRD READING, CONCURRED IN.
AYES, 73; NOES, 23.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 9, 1991 RECEIVED FROM HOUSE.

ON MOTION, CONSIDERATION PASSED
UNTIL THE 76TH LEGISLATIVE DAY.

APRIL 17, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 18, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

APRIL 19, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *209*
 2 INTRODUCED BY *Yellowtail, B. & Harp Alcedony*
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 4 *Prinall, Roney, Gilbert, Grady*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A SOLID
 6 WASTE MANAGEMENT SYSTEM TO BE LICENSED ANNUALLY BY THE
 7 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE
 8 AN APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; TO
 9 AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 10 SCIENCES TO COLLECT FEES; AMENDING SECTIONS 7-13-231,
 11 75-10-102, 75-10-104, 75-10-115, 75-10-204, AND 75-10-221,
 12 MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE
 13 APPLICABILITY DATE."

14 STATEMENT OF INTENT

15 A statement of intent is required for this bill to:

16 (1) provide the department of health and environmental
17 sciences with guidelines for adopting rules to implement
18 [sections 1 through 6];

19 (2) indicate the structure and amount of fees that are
20 intended to be charged to license solid waste management
21 systems; and

22 (3) indicate the method of collection.

23 A fee for review of a license application for a new
24 solid waste management system or for substantial
25

1 modifications to an existing system will be charged. The
2 fees must be based on the capacity of the proposed system
3 and reflect the relative cost of reviewing the proposal. The
4 following fee structure is suggested:

5 (1) Major facility. \$10,000 for a facility with a
6 planned capacity of more than 25,000 tons of solid waste per
7 year.

8 (2) Intermediate facility. \$7,500 for a facility with a
9 planned capacity of more than 5,000 tons of solid waste per
10 year but not more than 25,000 tons per year.

11 (3) Minor facility. \$5,000 for a facility with a
12 planned capacity of not more than 5,000 tons of solid waste
13 per year.

14 A fee will be charged to issue a license for a solid
15 waste management system, and an annual fee will be charged
16 to renew a solid waste management system license. The fees
17 are intended to reflect a minimal base fee related to the
18 fixed costs of an annual inspection and license renewal and
19 a volume fee related to the estimated amount of solid waste
20 to be disposed of each year. The following fee structure is
21 suggested:

22 (1) Major facility. \$3,500 for a facility with a
23 planned capacity of more than 25,000 tons of solid waste per
24 year.

25 (2) Intermediate facility. \$3,000 for a facility with a

1 planned capacity of more than 5,000 tons per year but not
2 more than 25,000 tons per year.

3 (3) Minor facility. \$2,500 for a facility with a
4 planned capacity of not more than 5,000 tons per year.

5 In addition to the fixed fee, all solid waste management
6 systems shall pay a volume fee in order to receive a license
7 under 75-10-221. The initial fee should not exceed 31 cents
8 per ton.

9 For the purposes of estimating the volume for small
10 solid waste management systems or for systems that choose
11 not to weigh or measure the volume of waste managed, the
12 following formulas are suggested:

13 Solid waste should be assumed to be generated at the
14 following per capita rates:

15 <u>Population</u>	<u>Tons Per Year</u>
16 Greater than 5,000	1.04
17 1,000 - 5,000	0.59
18 Less than 1,000 and unincorporated areas	0.41

19 For the purpose of conversion between solid waste weight
20 and volume, the following equivalents are suggested:

- 21 (1) One uncompacted cubic yard equals 300 pounds; and
22 (2) One compacted cubic yard equals 700 pounds.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 **Section 1.** Section 7-13-231, MCA, is amended to read:

1 "7-13-231. Authorization for charges for services. (1)
2 To defray the cost of maintenance and operation of said
3 refuse disposal district, the board shall establish a fee
4 for service, with approval of the county commissioners,
5 provided a public hearing has been held if written protest
6 has been made as provided in 7-13-211. An increase in fees
7 may not be approved and implemented unless notice of such
8 increase is given as provided in 7-13-208(1) and (2) and
9 opportunity for protest is allowed as provided in 7-13-209
10 and 7-13-211.

11 (2) This fee shall be assessed to all units in the
12 district that are receiving a service, for the purpose of
13 maintenance and operation of said district.

14 (3) An opportunity for protest or hearing is not
15 required to increase fees for the purpose of paying fees
16 imposed by the department of health and environmental
17 sciences under 75-10-115. Notice must be provided to all
18 units of the rate or portion of any rate that is directly
19 attributable to the fee imposed."

20 **Section 2.** Section 75-10-102, MCA, is amended to read:

21 "75-10-102. Public policies. (1) To implement this
22 part, the following are declared to be public policies of
23 this state:

24 (a) Maximum recycling from solid waste is necessary to
25 protect the public health, welfare, and quality of the

1 natural environment.

2 (b) Solid waste management systems shall be developed,
3 financed, planned, designed, constructed, and operated for
4 the benefit of the people of this state.

5 (c) Private industry is to be utilized to the maximum
6 extent possible in planning, designing, managing,
7 constructing, operating, manufacturing, and marketing
8 functions related to solid waste management systems.

9 (d) Local governments shall retain primary
10 responsibility for adequate solid waste management with the
11 state preserving those functions necessary to assure
12 effective solid waste management systems throughout the
13 state.

14 (e) Costs for the management and regulation of solid
15 waste management systems should be charged to those persons
16 generating solid waste in order to encourage the reduction
17 of the solid waste stream.

18 ~~(e)~~(f) Encouragement and support be given to
19 individuals and municipalities to separate solid waste at
20 its source in order to maximize the value of such wastes for
21 reuse.

22 ~~(f)~~(g) The state shall provide technical advisory
23 assistance to local governments and other affected persons
24 in the planning, developing, financing, and implementation
25 of solid waste management systems.

1 ~~(g)~~(h) Actions and activities performed or carried out
2 by persons and their contractors in accordance with this
3 part shall be in conformity with the state solid waste plan.

4 (2) This part is in addition and supplemental to any
5 other law providing for the financing of a solid waste
6 management system and does not amend or repeal any other
7 law."

8 **Section 3.** Section 75-10-104, MCA, is amended to read:

9 "75-10-104. Duties of department. The department shall:

10 (1) prepare a state solid waste management and resource
11 recovery plan for submission to the board;

12 (2) prepare rules necessary for the implementation of
13 this part for submission to the board, including but not
14 limited to rules:

15 (a) governing the submission of plans for a solid waste
16 management system;

17 (b) governing procedures to be followed in applying for
18 and making loans;

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

21 (d) establishing, for the purpose of determining the
22 solid waste management fee to which a facility is subject
23 under 75-10-115, methods for determining or estimating the
24 amount of solid waste incinerated or disposed of at a
25 facility; and

1 (e) providing procedures for the quarterly collection
2 of the solid waste management fee provided for in 75-10-115;
3 and

4 (f) providing guidelines for a waiver of fees for
5 certain incineration or disposal of solid waste, as provided
6 for in 75-10-115(2);

7 (3) provide financial assistance to local governments
8 for front-end planning activities for a proposed solid waste
9 management system which is compatible with the state plan
10 whenever financial assistance is available;

11 (4) provide technical assistance to persons within the
12 state for planning, designing, constructing, financing, and
13 operating a solid waste management system in order to insure
14 that the system conforms to the state plan;

15 (5) provide front-end organizational loans for the
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."

23 **Section 4.** Section 75-10-115, MCA, is amended to read:

24 "75-10-115. Solid waste management fee. (1) Except as
25 provided in subsections (2) and (3), any person who owns an

1 incinerator that burns more than 17,000 tons of solid waste a
2 year or a solid waste disposal facility that is licensed
3 pursuant to 75-10-221 and rules adopted under 75-10-221 and
4 that disposes of more than 17,000 tons of solid waste a year
5 shall pay to the department a quarterly fee of \$1 for each
6 ton of solid waste generated in a different region and
7 incinerated or disposed of at the facility.

8 (2) The fee provided in subsection (1) must be waived
9 if the department finds that the incineration or disposal is
10 consistent with state solid waste management goals and
11 results in equivalent or improved protection of Montana's
12 public health, safety, welfare, and environment when
13 compared to the alternative of intraregional incineration or
14 disposal.

15 (3) The incineration or disposal of solid waste at a
16 licensed facility in the manner and quantity incinerated or
17 disposed of before May 22, 1989, is exempt from the solid
18 waste management fee. (1) The department may establish and
19 collect fees for the management and regulation of solid
20 waste disposal. These fees may include:

21 (a) a license application fee that reflects the cost of
22 reviewing a new solid waste management system or a
23 substantial change to an existing facility;

24 (b) an annual license renewal fee that reflects a
25 minimal base fee related to the fixed costs of an annual

1 inspection and license renewal; and

2 (c) a volume-based fee on solid waste disposal.

3 ~~(4)~~(2) All fees collected must be deposited in the
4 solid waste management account provided for in 75-10-117."

