

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 22, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on February 22 at 9:33 A.M. in Room 410 of the State Capitol Building.

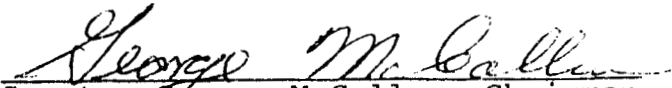
ROLL CALL: All members were present.

Senate Bill 200 - Proposed amendments (attached).
Senator Watt moved to amend page 2, lines 18 and 19. Senator Dunkle seconded the motion. Motion carried unanimously. Senator Dunkle moved to amend page 2, line 21. Senator Watt seconded the motion. Motion carried unanimously. Senator Dunkle moved to amend page 2, line 22. Senator Thiessen seconded the motion. Motion carried unanimously. Senator Dunkle moved to amend page 2, line 24. Senator Watt seconded the motion. Motion carried unanimously. Senator Dunkle moved to amend page 3, line 22. Senator Watt seconded the motion. Motion carried unanimously. Senator Dunkle moved to amend page 6, line 17. Senator Watt seconded the motion. The motion carried unanimously. Senator Watt moved to amend page 7, line 1. Senator Dunkle seconded the motion. The Chairman called for a roll call vote. The motion carried. Senator Lockrem moved to amend page 10, line 25. Senator Peterson seconded the motion. The motion carried unanimously. Senator Lockrem moved to amend page 10, line 2. Senator Dunkle seconded the motion. The motion carried unanimously. Senator Dunkle moved to amend page 11, line 5. Senator Thiessen seconded the motion. The motion carried with Senator Lockrem voting no. Senator Dunkle moved to amend page 11, line 6. Senator Peterson seconded the motion. Motion carried unanimously. Senator Thiessen moved to amend page 11, line 6. Senator Watt seconded the motion. Motion carried unanimously. Senator Dunkle moved to amend page 11, lines 8 and 9. Senator Watt seconded the motion. Motion carried unanimously. Senator Lockrem moved to amend page 8, line 4, following "similar" strike "occurences" insert "occurrences". Senator Dunkle seconded the motion. Motion carried unanimously. Senator Story moved to amend page 11 and 12, strike section 10 in its entirety. Senator Thiessen seconded the motion. The Chairman called for a roll call vote. Motion carried.

Senator Watt moved Senate Bill 200 be given an "And As So Amended, do Pass" recommendation. Senator Lockrem

seconded the motion. Motion carried with Senator Thiessen voting no.

ADJOURN: The meeting adjourned at 10:30 A.M.


Senator George McCallum, Chairman

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PROPOSED AMENDMENTS TO SENATE BILL 200

Department of Health and Environmental Sciences

Senate Bill 200 is hereby amended to read as follows:

1. On page 2, lines 18 and 19, after "facilities;" delete "septic tank and cesspool pumpings;"
2. On page 2, line 21, following "and" delete "wood wastes" and insert "wood products or wood by-products";
3. On page 2, line 22, after "effluents," delete "or";
4. On page 2, line 24, after "state lands" insert ", slash and forest debris regulated under laws administered by the department of natural resources and conservation, or marketable wood by-products"
5. On page 3, line 22, delete "substance" and insert "solid waste or hazardous waste";
6. On page 3, line 22, after "so that the" delete "substance" and insert "solid waste or hazardous waste";
7. On page 6, line 17, after "solid waste" insert "or hazardous waste, transport hazardous waste,";
8. On page 7, line 1, after "(2)", delete all of the language through the end of line 7 and insert "When the department receives an application for a license pursuant to the provisions of this chapter, the local health officer in the county where the solid waste management system will be located shall be notified in writing of the application within 15 days after the department has received the application. If the department decides to issue a license pursuant to the provisions of this chapter, the department shall notify the local health officer in writing. A license issued by the department under this section shall not be valid until signed by the local health officer having jurisdiction in the county in which the solid waste management system will be operated. The local health officer shall,

