

SENATE BILL NO. 56

INTRODUCED BY HAGER

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE SENATE

January 5, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
January 8, 1983	Fiscal Note requested.
January 13, 1983	Fiscal Note returned.
February 7, 1983	Committee recommend bill do pass. Report adopted.
	Statement of Intent attached.
February 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass.
February 10, 1983	Correctly engrossed.
February 11, 1983	Third reading, passed. Ayes, 46; Noes, 1. Transmitted to House.

IN THE HOUSE

February 12, 1983	Introduced and referred to Committee on Natural Resources.
March 15, 1983	Committee recommend bill be concurrent in. Report adopted.
March 18, 1983	Second reading, concurrent in.
March 19, 1983	Third reading, concurrent in.

IN THE SENATE

March 21, 1983

Returned to Senate. Sent to  
enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 56  
2 INTRODUCED BY Hagen  
3 BY REQUEST OF THE DEPARTMENT OF HEALTH  
4 AND ENVIRONMENTAL SCIENCES  
5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GIVE THE DEPARTMENT  
7 OF HEALTH AND ENVIRONMENTAL SCIENCES THE AUTHORITY TO ADOPT  
8 RULES SETTING FEES TO BE PAID BY HAZARDOUS WASTE GENERATORS;  
9 AMENDING SECTION 75-10-405, MCA; AND PROVIDING AN IMMEDIATE  
10 EFFECTIVE DATE."  
11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
13 Section 1. Section 75-10-405, MCA, is amended to read:  
14 "75-10-405. Administrative rules. The department may  
15 adopt, amend, or repeal rules governing hazardous waste,  
16 including but not limited to the following:  
17 (1) identification and classification of those  
18 hazardous wastes subject to regulation and those that are  
19 not;  
20 (2) requirements for the proper treatment, storage,  
21 transportation, and disposal of hazardous waste;  
22 (3) requirements for siting, design, operation,  
23 maintenance, monitoring, inspection, closure, postclosure,  
24 and reclamation of hazardous waste management facilities;  
25 (4) requirements for the issuance, denial, renewal,

1 modification, and revocation of permits for hazardous waste  
2 management facilities ~~and the assessment of permit fees for~~  
3 ~~these facilities;~~  
4 (5) requirements for manifests and the manifest system  
5 for tracking hazardous waste and for reporting and  
6 recordkeeping by generators, transporters, and owners and  
7 operators of hazardous waste management facilities;  
8 (6) requirements for training of facility personnel  
9 and for financial assurance of facility owners and  
10 operators;  
11 (7) requirements for registration of generators and  
12 transporters; and  
13 (8) a schedule of fees for hazardous waste management  
14 facility permits and registration of hazardous waste  
15 generators; and  
16 ~~(8)(9)~~ other rules which are necessary to obtain and  
17 maintain authorization under the federal program, except  
18 that the department may not adopt rules under this part that  
19 are more restrictive than those promulgated by the federal  
20 government under the Resource Conservation and Recovery Act  
21 of 1976, as amended." this part that are more restrictive  
22 than those promulgated by the federal government under the  
23 Resource Conservation and Recovery Act of 1976, as amended."  
24 NEW SECTION. Section 2. Severability. If a part of  
25 this act is invalid, all valid parts that are severable from

1 the invalid part remain in effect. If a part of this act is  
2 invalid in one or more of its applications, the part remains  
3 in effect in all valid applications that are severable from  
4 the invalid applications.

5 NEW SECTION. Section 3. Effective date. This act is  
6 effective on passage and approval.

-End-

## STATE OF MONTANA

REQUEST NO. 060-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 8, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 56 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 56 is an act to allow the Department of Health and Environmental Sciences to adopt, amend or repeal a rule allowing for the establishment of a schedule of fees for the registration of hazardous waste generators.

ASSUMPTIONS:

- 1) Source of revenue would be derived from the establishment of a user fee on generators of hazardous waste.
- 2) The fee amount for each generator would be determined by the amount of hazardous waste generated.
- 3) This revenue will assist in offsetting the amount of state revenue required to match the annual federal hazardous waste grant issued to the state.
- 4) User fees collected will be deposited in the state general fund.

FISCAL IMPACT:

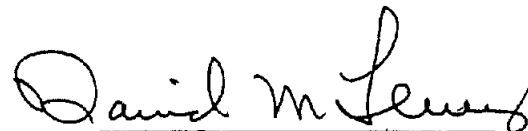
It is estimated that \$10,000 in revenue would be generated by this bill each fiscal year. The proposed fee schedule is as follows:

<u>Generation</u>	<u># Generators</u>	<u>Fee Assessment</u>	<u>Revenue</u>
Inactive	53	\$ 50	\$ 2,650
1 lb. - 1 ton	26	100	2,600
1 ton - 10 ton	4	150	600
10 ton - 50 ton	8	200	1,600
50 ton - 100 ton	1	250	250
100 ton - 500 ton	3	300	900
500 ton - 1000 ton	1	400	400
1000 ton +	2	500	1,000
			<u>\$10,000 Per Year</u>

TECHNICAL NOTE:

The bill does not address which account the increase in revenue is to be deposited.

FISCAL NOTE 3:S/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-13-83

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 56

3  
4 A statement of intent is required for Senate Bill 56  
5 because it amends Section 75-1-405, MCA, of the Montana  
6 Hazardous Waste Act to allow the Department of Health and  
7 Environmental Sciences to establish, by rule, fees for  
8 registration of hazardous waste generators. The Act, first  
9 enacted in 1981, presently contains authority for the  
10 Department to assess permit fees for hazardous waste  
11 management facilities. In the subsequent two years of its  
12 administration, it has become apparent that substantial  
13 administration costs are also associated with maintenance of  
14 the registry of hazardous waste generators. Therefore, it is  
15 the intent of the Legislature to give the Department the  
16 authority to set whatever fees are reasonable to offset a  
17 portion of the costs of maintenance of the registry,  
18 including the costs of inspection of generators, maintenance  
19 of files, communications between the Department and  
20 generators, and the preparation of program reports. It is  
21 further the intent of the Legislature that the fee system  
22 developed by the Department not apply to generators of  
23 household waste, farmers who generate hazardous waste, and  
24 small quantity hazardous waste generators. It is further the  
25 intent of the Legislature that fees for maintenance of

1 registration of inactive or infrequent generators of  
2 hazardous waste must be \$10 per year for the years in which  
3 that type generator does not generate hazardous waste.

Approved by Committee  
on Public Health, Welfare  
& Safety

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