5 **Section 5.** Section 75-10-204, MCA, is amended to read:

6 "75-10-204. Powers and duties of department. The
7 department shall adopt rules governing solid waste
8 management systems which shall include but are not limited
9 to:

10 (1) requirements for the plan of operation and
11 maintenance that must be submitted with an application under
12 this part;

13 (2) the classification of disposal sites according to
14 the physical capabilities of the site to contain the type of
15 solid waste to be disposed of;

16 (3) the procedures to be followed in the disposal,
17 treatment, or transport of solid wastes;

18 (4) the suitability of the site from a public health
19 standpoint when hydrology, geology, and climatology are
20 considered;

21 (5) requirements relating to ground water monitoring,
22 including but not limited to:

23 (a) information that owners and operators of municipal
24 solid waste landfills and other disposal sites specified in
25 75-10-207 must submit to the department to enable the

1 department to prepare the priority compliance list
2 authorized by 75-10-207(3);

3 (b) the content of plans for the design, construction,
4 operation, and maintenance of monitoring wells and
5 monitoring systems; and

6 (c) recordkeeping and reporting; and

7 (6) fees related to the review of solid waste
8 management system license applications;

9 (7) the renewal of solid waste management system
10 licenses and related fees; and

11 ~~(6)~~(8) any other factors relating to the sanitary
12 disposal or management of solid wastes."

13 **Section 6.** Section 75-10-221, MCA, is amended to read:

14 "75-10-221. License required -- application. (1) Except
15 as provided in 75-10-214, no person may dispose of solid
16 waste or operate a solid waste management system without a
17 license from the department.

18 (2) The department shall provide application forms for
19 a license as provided in this part.

20 (3) The application shall contain the name and business
21 address of the applicant, the location of the proposed solid
22 waste management system, a plan of operation and
23 maintenance, and such other information as the department
24 may by rule require.

25 (4) The license provided for in this section is for a

1 period not to exceed 12 months unless renewed by the
2 department. The department may provide exceptions to the
3 12-month requirement for a 2-year period following July 1,
4 1991.

5 (5) The department may require submission of a new
6 application if the department determines that the plan of
7 operation, the management of the solid waste system, or the
8 geological or ground water conditions have changed since the
9 license was initially approved.

10 (6) In establishing fees for licenses and the review of
11 applications, the department shall consider the volume of
12 waste to be managed and the size of the proposed solid waste
13 management system. The fees must encourage reduction in the
14 volume of waste to be managed and cover the costs to the
15 department of initially reviewing and annually licensing the
16 solid waste management system."

17 NEW SECTION. Section 7. Retroactive applicability.
18 [This act] applies retroactively, within the meaning of
19 1-2-109, to all applications provided for in 75-10-221
20 received after January 1, 1990.

21 NEW SECTION. Section 8. Effective date. [This act] is
22 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0209, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to: require a solid waste management system to be licensed annually by the Department of Health and Environmental Sciences; to require an applicant for a license to pay an application fee and to authorize the department to collect fees.

ASSUMPTIONS:

1. Each year there will be new license applications for 5 small, 4 medium, and 1 large landfill. Each year there will be license renewal applications for 42 small, 20 medium, and 8 large landfills.
2. During the first biennium the per ton charge for solid waste disposal or incineration will be 31 cents. There will be 552,780 tons of solid waste disposed of in Montana each year during the next two years.
3. FY92 required personnel: 0.20 FTE Lawyer (Grade 17, Step 7), 0.25 FTE Environmental Specialist III (Grade 14, Step 2), 0.50 FTE Accounting Specialist II (Grade 12, Step 2), and 0.25 FTE Database Technician II (Grade 12, Step 2). In FY93 rule-writing will be complete and the 0.20 FTE Lawyer would no longer be required.
4. Approximately \$47,500 per year would be granted to counties to oversee landfill operator training.

FISCAL IMPACT:

Department of Health and Environmental Sciences:

Expenditures:

	FY92			FY93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	0.00	1.20	1.20	0.00	1.00	1.00
Personal Services	0	32,106	32,106	0	24,966	24,966
Operating Expenses	0	26,700	26,700	0	20,200	20,200
Grants	0	47,500	47,500	0	47,500	47,500
Total	0	106,306	106,306	0	92,666	92,666

Funding:

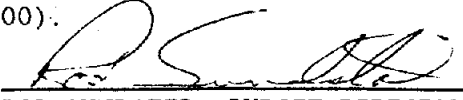
Solid Waste Fees (02)	0	106,306	106,306	0	92,666	92,666
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Revenues:

Solid Waste Fees (02)	0	430,000	430,000	0	430,000	430,000
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

About two-thirds of the solid waste disposed of in Montana is handled by county or local governments, so about \$290,000 each year would be collected by the county and local governments. Approximately \$47,500 of the fees would be passed back to the counties to oversee landfill operator training (resulting in a net requirement for county and local governments to collect \$242,500).

 2-1-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/4/91
BILL YELLOWTAIL, PRIMARY SPONSOR DATE

Fiscal Note for SB0209, as introduced.

SB 209

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

1 SENATE BILL NO. 209
 2 INTRODUCED BY YELLOWTAIL, T. BECK, HARP, WEEDING, DRISCOLL,
 3 RANEY, GILBERT, GRADY
 4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A SOLID
 7 WASTE MANAGEMENT SYSTEM TO BE LICENSED ANNUALLY BY THE
 8 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE
 9 AN APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; TO
 10 AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 11 SCIENCES TO COLLECT FEES; AMENDING SECTIONS 7-13-231,
 12 75-10-102, 75-10-104, 75-10-115, 75-10-204, AND 75-10-221,
 13 MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE
 14 APPLICABILITY DATE."
 15

STATEMENT OF INTENT

17 A statement of intent is required for this bill to:
 18 (1) provide the department of health and environmental
 19 sciences with guidelines for adopting rules to implement
 20 [sections 1 through 6 7];
 21 (2) indicate the structure and amount of fees that are
 22 intended to be charged to license solid waste management
 23 systems; and
 24 (3) indicate the method of collection.
 25 A fee for review of a license application for a new

1 solid waste management system or for substantial
 2 modifications to an existing system will be charged. The
 3 fees must be based on the capacity of the proposed system
 4 and reflect the relative cost of reviewing the proposal. The
 5 following fee structure is suggested:

6 (1) MEGAFACILITY. \$15,000 FOR A FACILITY WITH A PLANNED
 7 CAPACITY OF MORE THAN 200,000 TONS OF SOLID WASTE PER YEAR.

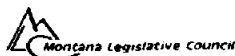
8 ~~1~~(2) Major facility. \$10,000 for a facility with a
 9 planned capacity of more than 25,000 tons of solid waste per
 10 year BUT NOT MORE THAN 200,000 TONS PER YEAR.

11 ~~2~~(3) Intermediate facility. \$7,500 for a facility
 12 with a planned capacity of more than 5,000 tons of solid
 13 waste per year but not more than 25,000 tons per year.

14 ~~3~~(4) Minor facility. \$5,000 for a facility with a
 15 planned capacity of not more than 5,000 tons of solid waste
 16 per year.

17 A fee will be charged to issue a license for a solid
 18 waste management system, and an annual fee will be charged
 19 to renew a solid waste management system license. The fees
 20 are intended to reflect a minimal base fee related to the
 21 fixed costs of an annual inspection and license renewal ~~and~~
 22 ~~a--volume-fee-related-to-the-estimated-amount-of-solid-waste~~
 23 ~~to-be-disposed-of-each-year.--The-following-fee-structure--is~~
 24 suggested:

25 ~~1~~--Major--facility--\$3,500--for--a--facility--with--a



1 planned-capacity-of-more-than-25,000-tons-of-solid-waste-per
2 year.

3 {2}--intermediate-facility--\$3,000-for-a-facility-with-a
4 planned-capacity-of-more-than-5,000-tons-per-year-but-not
5 more-than-25,000-tons-per-year.

6 {3}--Minor--facility--\$2,500--for--a--facility--with--a
7 planned-capacity-of-not-more-than-5,000-tons-per-year.

8 In-addition-to-the-fixed-fee,all-solid-waste-management
9 systems-shall-pay-a-volume-fee-in-order-to-receive-a-license
10 under-75-10-221-The-initial-fee-should-not-exceed-31-cents
11 per-ton.

12 For--the--purposes--of--estimating--the-volume-for-small
13 solid-waste-management-systems-or-for--systems--that--choose
14 not--to--weigh--or--measure--the-volume-of-waste-managed,--the
15 following-formulas-are-suggested:

16 Solid-waste-should-be-assumed-to--be--generated--at--the
17 following-per-capita-rates:

18 Population	Tons-Per-Year
19 Greater-than-5,000	1.04
20 1,000--5,000	0.59
21 less-than-1,000-and-unincorporated-areas	0.41

22 For-the-purpose-of-conversion-between-solid-waste-weight
23 and-volume,--the-following-equivalents-are-suggested:

- 24 {1}--One-uncompacted-cubic-yard-equals-300-pounds,--and
- 25 {2}--One-compacted-cubic-yard-equals-700-pounds.

1
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

3 **Section 1.** Section 7-13-231, MCA, is amended to read:

4 "7-13-231. **Authorization For charges for services.** (1)
5 To defray the cost of maintenance and operation of said
6 refuse disposal district, the board shall establish a fee
7 for service, with approval of the county commissioners,
8 provided a public hearing has been held if written protest
9 has been made as provided in 7-13-211. An increase in fees
10 may not be approved and implemented unless notice of such
11 increase is given as provided in 7-13-208(1) and (2) and
12 opportunity for protest is allowed as provided in 7-13-209
13 and 7-13-211.

