

HOUSE BILL NO. 178

INTRODUCED BY REAM, HAGER

BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 14, 1985	Introduced and referred to Committee on Natural Resources.
January 15, 1985	Fiscal Note requested.
January 19, 1985	Fiscal Note returned.
January 22, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
January 24, 1985	Second reading, do pass.
January 25, 1985	Considered correctly engrossed.
January 26, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 28, 1985	Introduced and referred to Committee on Natural Resources.
March 7, 1985	Committee recommend bill be concurrred in. Report adopted.
March 9, 1985	Second reading, concurrred in.

March 12, 1985

Third reading, concurred in.
Ayes, 49; Noes, 1.

Returned to House.

IN THE HOUSE

March 13, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 "75-10-412. State hazardous waste facilities. (1) The
2 department may:

3 (a) if it considers such action to be necessary,
4 establish, maintain, and operate state hazardous waste
5 management facilities to provide for the treatment, storage,
6 or disposal of hazardous wastes; ~~The department may~~

7 (b) acquire interests in real property by gift,
8 purchase, lease, or other means in order to develop any such
9 facility; Such

10 (c) operate and maintain such a facility may--be
11 operated--and--maintained--by--the--department directly or
12 through agreement with public or private persons; and

13 (d) collect reasonable fees to defray a portion of the
14 costs of establishing, maintaining, and operating the
15 facility.

16 (2) A state facility must meet all applicable
17 requirements for a hazardous waste management facility under
18 this part."

19 NEW SECTION. Section 3. Severability. If a part of
20 this act is invalid, all valid parts that are severable from
21 the invalid part remain in effect. If a part of this act is
22 invalid in one or more of its applications, the part remains
23 in effect in all valid applications that are severable from
24 the invalid applications.

25 NEW SECTION. Section 4. Extension of authority. Any

1 existing authority of the department of health and
2 environmental sciences to make rules on the subject of the
3 provisions of this act is extended to the provisions of this
4 act.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN108-85

Form BD-15

In compliance with a written request received January 15, 19 85, there is hereby submitted a Fiscal Note for H.B. 178 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:

House Bill 178 would allow the Department of Health and Environmental Sciences to assess fees to defray the cost of establishing, maintaining and operating a state hazardous waste management facility.

FISCAL IMPACT:

The costs of building and operating a hazardous waste transfer station are estimated to be about \$2,288,000 the first year and approximately \$475,000 per year thereafter for operation and maintenance. The Department has applied to the DNRC/Legacy Program for funding of this project.

The Department wants to charge the users of the transfer station a fee for handling and disposing of their wastes. At this time, the Department doesn't know how many waste generators there will be or what types and quantities of wastes can be expected. The amount of the fees will be determined as part of a study that has been included in a DHES Legacy Program grant request. If the DNRC/Legacy request for this project is approved and funded, a schedule of fees will be developed to defray a portion of the cost of establishing and operating the facility. The fees eventually collected would go into the state general fund.

The persons who generate and dispose of hazardous waste through the transfer facility are the ones who will pay the fee. These are expected to be small businesses, such as repair shops, body and paint shops, dry cleaners and pesticide applicators.

The fiscal impact of this bill can not be determined. The general fund will increase by whatever revenue is collected.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 19, 1985

APPROVED BY COMM. ON
NATURAL RESOURCES

1 HOUSE BILL NO. 178
2 INTRODUCTION BY Ream Hager
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4 AND ENVIRONMENTAL SCIENCES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT
7 OF HEALTH AND ENVIRONMENTAL SCIENCES TO ASSESS FEES TO
8 DEFRAY PART OF THE COST OF ESTABLISHING, MAINTAINING, AND
9 OPERATING A STATE HAZARDOUS WASTE MANAGEMENT FACILITY;
10 AMENDING SECTIONS 75-10-405 AND 75-10-412, MCA."

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;
3 (5) requirements for manifests and the manifest system
4 for tracking hazardous waste and for reporting and
5 recordkeeping by generators, transporters, and owners and
6 operators of hazardous waste management facilities;
7 (6) requirements for training of facility personnel
8 and for financial assurance of facility owners and
9 operators;
10 (7) requirements for registration of generators and
11 transporters;
12 (8) a schedule of fees for hazardous waste management
13 facility permits and registration of hazardous waste
14 generators; and
15 (9) a schedule of fees to defray a portion of the
16 costs of establishing, operating, and maintaining any state
17 hazardous waste management facility authorized by 75-10-412;
18 and
19 (9)(10) other rules which are necessary to obtain and
20 maintain authorization under the federal program, except
21 that the department may not adopt rules under this part that
22 are more restrictive than those promulgated by the federal
23 government under the Resource Conservation and Recovery Act
24 of 1976, as amended."

25 Section 2. Section 75-10-412, MCA, is amended to read:

1 "75-10-412. State hazardous waste facilities. (1) The
2 department may:

3 (a) if it considers such action to be necessary,
4 establish, maintain, and operate state hazardous waste
5 management facilities to provide for the treatment, storage,
6 or disposal of hazardous wastes; ~~The department may~~

7 (b) acquire interests in real property by gift,
8 purchase, lease, or other means in order to develop any such
9 facility; ~~Such~~

10 (c) ~~operate and maintain such a facility may--be~~
11 ~~operated--and--maintained--by--the--department~~ directly or
12 through agreement with public or private persons; ~~and~~

13 (d) collect reasonable fees to defray a portion of the
14 costs of establishing, maintaining, and operating the
15 facility.

16 (2) A state facility must meet all applicable
17 requirements for a hazardous waste management facility under
18 this part."

19 NEW SECTION. Section 3. Severability. If a part of
20 this act is invalid, all valid parts that are severable from
21 the invalid part remain in effect. If a part of this act is
22 invalid in one or more of its applications, the part remains
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