

SENATE BILL 247

Introduced by Nathe

1/31	Introduced
2/01	Referred to Natural Resources
2/01	First Reading
2/08	Hearing
2/14	Committee Report--Bill Not Passed
2/14	Adverse Committee Report Adopted

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Senate BILL NO. *247*

INTRODUCED BY *NATHAN*

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING UNDERGROUND PIPE CONNECTED TO ABOVEGROUND RESIDENTIAL HEATING FUEL TANKS FROM UNDERGROUND STORAGE TANK REGULATION; AND AMENDING SECTION 75-10-403, MCA."

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

Section 1. Section 75-10-403, MCA, is amended to read:

"75-10-403. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

(1) "Board" means the board of health and environmental sciences provided for in 2-15-2104.

(2) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(3) "Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any regulated substance or hazardous waste into or onto the land or water so that the regulated substance, hazardous waste, or any constituent of the regulated substance or hazardous waste may enter the environment or be emitted into the air or discharged into any waters, including ground water.

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(4) "Facility" or "hazardous waste management facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units.

(5) "Generation" means the act or process of producing waste material.

(6) "Generator" means any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation under this part.

(7) (a) "Hazardous waste" means a waste or combination of wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

(i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(ii) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

(b) Hazardous wastes do not include those substances governed by Title 82, chapter 4, part 2.

(8) "Hazardous waste management" means the management of the collection, source separation, storage,



1 transportation, processing, treatment, recovery, and
2 disposal of hazardous wastes.

3 (9) "Hazardous waste transfer facility" means any land,
4 structure, or improvement, including loading docks, parking
5 areas, holding sites, and other similar areas, used for the
6 transfer and temporary storage of hazardous wastes and where
7 shipments of hazardous waste are temporarily held for a
8 period of 10 days or less during the normal course of
9 transportation up to but not including the point of ultimate
10 treatment, storage, or disposal.

11 (10) "Manifest" means the shipping document originated
12 and signed by the generator and which is used to identify
13 the hazardous waste, its quantity, origin, and destination
14 during its transportation.

15 (11) "Person" means the United States, an individual,
16 firm, trust, estate, partnership, company, association,
17 corporation, city, town, local governmental entity, or any
18 other governmental or private entity, whether organized for
19 profit or not.

20 (12) "Regulated substance":

21 (a) means:

- 22 (i) a hazardous substance as defined in 75-10-602; or
23 (ii) petroleum, including crude oil or any fraction
24 thereof, which is liquid at standard conditions of
25 temperature and pressure (60 degrees F and 14.7 pounds per

1 square inch absolute);

2 (b) does not include a substance regulated as a
3 hazardous waste under this part.

4 (13) "Storage" means the actual or intended containment
5 of regulated substances, hazardous wastes, or both, either
6 on a temporary basis or for a period of years.

7 (14) "Transportation" means the movement of hazardous
8 wastes from the point of generation to any intermediate
9 points and finally to the point of ultimate storage or
10 disposal.

11 (15) "Transporter" means a person engaged in the offsite
12 transportation of hazardous waste by air, rail, highway, or
13 water.

14 (16) "Treatment" means a method, technique, or process,
15 including neutralization, designed to change the physical,
16 chemical, or biological character or composition of any
17 hazardous waste so as to neutralize the waste or so as to
18 render it nonhazardous, safer for transportation, amenable
19 for recovery, amenable for storage, or reduced in volume.

20 (17) "Underground storage tank":

21 (a) means, except as provided in subsections (17)(b)(i)
22 through ~~(17)(b)(viii)~~ (17)(b)(ix):

23 (i) any one or combination of tanks used to contain a
24 regulated substance, the volume of which is 10% or more
25 beneath the surface of the ground; and

1 (ii) any underground pipes used to contain or transport
 2 a regulated substance and connected to a storage tank,
 3 whether the storage tank is entirely above ground, partially
 4 above ground, or entirely underground;
 5 (b) does not include:
 6 (i) a septic tank;
 7 (ii) a pipeline facility (including gathering lines)
 8 regulated under:
 9 (A) the Natural Gas Pipeline Safety Act of 1968 (49
 10 U.S.C. 1671, et seq.);
 11 (B) the Hazardous Liquid Pipeline Safety Act of 1979
 12 (49 U.S.C. 2001, et seq.); or
 13 (C) state law comparable to the provisions of law
 14 referred to in subsection (17)(b)(ii)(A) or (17)(b)(ii)(B),
 15 if the facility is intrastate;
 16 (iii) a surface impoundment, pit, pond, or lagoon;
 17 (iv) a storm water or wastewater collection system;
 18 (v) a flow-through process tank;
 19 (vi) a liquid trap or associated gathering lines
 20 directly related to oil or gas production and gathering
 21 operations;
 22 (vii) a storage tank situated in an underground area,
 23 such as a basement, cellar, mine, draft, shaft, or tunnel,
 24 if the storage tank is situated upon or above the surface of
 25 the floor; or

1 (viii) any pipe connected to a tank described in
 2 subsections (17)(b)(i) through (17)(b)(vi); or
 3 (ix) any underground pipe connected to an aboveground
 4 tank that is used for storing heating oil for consumptive
 5 use at a residence and that is located on the premises where
 6 the heating oil is consumed."

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