14 (2) This fee shall be assessed to all units in the
15 district that are receiving a service, for the purpose of
16 maintenance and operation of said district.

17 (3) An opportunity for protest or hearing is not
18 required to increase fees for the purpose of paying fees
19 imposed by the department of health and environmental
20 sciences under 75-10-115. Notice must be provided to all
21 units of the rate or portion of any rate that is directly
22 attributable to the fee imposed."

23 **Section 2.** Section 75-10-102, MCA, is amended to read:

24 "75-10-102. **Public policies.** (1) To implement this
25 part, the following are declared to be public policies of

1 this state:

2 (a) Maximum recycling from solid waste is necessary to
3 protect the public health, welfare, and quality of the
4 natural environment.

5 (b) Solid waste management systems shall be developed,
6 financed, planned, designed, constructed, and operated for
7 the benefit of the people of this state.

8 (c) Private industry is to be utilized to the maximum
9 extent possible in planning, designing, managing,
10 constructing, operating, manufacturing, and marketing
11 functions related to solid waste management systems.

12 (d) Local governments shall retain primary
13 responsibility for adequate solid waste management with the
14 state preserving those functions necessary to assure
15 effective solid waste management systems throughout the
16 state.

17 (e) Costs for the management and regulation of solid
18 waste management systems should be charged to those persons
19 generating solid waste in order to encourage the reduction
20 of the solid waste stream.

21 ~~(f)~~(f) Encouragement and support be given to
22 individuals and municipalities to separate solid waste at
23 its source in order to maximize the value of such wastes for
24 reuse.

25 ~~(f)~~(g) The state shall provide technical advisory

1 assistance to local governments and other affected persons
2 in the planning, developing, financing, and implementation
3 of solid waste management systems.

4 ~~(g)~~(h) Actions and activities performed or carried out
5 by persons and their contractors in accordance with this
6 part shall be in conformity with the state solid waste plan.

7 (2) This part is in addition and supplemental to any
8 other law providing for the financing of a solid waste
9 management system and does not amend or repeal any other
10 law."

11 **Section 3.** Section 75-10-104, MCA, is amended to read:
12 **"75-10-104. Duties of department.** The department shall:

13 (1) prepare a state solid waste management and resource
14 recovery plan for submission to the board;

15 (2) prepare rules necessary for the implementation of
16 this part for submission to the board, including but not
17 limited to rules:

18 (a) governing the submission of plans for a solid waste
19 management system;

20 (b) governing procedures to be followed in applying for
21 and making loans;

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

24 (d) establishing, for the purpose of determining the
25 solid waste management fee to which a facility is subject

1 under 75-10-115, methods for determining or estimating the
 2 amount of solid waste incinerated or disposed of at a
 3 facility; and

4 (e) providing procedures for the quarterly collection
 5 of the solid waste management fee provided for in 75-10-115;
 6 and

7 ~~{f}--providing--guidelines--for--a--waiver--of--fees--for~~
 8 ~~certain-incineration-or-disposal-of-solid-waste,--as-provided~~
 9 ~~for-in-75-10-115{2};~~

10 (3) provide financial assistance to local governments
 11 for front-end planning activities for a proposed solid waste
 12 management system which is compatible with the state plan
 13 whenever financial assistance is available;

14 (4) provide technical assistance to persons within the
 15 state for planning, designing, constructing, financing, and
 16 operating a solid waste management system in order to insure
 17 that the system conforms to the state plan;

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."

1 **Section 4.** Section 75-10-115, MCA, is amended to read:

2 ~~"75-10-115. Solid waste management fee. {1}-Except-as~~
 3 ~~provided-in-subsections-{2}-and-{3},-any-person-who-owns--an~~
 4 ~~incinerator-that-burns-more-than-17000-tons-of-solid-waste-a~~
 5 ~~year--or--a--solid--waste-disposal-facility-that-is-licensed~~
 6 ~~pursuant-to-75-10-221-and-rules-adopted-under-75-10-221--and~~
 7 ~~that--disposes-of-more-than-17000-tons-of-solid-waste-a-year~~
 8 ~~shall-pay-to-the-department-a-quarterly-fee-of-\$1--for--each~~
 9 ~~ton--of--solid--waste--generated--in--a--different-region-and~~
 10 ~~incinerated-or-disposed-of-at-the-facility-~~

11 ~~{2}--The-fee-provided-in-subsection-{1}-must--be--waived~~
 12 ~~if-the-department-finds-that-the-incineration-or-disposal-is~~
 13 ~~consistent--with--state--solid--waste--management--goals-and~~
 14 ~~results-in-equivalent-or-improved--protection--of--Montana's~~
 15 ~~public--health,--safety,--welfare,--and--environment--when~~
 16 ~~compared-to-the-alternative-of-intraregional-incineration-or~~
 17 ~~disposal-~~

18 ~~{3}--The-incineration-or-disposal-of-solid-waste--at--a~~
 19 ~~licensed--facility-in-the-manner-and-quantity-incinerated-or~~
 20 ~~disposed-of-before-May-22,1989,-is-exempt--from--the--solid~~
 21 ~~waste--management-fee. (1) The department may establish and~~
 22 ~~collect fees for the management and regulation of solid~~
 23 ~~waste disposal. These fees may include:~~

24 ~~(a) a license application fee that reflects the cost of~~
 25 ~~reviewing a new solid waste management system or a~~

1 substantial change to an existing facility; AND
 2 (b) an annual license renewal fee that reflects a
 3 minimal base fee related to the fixed costs of an annual
 4 inspection and license renewal; and

5 ~~(c) -- a volume-based fee on -- solid -- waste -- disposal; AND~~
 6 BASED UPON THE FOLLOWING FORMULA:

7 (I) FOR A MAJOR FACILITY WITH A PLANNED CAPACITY OF
 8 MORE THAN 25,000 TONS OF SOLID WASTE A YEAR, \$8,000;

9 (II) FOR AN INTERMEDIATE FACILITY WITH A PLANNED
 10 CAPACITY OF MORE THAN 5,000 TONS A YEAR BUT NOT MORE THAN
 11 25,000 TONS PER YEAR, \$6,000; AND

12 (III) FOR A MINOR FACILITY WITH A PLANNED CAPACITY OF
 13 NOT MORE THAN 5,000 TONS A YEAR, \$4,000.

14 ~~(4)(2)~~ All fees collected must be deposited in the
 15 solid waste management account provided for in 75-10-117."

16 **Section 5.** Section 75-10-204, MCA, is amended to read:

17 "75-10-204. Powers and duties of department. The
 18 department shall adopt rules governing solid waste
 19 management systems which shall include but are not limited
 20 to:

21 (1) requirements for the plan of operation and
 22 maintenance that must be submitted with an application under
 23 this part;

24 (2) the classification of disposal sites according to
 25 the physical capabilities of the site to contain the type of

1 solid waste to be disposed of;

2 (3) the procedures to be followed in the disposal,
 3 treatment, or transport of solid wastes;

4 (4) the suitability of the site from a public health
 5 standpoint when hydrology, geology, and climatology are
 6 considered;

7 (5) requirements relating to ground water monitoring,
 8 including but not limited to:

9 (a) information that owners and operators of municipal
 10 solid waste landfills and other disposal sites specified in
 11 75-10-207 must submit to the department to enable the
 12 department to prepare the priority compliance list
 13 authorized by 75-10-207(3);

14 (b) the content of plans for the design, construction,
 15 operation, and maintenance of monitoring wells and
 16 monitoring systems; and

17 (c) recordkeeping and reporting; and

18 (6) fees related to the review of solid waste
 19 management system license applications;

20 (7) the renewal of solid waste management system
 21 licenses and related fees; and

22 ~~(6)(8)~~ any other factors relating to the sanitary
 23 disposal or management of solid wastes."

24 **Section 6.** Section 75-10-221, MCA, is amended to read:

25 "75-10-221. License required -- application. (1) Except

1 as provided in 75-10-214, no person may dispose of solid
2 waste or operate a solid waste management system without a
3 license from the department.

4 (2) The department shall provide application forms for
5 a license as provided in this part.

6 (3) The application shall contain the name and business
7 address of the applicant, the location of the proposed solid
8 waste management system, a plan of operation and
9 maintenance, and such other information as the department
10 may by rule require.

11 (4) The license provided for in this section is for a
12 period not to exceed 12 months unless renewed by the
13 department. The department may provide exceptions to the
14 12-month requirement for a 2-year period following July 1,
15 1991.

16 (5) The department may require submission of a new
17 application if the department determines that the plan of
18 operation, the management of the solid waste system, or the
19 geological or ground water conditions have changed since the
20 license was initially approved.

21 (6) In establishing fees for licenses and the review of
22 applications, the department shall consider the volume of
23 waste to be managed and the size of the proposed solid waste
24 management system. The fees must encourage reduction in the
25 volume of waste to be managed and cover the costs to the

1 department of initially reviewing and annually licensing the
2 solid waste management system."