within 15 days after the department has notified the local health officer of its decision to issue a license under this chapter, make a final decision on whether the license will be validated. The local health officer may only refuse to validate a license issued under this chapter upon a finding that the requirements of this chapter and the rules implementing this chapter cannot be satisfied. If the local health officer refuses to validate the license, he shall notify the applicant, the department and any other interested person in writing. The applicant or any person aggrieved by the decision of the local health officer not to validate a license may appeal the decision to the board of health and environmental sciences within 30 days after receiving written notice of the local health officer's decision. The hearing before the board of health and environmental sciences shall be held pursuant to the contested case provisions of the Montana administrative procedures act.

9. On page 10, line 25, after "waste" insert ", except hazardous wastes,"

10. On page 10, line 25, after "upon" delete "his own land" and insert "land owned, leased, or covered by easement or permit";

11. On page 11, after line 5, insert the following new subsections to read as follows:

"(2) A person may dispose of his own hazardous wastes upon land owned, leased, covered by easement or permit, after complying with the licensing requirements of this chapter and the rules that shall be adopted to regulate the disposal or transport of hazardous wastes.

(3) The licensing requirements of this chapter do not apply to the transportation of marketable hazardous wastes to a manufacturing or processing center.

(4) If it is determined that an application for a certificate under the major facility siting act, title 70, chapter 8, R.C.M. 1947, will result in the generation, transport, storage, or disposal of hazardous wastes as defined in this chapter, the department shall conduct its review under the provisions of this chapter concurrently with the studies of air and water quality conducted under the provisions of the major facility siting act. A decision to grant or deny a license for the transport, storage or disposal of hazardous wastes under the provisions of this chapter shall be appealable concurrently with and subject to the same procedures established for the appeal of the department's air and water quality certification decision under the major facility siting act. If the initial license has been granted as specified in this subsection, all renewals or modifications of a license, or enforcement actions concerning alleged violations of the license and the provisions of this chapter shall be conducted pursuant to the procedures and enforcement provisions established in this chapter."

12 11. On page 11, line 6, delete "(2)" and insert "(4)";

13 12. On page 11, line 6, after "contained in" insert "subsection (1) of";

~~14 13.~~ On page 11, line 7, after "apply to" delete ":" and insert ",";

~~14~~ 14. On page 11, lines 8 and 9, delete line 8 in its entirety through "(b)" on line 9.

SENATE COMMITTEE LOCAL GOVERNMENT

Date _____ Senate Bill No. 200 Time 10:50

NAME	YES	NO
George McCallum, Chairman	✓	
Robert Watt, Vice Chairman		✓
Pete Story	✓	
Frank Dunkle	✓	
Lloyd Lockrem	✓	
Bob Peterson		✓
Cornie Thiessen	✓	
Bill Thomas	✓	

Secretary _____

George McCallum
Chairman

Motion: Strike Sect. 10 SB 200

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-22-97 Senate Bill No. 200 Time 10:21

NAME	YES	NO
George McCallum, Chairman		✓
Robert Watt, Vice Chairman	✓	
Pete Story	✓	
Frank Dunkle	✓	
Lloyd Lockrem		✓
Bob Peterson	✓	
Cornie Thiessen		✓
Bill Thomas	✓	

Secretary _____

George McCallum
Chairman

Motion: adopt #8 SB 200

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 23 19 77

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 200

Respectfully report as follows: That Senate Bill No. 200

introduced bill, be amended as follows:

1. Amend page 1, title, line 14.

Following: "69-4007,"

Insert: "AND"

Following: "69-4008"

Strike: "AND 69-4009"

2. Amend page 2, section 2, lines 18 and 19.

Following: "facilities"

Strike: "septic tank and cesspool pumpings;"

3. Amend page 2, section 2, line 21.

Following: "wood"

Strike: "waste"

Insert: "products or wood by-products"

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Chairman.