3 NEW SECTION. SECTION 7. FILING FEE FOR MEGAFACILITY --
4 USE. AN APPLICANT FOR A LICENSE UNDER 75-10-221 TO OPERATE A
5 MEGAFACILITY SHALL PAY TO THE DEPARTMENT A FILING FEE AS
6 PROVIDED IN THIS SECTION BASED UPON THE DEPARTMENT'S
7 ESTIMATED COSTS OF PROCESSING THE LICENSE APPLICATION. THE
8 FILING FEE MUST BE DEPOSITED IN THE SOLID WASTE MANAGEMENT
9 ACCOUNT, PROVIDED FOR IN 75-10-117, FOR USE BY THE
10 DEPARTMENT IN LICENSING THE FACILITY. THE INITIAL FILING FEE
11 MAY NOT EXCEED THE FOLLOWING SCALE, BASED UPON THE
12 MEGAFACILITY'S PROJECTED ANNUAL TONNAGE OF WASTE:

- 13 (1) BASE FEE OF \$40,000; PLUS
14 (2) 20 CENTS A TON FOR EVERY TON OF WASTE OVER 200,000
15 TONS.

16 NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION.
17 [SECTION 7] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
18 OF TITLE 75, CHAPTER 10, PART 2, AND THE PROVISIONS OF TITLE
19 75, CHAPTER 10, PART 2, APPLY TO [SECTION 7].

20 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF
21 SENATE BILL NO. 377 IS PASSED AND APPROVED AND IF IT
22 INCLUDES A SECTION THAT PROVIDES A FILING FEE FOR A
23 CERTIFICATE OF SITE ACCEPTABILITY FOR A MEGALANDFILL, THEN
24 [SECTION 7 OF THIS ACT] IS VOID.

25 NEW SECTION. Section 10. Retroactive applicability.

SB 0209/02

1 [This act] applies retroactively, within the meaning of
2 1-2-109, to all applications provided for in 75-10-221
3 received after January 1, 1990.

4 NEW SECTION. **Section 11.** Effective date. [This act] is
5 effective July 1, 1991.

-End-

1 SENATE BILL NO. 209
 2 INTRODUCED BY YELLOWTAIL, T. BECK, HARP, WEEDING, DRISCOLL,
 3 RANEY, GILBERT, GRADY
 4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A SOLID
 7 WASTE MANAGEMENT SYSTEM TO BE LICENSED ANNUALLY BY THE
 8 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE
 9 AN APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; TO
 10 AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 11 SCIENCES TO COLLECT FEES; AMENDING SECTIONS 7-13-231,
 12 75-10-102, 75-10-104, 75-10-115, 75-10-204, AND 75-10-221,
 13 MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE
 14 APPLICABILITY DATE."

15
 16 STATEMENT OF INTENT
 17 A statement of intent is required for this bill to:
 18 (1) provide the department of health and environmental
 19 sciences with guidelines for adopting rules to implement
 20 [sections 1 through 6 7];
 21 (2) indicate the structure and amount of fees that are
 22 intended to be charged to license solid waste management
 23 systems; and
 24 (3) indicate the method of collection.
 25 A fee for review of a license application for a new

1 solid waste management system or for substantial
 2 modifications to an existing system will be charged. The
 3 fees must be based on the capacity of the proposed system
 4 and reflect the relative cost of reviewing the proposal. The
 5 following fee structure is suggested:

- 6 (1) MEGAFACILITY. \$15,000 FOR A FACILITY WITH A PLANNED
 7 CAPACITY OF MORE THAN 200,000 TONS OF SOLID WASTE PER YEAR.
 8 (2) Major facility. \$10,000 for a facility with a
 9 planned capacity of more than 25,000 tons of solid waste per
 10 year BUT NOT MORE THAN 200,000 TONS PER YEAR.
 11 (3) Intermediate facility. \$7,500 for a facility
 12 with a planned capacity of more than 5,000 tons of solid
 13 waste per year but not more than 25,000 tons per year.
 14 (4) Minor facility. \$5,000 for a facility with a
 15 planned capacity of not more than 5,000 tons of solid waste
 16 per year.

17 A fee will be charged to issue a license for a solid
 18 waste management system, and an annual fee will be charged
 19 to renew a solid waste management system license. The fees
 20 are intended to reflect a minimal base fee related to the
 21 fixed costs of an annual inspection and license renewal ~~and~~
 22 ~~a--volume-fee-related-to-the-estimated-amount-of-solid-waste~~
 23 ~~to-be-disposed-of-each-year.--The-following-fee-structure--is~~
 24 ~~suggested:~~

- 25 (1) ~~Major facility. \$3,500 for a facility with a~~



1 planned capacity of more than 25,000 tons of solid waste per
2 year;

3 (2) Intermediate facility, \$3,000 for a facility with a
4 planned capacity of more than 5,000 tons per year but not
5 more than 25,000 tons per year;

6 (3) Minor facility, \$2,500 for a facility with a
7 planned capacity of not more than 5,000 tons per year;

8 In addition to the fixed fee, all solid waste management
9 systems shall pay a volume fee in order to receive a license
10 under 75-10-221. The initial fee should not exceed 31 cents
11 per ton.

12 For the purposes of estimating the volume for small
13 solid waste management systems or for systems that choose
14 not to weigh or measure the volume of waste managed, the
15 following formulas are suggested:

16 Solid waste should be assumed to be generated at the
17 following per capita rates:

18 Population	18 Tons Per Year
19 Greater than 5,000	1,04
20 1,000 - 5,000	0.59
21 less than 1,000 and unincorporated areas	0.41

22 For the purpose of conversion between solid waste weight
23 and volume, the following equivalents are suggested:

24 (1) One uncompacted cubic yard equals 300 pounds; and

25 (2) One compacted cubic yard equals 700 pounds.

1
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

3 **Section 1.** Section 7-13-231, MCA, is amended to read:

4 "7-13-231. Authorization for charges for services. (1)
5 To defray the cost of maintenance and operation of said
6 refuse disposal district, the board shall establish a fee
7 for service, with approval of the county commissioners,
8 provided a public hearing has been held if written protest
9 has been made as provided in 7-13-211. An increase in fees
10 may not be approved and implemented unless notice of such
11 increase is given as provided in 7-13-208(1) and (2) and
12 opportunity for protest is allowed as provided in 7-13-209
13 and 7-13-211.

14 (2) This fee shall be assessed to all units in the
15 district that are receiving a service, for the purpose of
16 maintenance and operation of said district.

17 (3) An opportunity for protest or hearing is not
18 required to increase fees for the purpose of paying fees
19 imposed by the department of health and environmental
20 sciences under 75-10-115. Notice must be provided to all
21 units of the rate or portion of any rate that is directly
22 attributable to the fee imposed."

23 **Section 2.** Section 75-10-102, MCA, is amended to read:

24 "75-10-102. Public policies. (1) To implement this
25 part, the following are declared to be public policies of

1 this state:

2 (a) Maximum recycling from solid waste is necessary to
3 protect the public health, welfare, and quality of the
4 natural environment.

5 (b) Solid waste management systems shall be developed,
6 financed, planned, designed, constructed, and operated for
7 the benefit of the people of this state.

8 (c) Private industry is to be utilized to the maximum
9 extent possible in planning, designing, managing,
10 constructing, operating, manufacturing, and marketing
11 functions related to solid waste management systems.

12 (d) Local governments shall retain primary
13 responsibility for adequate solid waste management with the
14 state preserving those functions necessary to assure
15 effective solid waste management systems throughout the
16 state.

17 (e) Costs for the management and regulation of solid
18 waste management systems should be charged to those persons
19 generating solid waste in order to encourage the reduction
20 of the solid waste stream.

21 ~~(e)~~(f) Encouragement and support be given to
22 individuals and municipalities to separate solid waste at
23 its source in order to maximize the value of such wastes for
24 reuse.

25 ~~(f)~~(g) The state shall provide technical advisory

1 assistance to local governments and other affected persons
2 in the planning, developing, financing, and implementation
3 of solid waste management systems.

4 ~~(g)~~(h) Actions and activities performed or carried out
5 by persons and their contractors in accordance with this
6 part shall be in conformity with the state solid waste plan.

7 (2) This part is in addition and supplemental to any
8 other law providing for the financing of a solid waste
9 management system and does not amend or repeal any other
10 law."

11 **Section 3.** Section 75-10-104, MCA, is amended to read:
12 **"75-10-104. Duties of department.** The department shall:

13 (1) prepare a state solid waste management and resource
14 recovery plan for submission to the board;

15 (2) prepare rules necessary for the implementation of
16 this part for submission to the board, including but not
17 limited to rules:

18 (a) governing the submission of plans for a solid waste
19 management system;

20 (b) governing procedures to be followed in applying for
21 and making loans;

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

24 (d) establishing, for the purpose of determining the
25 solid waste management fee to which a facility is subject

1 under 75-10-115, methods for determining or estimating the
2 amount of solid waste incinerated or disposed of at a
3 facility; and

4 (e) providing procedures for the quarterly collection
5 of the solid waste management fee provided for in 75-10-115;
6 and

7 ~~(f) providing guidelines for a waiver of fees for
8 certain incineration or disposal of solid waste, as provided
9 for in 75-10-115(2);~~

10 (3) provide financial assistance to local governments
11 for front-end planning activities for a proposed solid waste
12 management system which is compatible with the state plan
13 whenever financial assistance is available;

14 (4) provide technical assistance to persons within the
15 state for planning, designing, constructing, financing, and
16 operating a solid waste management system in order to insure
17 that the system conforms to the state plan;

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."

1 **Section 4.** Section 75-10-115, MCA, is amended to read:

2 "75-10-115. Solid waste management fee. ~~(1) Except as~~
3 ~~provided in subsections (2) and (3), any person who owns an~~
4 ~~incinerator that burns more than 1,000 tons of solid waste a~~
5 ~~year or a solid waste disposal facility that is licensed~~
6 ~~pursuant to 75-10-221 and rules adopted under 75-10-221 and~~
7 ~~that disposes of more than 1,000 tons of solid waste a year~~
8 ~~shall pay to the department a quarterly fee of \$1 for each~~
9 ~~ton of solid waste generated in a different region and~~
10 ~~incinerated or disposed of at the facility.~~

11 ~~(2) The fee provided in subsection (1) must be waived~~
12 ~~if the department finds that the incineration or disposal is~~
13 ~~consistent with state solid waste management goals and~~
14 ~~results in equivalent or improved protection of Montana's~~
15 ~~public health, safety, welfare, and environment when~~
16 ~~compared to the alternative of intraregional incineration or~~
17 ~~disposal.~~

18 ~~(3) The incineration or disposal of solid waste at a~~
19 ~~licensed facility in the manner and quantity incinerated or~~
20 ~~disposed of before May 22, 1989, is exempt from the solid~~
21 ~~waste management fee. (1) The department may establish and~~
22 ~~collect fees for the management and regulation of solid~~
23 ~~waste disposal. These fees may include:~~

24 ~~(a) a license application fee that reflects the cost of~~
25 ~~reviewing a new solid waste management system or a~~

1 substantial change to an existing facility; AND
 2 (b) an annual license renewal fee that reflects a
 3 minimal base fee related to the fixed costs of an annual
 4 inspection and license renewal; and

5 ~~(c) -- a volume-based fee on -- solid -- waste -- disposal; AND~~
 6 BASED UPON THE FOLLOWING FORMULA:

7 (I) FOR A MAJOR FACILITY WITH A PLANNED CAPACITY OF
 8 MORE THAN 25,000 TONS OF SOLID WASTE A YEAR, \$8,000;

9 (II) FOR AN INTERMEDIATE FACILITY WITH A PLANNED
 10 CAPACITY OF MORE THAN 5,000 TONS A YEAR BUT NOT MORE THAN
 11 25,000 TONS PER YEAR, \$6,000; AND

12 (III) FOR A MINOR FACILITY WITH A PLANNED CAPACITY OF
 13 NOT MORE THAN 5,000 TONS A YEAR, \$4,000.

14 ~~(4)~~(2) All fees collected must be deposited in the
 15 solid waste management account provided for in 75-10-117."

16 **Section 5.** Section 75-10-204, MCA, is amended to read:

17 "75-10-204. Powers and duties of department. The
 18 department shall adopt rules governing solid waste
 19 management systems which shall include but are not limited
 20 to:

21 (1) requirements for the plan of operation and
 22 maintenance that must be submitted with an application under
 23 this part;

24 (2) the classification of disposal sites according to
 25 the physical capabilities of the site to contain the type of

1 solid waste to be disposed of;

2 (3) the procedures to be followed in the disposal,
 3 treatment, or transport of solid wastes;

4 (4) the suitability of the site from a public health
 5 standpoint when hydrology, geology, and climatology are
 6 considered;

7 (5) requirements relating to ground water monitoring,
 8 including but not limited to:

9 (a) information that owners and operators of municipal
 10 solid waste landfills and other disposal sites specified in
 11 75-10-207 must submit to the department to enable the
 12 department to prepare the priority compliance list
 13 authorized by 75-10-207(3);

14 (b) the content of plans for the design, construction,
 15 operation, and maintenance of monitoring wells and
 16 monitoring systems; and

17 (c) recordkeeping and reporting; and

18 (6) fees related to the review of solid waste
 19 management system license applications;

20 (7) the renewal of solid waste management system
 21 licenses and related fees; and

22 ~~(6)~~(8) any other factors relating to the sanitary
 23 disposal or management of solid wastes."

24 **Section 6.** Section 75-10-221, MCA, is amended to read:

25 "75-10-221. License required -- application. (1) Except

1 as provided in 75-10-214, no person may dispose of solid
2 waste or operate a solid waste management system without a
3 license from the department.

4 (2) The department shall provide application forms for
5 a license as provided in this part.

6 (3) The application shall contain the name and business
7 address of the applicant, the location of the proposed solid
8 waste management system, a plan of operation and
9 maintenance, and such other information as the department
10 may by rule require.

11 (4) The license provided for in this section is for a
12 period not to exceed 12 months unless renewed by the
13 department. The department may provide exceptions to the
14 12-month requirement for a 2-year period following July 1,
15 1991.

16 (5) The department may require submission of a new
17 application if the department determines that the plan of
18 operation, the management of the solid waste system, or the
19 geological or ground water conditions have changed since the
20 license was initially approved.

21 (6) In establishing fees for licenses and the review of
22 applications, the department shall consider the volume of
23 waste to be managed and the size of the proposed solid waste
24 management system. The fees must encourage reduction in the
25 volume of waste to be managed and cover the costs to the

1 department of initially reviewing and annually licensing the
2 solid waste management system."

3 NEW SECTION. SECTION 7. FILING FEE FOR MEGAFACILITY --
4 USE. AN APPLICANT FOR A LICENSE UNDER 75-10-221 TO OPERATE A
5 MEGAFACILITY SHALL PAY TO THE DEPARTMENT A FILING FEE AS
6 PROVIDED IN THIS SECTION BASED UPON THE DEPARTMENT'S
7 ESTIMATED COSTS OF PROCESSING THE LICENSE APPLICATION. THE
8 FILING FEE MUST BE DEPOSITED IN THE SOLID WASTE MANAGEMENT
9 ACCOUNT, PROVIDED FOR IN 75-10-117, FOR USE BY THE
10 DEPARTMENT IN LICENSING THE FACILITY. THE INITIAL FILING FEE
11 MAY NOT EXCEED THE FOLLOWING SCALE, BASED UPON THE
12 MEGAFACILITY'S PROJECTED ANNUAL TONNAGE OF WASTE:

- 13 (1) BASE FEE OF \$40,000; PLUS
14 (2) 20 CENTS A TON FOR EVERY TON OF WASTE OVER 200,000
15 TONS.

16 NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION.
17 [SECTION 7] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
18 OF TITLE 75, CHAPTER 10, PART 2, AND THE PROVISIONS OF TITLE
19 75, CHAPTER 10, PART 2, APPLY TO [SECTION 7].

20 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF
21 SENATE BILL NO. 377 IS PASSED AND APPROVED AND IF IT
22 INCLUDES A SECTION THAT PROVIDES A FILING FEE FOR A
23 CERTIFICATE OF SITE ACCEPTABILITY FOR A MEGALANDFILL, THEN
24 [SECTION 7 OF THIS ACT] IS VOID.

25 NEW SECTION. Section 10. Retroactive applicability.

SB 0209/02

1 [This act] applies retroactively, within the meaning of
2 1-2-109, to all applications provided for in 75-10-221
3 received after January 1, 1990.

4 NEW SECTION. **Section 11.** Effective date. [This act] is
5 effective July 1, 1991.

-End-

HOUSE STANDING COMMITTEE REPORT

March 20, 1991
Page 2 of 2

March 20, 1991
Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 209 (third reading copy -- blue) be concurred in as amended .

Signed: Bob Rahey
Bob Rahey, Chairman

Carried by: Rep. Gilbert

And, that such amendments read:

1. Page 2, line 21.
Following: "renewal"

Insert: "and a volume fee related to the estimated amount of solid waste to be disposed of each year. All solid waste systems must pay these fees in order to receive a license under 75-10-221. The initial volume fee may not exceed 31 cents per ton.

For the purposes of estimating the volume for small solid waste management systems or for systems that choose not to weigh or measure the volume of waste managed, the following formulas are suggested:

Solid waste should be assumed to be generated at the following per capita rates:

Population	Tons Per Year
Greater than 5,000	1.04
1,000 - 5,000	0.59
Less than 1,000 and unincorporated areas	0.41

For the purpose of conversion between solid waste weight and volume, the following equivalents are suggested:

- (1) One uncompacted cubic yard equals 300 pounds; and
- (2) One compacted cubic yard equals 700 pounds."