4. Amend page 2, section 2, line 22.

Following: "effluents"

Strike: "or"

5. Amend page 2, section 2, line 24.

Following: "lands"

Insert: ", slash and forest debris regulated under laws administered by the department of natural resources and conservation, or marketable wood by-products"

6. Amend page 3, section 2, line 22.

Following: line 21

Strike: "substance"

Insert: "solid waste or hazardous waste"

Following: "that the"

Strike: "substance"

Insert: "solid waste or hazardous waste"

7. Amend page 6, section 5, line 17.

Following: "solid waste"

Insert: "or hazardous waste, transport hazardous waste,"

8. Amend page 7, section 5, lines 1 through 7.

Following: "(2)"

Strike: lines 1 through 7

Insert: "When the department receives an application for a license pursuant to the provisions of this chapter, the local health officer in the county where the solid waste management system will be located shall be notified in writing of the application within 15 days after the department has received the application. If the department decides to issue a license pursuant to the provisions of this chapter, the department shall notify the local health officer in writing. A license issued by the department under this section shall not be valid until signed by the local health officer having jurisdiction in the county in which the solid waste management system will be operated. The local health officer shall, within 15 days after the department has notified the local health officer of its decision to issue a license under this chapter, make a final decision on whether the license will be validated. The local health officer may only refuse to validate a license issued under this chapter upon a finding that the requirements of this chapter and the rules implementing this chapter cannot be satisfied. If the local health officer refuses to validate the license, he shall notify the applicant, the department and any other interested person in writing. The applicant or any person aggrieved by the decision of the local health officer not to validate a license may appeal the decision to the board of health and environmental sciences within 30 days after receiving written notice of the local health officer's decision. The hearing before the board of health and environmental sciences shall be held pursuant to the contested case provisions of the Montana administrative procedures act."

9. Amend page 8, section 6, line 4.

Following: "similar"
Strike: "occurrences"
Insert: "occurrences"

10. Amend page 10, section 8, line 25.

Following: "waste"
Insert: ", except hazardous waste,"
Following: "upon"
Strike: "his own"
Following: "land"
Insert: "owned, leased, or covered by easement or permit"

11. Amend page 11, section 9, line 5.

Following: line 5

Insert: "(2) A person may dispose of his own hazardous wastes upon land owned, leased, covered by easement or permit, after complying with the licensing requirements of this chapter and the rules that shall be adopted to regulate the disposal or transport of hazardous wastes.

(3) The licensing requirements of this chapter do not apply to the transportation of marketable hazardous wastes to a manufacturing or processing center.

(4) If it is determined that an application for a certificate under the major facility siting act, Title 70, chapter 8, R.C.M. 1947, will result in the generation, transport, storage, or disposal of hazardous wastes as defined in this chapter, the department shall conduct its review under the provisions of this chapter concurrently with the studies of air and water quality conducted under the provisions of the major facility siting act. A decision to grant or deny a license for the transport, storage or disposal of hazardous wastes under the provisions of this chapter shall be appealable concurrently with and subject to the same procedures established for the appeal of the department's air and water quality certification decision under the major facility siting act. If the initial license has been granted as specified in this subsection, all renewals or modifications of a license, or enforcement actions concerning alleged violations of the license and the provisions of this chapter shall be conducted pursuant to the procedures and enforcement provisions established in this chapter."

Renumber: subsequent subsections

12. Amend page 11, section 9, line 6.

Following: "in"
Insert: "subsection (1) of"

13. Amend page 11, section 9, line 7.

Following: "to"
Strike: ":"

14. Amend page 11, section 9, line 8.
Strike: subsection (a) in its entirety

15. Amend page 11, section 9, line 9.
Following: line 8
Strike: "(b) after July 1, 1977,"
Following: "land"
Insert: "of 5 acres or less made after July 1, 1977"

AND AS SO AMENDED, DO PASS

Senator George McCallum, Chairman

A handwritten signature in dark ink, appearing to be "G. McCallum", is written over the printed name of the Senator. The signature is somewhat stylized and includes a long horizontal stroke extending to the right.