2. Page 9, line 1.
Strike: "AND"

3. Page 9, line 8.
Strike: "\$8,000"
Insert: "\$3,500"

4. Page 9, line 11.
Strike: "\$6,000; AND"
Insert: "\$3,000; "

5. Page 9, line 13.
Strike: "\$4,000."
Insert: "\$2,500; and
(c) a volume-based fee on solid waste disposal."

6. Page 12, line 21.
Strike: "SENATE"
Insert: "House"

SENATE STANDING COMMITTEE REPORT

Page 1 of 11
March 18, 1991

Page 2 of 11
March 18, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 209 (third reading copy -- blue), respectfully report that House Bill No. 209 be amended and as so amended be concurred in:

1. Title, line 5.
Following: "VEHICLE"
Insert: ", BOAT, SNOWMOBILE, OR OFF-HIGHWAY VEHICLE"
2. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS 23-2-508, 23-2-611, 23-2-811, AND"
3. Page 3, line 12.
Following: "notice"
Strike: "is"
Insert: "and the certificate of ownership or manufacturer's statement of origin are"
4. Page 3, line 20.
Following: line 19
Insert: "(6) Security interests or other lien filings that do not require transfer of ownership are perfected when received by the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security interest."
Renumber: subsequent subsections
5. Page 5, line 12.
Insert: "Section 2. Section 23-2-508, MCA, is amended to read:
"23-2-508. Certificate of ownership -- filing of security interests. (1) Except as provided in subsection (9), a motorboat or sailboat 12 feet in length or longer may not be operated upon the waters of the state unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.
(2) The owner of a motorboat or sailboat 12 feet in length or longer shall apply for a certificate of ownership and a certificate of number with the county treasurer of the county in which the owner resides, upon forms furnished by the department of justice. The forms must require the following information:
(a) name of the owner;
(b) residence of the owner, by town or county;
(c) business or home address of the owner;
(d) name and address of any lienholder;

- (e) amount due under any contract or lien;
- (f) name of the manufacturer;
- (g) model number or name;
- (h) identification number;
- (i) name and address of the dealer or other person from whom acquired, if known; and
- (j) such other information as the department of justice may require.

(3) The application is to be accompanied by documentation of ownership, such as an invoice, bill of sale, foreign title, official certificate of boat number, fee in lieu of tax receipt, or a certificate of ownership of a trailer purchased with the motorboat or sailboat. An applicant who fails to provide such proof of ownership shall provide a certified statement describing how the motorboat or sailboat 12 feet in length or longer was acquired, from whom acquired if known, and other information requested by the department of justice.

(4) If a certificate of ownership has previously been issued under the provisions of this part, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to motorboats or sailboats 12 feet in length or longer that are purchased as new and unused vessels or that were operated when the provisions of this part were not in force and effect.

(5) Any motorboat or sailboat 12 feet in length or longer that does not have a manufacturer's or other identifying number thereon must be assigned an identification number by the department of fish, wildlife, and parks. A fee of \$1 must be paid to the department for an assignment of number.

(6) Upon completion of the application, the county treasurer shall issue to the applicant two copies of the certificate of number application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application for a certificate of ownership to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office, and shall furnish the applicant a certificate of ownership containing that information in the application considered necessary by the department and a permanent boat number. The certificate of ownership need not be renewed annually and is valid as long as the person holding it owns the vessel.

(7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(8) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, \$3.50 of which must be forwarded by the county treasurer to the department of justice and deposited in the general fund.

(9) A person who, on July 1, 1988, is the owner of a motorboat or sailboat 12 feet in length or longer with a valid certificate of number issued by the state is not required to file an application for a certificate of ownership for the motorboat or sailboat unless he transfers a part of his interest in the motorboat or sailboat or he renews the certificate of number for the motorboat or sailboat.

(10) A security interest in a boat is not valid as against creditors, subsequent purchasers, or encumbrancers unless a lien notice, showing that a security interest has been created, has been filed with the department of justice perfected as provided in this section. The lien notice must be filed on a form approved by the department [of justice]. The department of justice may not file a security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the boat encumbered. If the lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete boat description, the amount of the lien, and the signature of the debtor. The department of justice shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the boat is to be registered. The owner of a boat is the person entitled to operate and possess the boat.

(11) A security interest in a boat held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(12) Whenever a security interest or lien is filed against a boat that is subject to two security interests previously perfected by filing under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This boat is subject to additional security interest on file with the Department of Justice." No other information

regarding the additional security interests need be endorsed on the certificate.

(13) Satisfaction or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(14) ~~The filing of a~~ A security interest or other lien as herein provided ~~in this section perfects a security interest that has attached at the time the certificate of ownership noting the interest is issued is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Issuance of a certificate of ownership Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the time of filing date of delivery of the lien notice to the county treasurer, of the existence of the security interest.~~

(15) Upon default under a chattel mortgage or conditional sales contract covering a boat, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a boat all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(16) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that he fails to file the satisfaction.

(17) Upon receipt of any liens, notice of liens dependent on possession, or attachments against the record of any boat registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(18) It is not necessary to refile with the department of justice any instruments on file in the office of any county clerk and recorder on October 1, 1989.

(19) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a boat. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the

department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of any security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the general fund in accordance with 15-1-504."

Section 3. Section 23-2-611, MCA, is amended to read:

"23-2-611. Certificate of ownership -- filing of security interests. (1) A snowmobile may not be operated upon any public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets, or highways unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.

(2) The owner of a snowmobile shall apply for a certificate of ownership with the county treasurer of the county in which the owner resides, upon forms to be furnished for this purpose. The forms must require the following information:

- (a) name of the owner;
- (b) residence of the owner, by town and county;
- (c) business or home mail address of the owner;
- (d) name and address of any lienholder;
- (e) amount due under any contract or lien;
- (f) name of the manufacturer;
- (g) model number or name;
- (h) identification number; and
- (i) name and address of the dealer or other person from whom acquired.

(3) The application must be signed by at least one owner or by a properly authorized officer or representative of the owner.

(4) If a certificate of ownership has previously been issued under the provisions of 23-2-601 through 23-2-644, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to snowmobiles that are purchased as new and unused machines or that were operated when the provisions of 23-2-601 through 23-2-644 were not in force and effect.

(5) Upon completion of the application, on forms furnished by the department of justice, the county treasurer shall issue to the applicant two copies of the application, one of which shall be marked "file copy". The treasurer shall forward one copy and the original application to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant a certificate of ownership, which shall contain that information in the application considered necessary by the department of justice, and a permanent ownership number. The

certificate of ownership is not to be renewed annually and is valid as long as the person holding it owns the snowmobile.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$5 shall be paid to the county treasurer, \$3.50 of which shall be forwarded by the county treasurer to the department of justice and deposited in the general fund.

(8) A security interest in a snowmobile is not valid against creditors, subsequent purchasers, or encumbrancers unless a lien notice, showing that a security interest has been created, has been filed with the department of justice perfected as provided in this section. The lien notice must be filed on a form approved by the department of justice. The department of justice may not file a security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the snowmobile encumbered. If the lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete snowmobile description, the amount of the lien, and the signature of the debtor. The department of justice shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the snowmobile is to be registered. The owner of a snowmobile is the person entitled to operate and possess the snowmobile.

(9) A security interest in a snowmobile held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(10) Whenever a security interest or lien is filed against a snowmobile that is subject to two security interests previously perfected by filing under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This snowmobile is subject to additional security interest on file with the Department of Justice". No other

information regarding the additional security interests need be endorsed on the certificate.

(11) Satisfactions or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(12) ~~The filing of a security interest or other lien as herein provided in this section perfects a security interest that has attached at the time the certificate of ownership noting the interest is issued is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Issuance of a certificate of ownership Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the time of filing date of delivery of the lien notice to the county treasurer, of the existence of the security interest.~~

(13) Upon default under a chattel mortgage or conditional sales contract covering a snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a snowmobile all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(14) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that he fails to file the satisfaction.

(15) Upon receipt of any liens, notice of liens dependent on possession, or attachments against the record of any snowmobile registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(16) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989.

(17) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a snowmobile. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must

be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the general fund in accordance with 15-1-504."

Section 4. Section 23-2-811, MCA, is amended to read:
"23-2-811. Certificate of ownership -- procedure -- fee -- filing security interest. (1) No off-highway vehicle may be operated upon any public lands, trails, easements, lakes, rivers, or streams unless a certificate of ownership has first been obtained from the department of justice.

(2) The owner of an off-highway vehicle shall apply for a certificate of ownership to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The form must include:

- (a) the name of the owner;
- (b) the residence of the owner, by town and county;
- (c) the business address or home mailing address of the owner;
- (d) the name and address of any lienholder;
- (e) the amount due under any contract, mortgage, or lien;
- (f) the name of the manufacturer;
- (g) the model number or name;
- (h) the identification number; and
- (i) the name and address of the dealer or other person from whom the off-highway vehicle was acquired.

(3) The application must be signed by at least one owner or by a properly authorized agent of the owner.

(4) The application for a new certificate of ownership must be accompanied by the immediately previous certificate. This subsection does not apply to off-highway vehicles that are purchased as new and unused machines or that were operated before January 1, 1990.

(5) (a) After the owner completes the application form, the county treasurer shall issue to the applicant two copies of the completed application, with one marked "file copy", and shall forward one copy and the original application to the department of justice. The department of justice shall enter the information contained in the application upon the corresponding records of its office and shall send the applicant a certificate of ownership containing a permanent ownership number and information from the application considered necessary by the department of justice.

(b) The certificate of ownership is not required to be renewed annually and is valid as long as the person holding it owns the off-highway vehicle.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$4 \$5 must be paid to the county treasurer, of which:

(a) ~~€3~~ \$3.50 must be forwarded to the department of justice for deposit in the general fund; and

(b) ~~\$1~~ \$1.50 must be retained by the county treasurer for the cost of administering this section.

(8) A security interest in an off-highway vehicle is not valid against creditors, subsequent purchasers, or encumbrancers unless a lien notice, showing that a security interest has been created, has been perfected as provided in this section on a form approved by the department of justice. The department of justice may not file a security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the encumbered off-highway vehicle. If the lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, a complete description of the off-highway vehicle, the amount of the lien, and the signature of the debtor. The department of justice shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate. However, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the vehicle is to be registered. The owner of an off-highway vehicle is the person entitled to operate and possess the vehicle.

(9) A security interest in an off-highway vehicle held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(10) Whenever a security interest or lien is filed against an off-highway vehicle that is subject to two or more security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of

ownership: "Notice. This off-highway vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(11) Satisfaction or statements of release filed with the department of justice under this section must be retained for a period of 8 years from the date of receipt, after which they may be destroyed.

(12) A security interest or other lien is perfected as provided in this section on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(13) Upon default under a chattel mortgage or conditional sales contract covering an off-highway vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In the case of attachment of an off-highway vehicle, the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

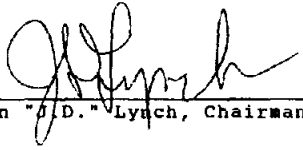
(14) A conditional sales vendor, chattel mortgagee, or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sale contract within 15 days after receiving final payment shall pay to the department of justice the sum of \$1 for each day after the expiration of the 15-day period that he fails to file the satisfaction.

(15) Upon receipt of any liens, notices of liens dependent on possession, or attachments against the record of an off-highway vehicle in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice of the lien, showing the date of execution of the lien and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(16) It is not necessary to refile with the department of justice instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(17) A fee of \$4 must be paid to the department of justice to file a security interest or other lien against an off-highway vehicle. The \$4 fee includes and covers the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing

a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

Signed: 
John "D." Lynch, Chairman

3-18-91
Ad. Coord.

SB 3/18 2:25
Sec. of Senate

SENATE BILL NO. 209

INTRODUCED BY YELLOWTAIL, T. BECK, HARP, WEEDING, DRISCOLL,

RANEY, GILBERT, GRADY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A SOLID WASTE MANAGEMENT SYSTEM TO BE LICENSED ANNUALLY BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE AN APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO COLLECT FEES; AMENDING SECTIONS 7-13-231, 75-10-102, 75-10-104, 75-10-115, 75-10-204, AND 75-10-221, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill to:

(1) provide the department of health and environmental sciences with guidelines for adopting rules to implement [sections 1 through 6 7];

(2) indicate the structure and amount of fees that are intended to be charged to license solid waste management systems; and

(3) indicate the method of collection.

A fee for review of a license application for a new

solid waste management system or for substantial modifications to an existing system will be charged. The fees must be based on the capacity of the proposed system and reflect the relative cost of reviewing the proposal. The following fee structure is suggested:

(1) MEGAFACILITY. \$15,000 FOR A FACILITY WITH A PLANNED CAPACITY OF MORE THAN 200,000 TONS OF SOLID WASTE PER YEAR.

(2) Major facility. \$10,000 for a facility with a planned capacity of more than 25,000 tons of solid waste per year BUT NOT MORE THAN 200,000 TONS PER YEAR.

(3) Intermediate facility. \$7,500 for a facility with a planned capacity of more than 5,000 tons of solid waste per year but not more than 25,000 tons per year.

(4) Minor facility. \$5,000 for a facility with a planned capacity of not more than 5,000 tons of solid waste per year.

A fee will be charged to issue a license for a solid waste management system, and an annual fee will be charged to renew a solid waste management system license. The fees are intended to reflect a minimal base fee related to the fixed costs of an annual inspection and license renewal AND A VOLUME FEE RELATED TO THE ESTIMATED AMOUNT OF SOLID WASTE TO BE DISPOSED OF EACH YEAR. ALL SOLID WASTE SYSTEMS MUST PAY THESE FEES IN ORDER TO RECEIVE A LICENSE UNDER 75-10-221. THE INITIAL VOLUME FEE MAY NOT EXCEED 31 CENTS

1 PER TON.
 2 FOR THE PURPOSES OF ESTIMATING THE VOLUME FOR SMALL
 3 SOLID WASTE MANAGEMENT SYSTEMS OR FOR SYSTEMS THAT CHOOSE
 4 NOT TO WEIGH OR MEASURE THE VOLUME OF WASTE MANAGED, THE
 5 FOLLOWING FORMULAS ARE SUGGESTED:

6 SOLID WASTE SHOULD BE ASSUMED TO BE GENERATED AT THE
 7 FOLLOWING PER CAPITA RATES:

8 <u>POPULATION</u>	<u>TONS PER YEAR</u>
9 <u>GREATER THAN 5,000</u>	<u>1.04</u>
10 <u>1,000 - 5,000</u>	<u>0.59</u>
11 <u>LESS THAN 1,000 AND UNINCORPORATED AREAS</u>	<u>0.41</u>

12 FOR THE PURPOSE OF CONVERSION BETWEEN SOLID WASTE WEIGHT
 13 AND VOLUME, THE FOLLOWING EQUIVALENTS ARE SUGGESTED:

- 14 (1) ONE UNCOMPACTED CUBIC YARD EQUALS 300 POUNDS; AND
- 15 (2) ONE COMPACTED CUBIC YARD EQUALS 700 POUNDS. and-a

16 volume-fee-related-to-the-estimated-amount-of-solid-waste-to
 17 be-disposed-of-each-year.-The-following-fee-structure-is
 18 suggested:

19 {1}-Major-facility,-\$3,500-for-a-facility-with-a
 20 planned-capacity-of-more-than-25,000-tons-of-solid-waste-per
 21 year;

22 {2}-Intermediate-facility,-\$3,000-for-a-facility-with-a
 23 planned-capacity-of-more-than-5,000-tons-per-year-but-not
 24 more-than-25,000-tons-per-year;

25 {3}-Minor-facility,-\$2,500-for-a-facility-with-a

1 planned-capacity-of-not-more-than-5,000-tons-per-year;
 2 In-addition-to-the-fixed-fee,-all-solid-waste-management
 3 systems-shall-pay-a-volume-fee-in-order-to-receive-a-license
 4 under-75-10-221.-The-initial-fee-should-not-exceed-31-cents
 5 per-ton;

6 For-the-purposes-of-estimating-the-volume-for-small
 7 solid-waste-management-systems-or-for-systems-that-choose
 8 not-to-weigh-or-measure-the-volume-of-waste-managed,-the
 9 following-formulas-are-suggested:

10 Solid-waste-should-be-assumed-to-be-generated-at-the
 11 following-per-capita-rates:

12 <u>Population</u>	<u>Tons-Per-Year</u>
13 <u>Greater-than-5,000</u>	<u>1.04</u>
14 <u>1,000-5,000</u>	<u>0.59</u>
15 <u>less-than-1,000-and-unincorporated-areas</u>	<u>0.41</u>

16 For-the-purpose-of-conversion-between-solid-waste-weight
 17 and-volume,-the-following-equivalents-are-suggested:

- 18 {1}-One-uncompacted-cubic-yard-equals-300-pounds;-and
- 19 {2}-One-compacted-cubic-yard-equals-700-pounds.

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

22 **Section 1.** Section 7-13-231, MCA, is amended to read:
 23 "7-13-231. Authorization for charges for services. (1)
 24 To defray the cost of maintenance and operation of said
 25 refuse disposal district, the board shall establish a fee

1 for service, with approval of the county commissioners,
 2 provided a public hearing has been held if written protest
 3 has been made as provided in 7-13-211. An increase in fees
 4 may not be approved and implemented unless notice of such
 5 increase is given as provided in 7-13-208(1) and (2) and
 6 opportunity for protest is allowed as provided in 7-13-209
 7 and 7-13-211.

8 (2) This fee shall be assessed to all units in the
 9 district that are receiving a service, for the purpose of
 10 maintenance and operation of said district.

11 (3) An opportunity for protest or hearing is not
 12 required to increase fees for the purpose of paying fees
 13 imposed by the department of health and environmental
 14 sciences under 75-10-115. Notice must be provided to all
 15 units of the rate or portion of any rate that is directly
 16 attributable to the fee imposed."

17 **Section 2.** Section 75-10-102, MCA, is amended to read:

18 "75-10-102. **Public policies.** (1) To implement this
 19 part, the following are declared to be public policies of
 20 this state:

21 (a) Maximum recycling from solid waste is necessary to
 22 protect the public health, welfare, and quality of the
 23 natural environment.

24 (b) Solid waste management systems shall be developed,
 25 financed, planned, designed, constructed, and operated for

1 the benefit of the people of this state.

2 (c) Private industry is to be utilized to the maximum
 3 extent possible in planning, designing, managing,
 4 constructing, operating, manufacturing, and marketing
 5 functions related to solid waste management systems.

6 (d) Local governments shall retain primary
 7 responsibility for adequate solid waste management with the
 8 state preserving those functions necessary to assure
 9 effective solid waste management systems throughout the
 10 state.

11 (e) Costs for the management and regulation of solid
 12 waste management systems should be charged to those persons
 13 generating solid waste in order to encourage the reduction
 14 of the solid waste stream.

15 ~~(f)~~(f) Encouragement and support be given to
 16 individuals and municipalities to separate solid waste at
 17 its source in order to maximize the value of such wastes for
 18 reuse.

19 ~~(f)~~(g) The state shall provide technical advisory
 20 assistance to local governments and other affected persons
 21 in the planning, developing, financing, and implementation
 22 of solid waste management systems.

23 ~~(g)~~(h) Actions and activities performed or carried out
 24 by persons and their contractors in accordance with this
 25 part shall be in conformity with the state solid waste plan.

1 (2) This part is in addition and supplemental to any
2 other law providing for the financing of a solid waste
3 management system and does not amend or repeal any other
4 law."

5 **Section 3.** Section 75-10-104, MCA, is amended to read:

6 "75-10-104. Duties of department. The department shall:

7 (1) prepare a state solid waste management and resource
8 recovery plan for submission to the board;

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

12 (a) governing the submission of plans for a solid waste
13 management system;

14 (b) governing procedures to be followed in applying for
15 and making loans;

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

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

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

1 ~~(f) providing guidelines for a waiver of fees for~~
2 ~~certain incineration or disposal of solid waste, as provided~~
3 ~~for in 75-10-115(2);~~

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 a solid waste management system in order to insure
11 that the system conforms to the state plan;

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

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

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

18 (8) approve plans for a proposed solid waste management
19 system submitted by a local government."

20 **Section 4.** Section 75-10-115, MCA, is amended to read:

21 "75-10-115. Solid waste management fee. ~~(1) Except as~~
22 ~~provided in subsections (2) and (3), any person who owns an~~
23 ~~incinerator that burns more than 1,000 tons of solid waste a~~
24 ~~year or a solid waste disposal facility that is licensed~~
25 ~~pursuant to 75-10-221 and rules adopted under 75-10-221 and~~

1 that--disposes-of-more-than-1,000-tons-of-solid-waste-a-year
 2 shall-pay-to-the-department-a-quarterly-fee-of-\$1--for--each
 3 ton--of--solid--waste--generated--in--a-different-region-and
 4 incinerated-or-disposed-of-at-the-facility:

5 {2}--The-fee-provided-in-subsection-(1)-must--be--waived
 6 if-the-department-finds-that-the-incineration-or-disposal-is
 7 consistent--with--state--solid--waste--management--goals-and
 8 results-in-equivalent-or-improved--protection--of--Montana's
 9 public--health,--safety,--welfare,--and--environment--when
 10 compared-to-the-alternative-of-intraregional-incineration-or
 11 disposal:

12 {3}--The-incineration-or-disposal-of-solid--waste--at--a
 13 licensed--facility-in-the-manner-and-quantity-incinerated-or
 14 disposed-of-before-May-22,-1989,-is-exempt--from--the--solid
 15 waste--management-fee: (1) The department may establish and
 16 collect fees for the management and regulation of solid
 17 waste disposal. These fees may include:

18 (a) a license application fee that reflects the cost of
 19 reviewing a new solid waste management system or a
 20 substantial change to an existing facility; AND

21 (b) an annual license renewal fee that reflects a
 22 minimal base fee related to the fixed costs of an annual
 23 inspection and license renewal; and

24 (c) a volume-based fee on solid-waste-disposal; AND
 25 BASED UPON THE FOLLOWING FORMULA:

1 (I) FOR A MAJOR FACILITY WITH A PLANNED CAPACITY OF
 2 MORE THAN 25,000 TONS OF SOLID WASTE A YEAR, ~~\$67,000~~ \$3,500;

3 (II) FOR AN INTERMEDIATE FACILITY WITH A PLANNED
 4 CAPACITY OF MORE THAN 5,000 TONS A YEAR BUT NOT MORE THAN
 5 25,000 TONS PER YEAR, ~~\$67,000;~~ AND \$3,000;

6 (III) FOR A MINOR FACILITY WITH A PLANNED CAPACITY OF
 7 NOT MORE THAN 5,000 TONS A YEAR, ~~\$47,000;~~ \$2,500; AND

8 (C) A VOLUME-BASED FEE ON SOLID WASTE DISPOSAL.

9 {4}{2) All fees collected must be deposited in the
 10 solid waste management account provided for in 75-10-117."

11 **Section 5.** Section 75-10-204, MCA, is amended to read:
 12 "75-10-204. Powers and duties of department. The
 13 department shall adopt rules governing solid waste
 14 management systems which shall include but are not limited
 15 to:

16 (1) requirements for the plan of operation and
 17 maintenance that must be submitted with an application under
 18 this part;

19 (2) the classification of disposal sites according to
 20 the physical capabilities of the site to contain the type of
 21 solid waste to be disposed of;

22 (3) the procedures to be followed in the disposal,
 23 treatment, or transport of solid wastes;

24 (4) the suitability of the site from a public health
 25 standpoint when hydrology, geology, and climatology are

1 considered;

2 (5) requirements relating to ground water monitoring,
3 including but not limited to:

4 (a) information that owners and operators of municipal
5 solid waste landfills and other disposal sites specified in
6 75-10-207 must submit to the department to enable the
7 department to prepare the priority compliance list
8 authorized by 75-10-207(3);

9 (b) the content of plans for the design, construction,
10 operation, and maintenance of monitoring wells and
11 monitoring systems; and

12 (c) recordkeeping and reporting; and

13 (6) fees related to the review of solid waste
14 management system license applications;

15 (7) the renewal of solid waste management system
16 licenses and related fees; and

17 ~~(6)~~(8) any other factors relating to the sanitary
18 disposal or management of solid wastes."

19 **Section 6.** Section 75-10-221, MCA, is amended to read:

20 *75-10-221. License required -- application. (1) Except
21 as provided in 75-10-214, no person may dispose of solid
22 waste or operate a solid waste management system without a
23 license from the department.

24 (2) The department shall provide application forms for
25 a license as provided in this part.

1 (3) The application shall contain the name and business
2 address of the applicant, the location of the proposed solid
3 waste management system, a plan of operation and
4 maintenance, and such other information as the department
5 may by rule require.

6 (4) The license provided for in this section is for a
7 period not to exceed 12 months unless renewed by the
8 department. The department may provide exceptions to the
9 12-month requirement for a 2-year period following July 1,
10 1991.

11 (5) The department may require submission of a new
12 application if the department determines that the plan of
13 operation, the management of the solid waste system, or the
14 geological or ground water conditions have changed since the
15 license was initially approved.

16 (6) In establishing fees for licenses and the review of
17 applications, the department shall consider the volume of
18 waste to be managed and the size of the proposed solid waste
19 management system. The fees must encourage reduction in the
20 volume of waste to be managed and cover the costs to the
21 department of initially reviewing and annually licensing the
22 solid waste management system."

23 NEW SECTION. SECTION 7. FILING FEE FOR MEGAFACILITY --
24 USE. AN APPLICANT FOR A LICENSE UNDER 75-10-221 TO OPERATE A
25 MEGAFACILITY SHALL PAY TO THE DEPARTMENT A FILING FEE AS

1 PROVIDED IN THIS SECTION BASED UPON THE DEPARTMENT'S
2 ESTIMATED COSTS OF PROCESSING THE LICENSE APPLICATION. THE
3 FILING FEE MUST BE DEPOSITED IN THE SOLID WASTE MANAGEMENT
4 ACCOUNT, PROVIDED FOR IN 75-10-117, FOR USE BY THE
5 DEPARTMENT IN LICENSING THE FACILITY. THE INITIAL FILING FEE
6 MAY NOT EXCEED THE FOLLOWING SCALE, BASED UPON THE
7 MEGAFACILITY'S PROJECTED ANNUAL TONNAGE OF WASTE:

- 8 (1) BASE FEE OF \$40,000; PLUS
9 (2) 20 CENTS A TON FOR EVERY TON OF WASTE OVER 200,000
10 TONS.

11 NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION.
12 [SECTION 7] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
13 OF TITLE 75, CHAPTER 10, PART 2, AND THE PROVISIONS OF TITLE
14 75, CHAPTER 10, PART 2, APPLY TO [SECTION 7].

15 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF
16 SENATE HOUSE BILL NO. 377 IS PASSED AND APPROVED AND IF IT
17 INCLUDES A SECTION THAT PROVIDES A FILING FEE FOR A
18 CERTIFICATE OF SITE ACCEPTABILITY FOR A MEGALANDFILL, THEN
19 [SECTION 7 OF THIS ACT] IS VOID.

20 NEW SECTION. Section 10. Retroactive applicability.
21 [This act] applies retroactively, within the meaning of
22 1-2-109, to all applications provided for in 75-10-221
23 received after January 1, 1990.

24 NEW SECTION. Section 11. Effective date. [This act] is
25 effective July 1, 1991.

-End-