

HOUSE BILL NO. 189

INTRODUCED BY REAM, HAGER

BY REQUEST OF THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 15, 1985	Introduced and referred to Committee on Business and Labor.
January 24, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
January 26, 1985	Second reading, do pass. Considered correctly engrossed.
January 28, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 29, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 7, 1985	Committee recommend bill be concurrred in. Report adopted.
March 9, 1985	Second reading, concurrred in.
March 12, 1985	Third reading, concurrred in. Ayes, 43; Noes, 7. Returned to House.

IN THE HOUSE

March 13, 1985	Received from Senate. Sent to enrolling. Reported correctly enrolled.
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 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT
 7 OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES
 8 REQUIRING HAZARDOUS WASTE TRANSPORTERS TO REGISTER WITHIN
 9 MONTANA AND HAZARDOUS WASTE GENERATORS AND FACILITIES TO
 10 FILE REPORTS ON AN ANNUAL BASIS; AMENDING SECTION 75-10-405,
 11 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 75-10-405, MCA, is amended to read:
 15 "75-10-405. Administrative rules. (1) The department
 16 may adopt, amend, or repeal rules governing hazardous waste,
 17 including but not limited to the following:

18 (1)(a) identification and classification of those
 19 hazardous wastes subject to regulation and those that are
 20 not;

21 (2)(b) requirements for the proper treatment, storage,
 22 transportation, and disposal of hazardous waste;

23 (3)(c) requirements for siting, design, operation,
 24 maintenance, monitoring, inspection, closure, postclosure,
 25 and reclamation of hazardous waste management facilities;

1 ~~(4)(d)~~ requirements for the issuance, denial, renewal,
 2 modification, and revocation of permits for hazardous waste
 3 management facilities;

4 ~~(5)(e)~~ requirements for manifests and the manifest
 5 system 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)(f)~~ requirements for training of facility personnel
 9 and for financial assurance of facility owners and
 10 operators;

11 ~~(7)(g)~~ requirements for registration of generators and
 12 transporters;

13 ~~(8)(h)~~ a schedule of fees for hazardous waste
 14 management facility permits and registration of hazardous
 15 waste generators; and

16 ~~(9)(i)~~ 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.~~

22 (2) The department may not adopt rules under this part
 23 that are more restrictive than those promulgated by the
 24 federal government under the Resource Conservation and
 25 Recovery Act of 1976, as amended, except that the department

1 may:

2 (a) require the registration of transporters not
3 otherwise required to register with the state of Montana
4 pursuant to the federal Resource Conservation and Recovery
5 Act of 1976, as amended; and

6 (b) require generators and facilities to report on an
7 annual rather than on a biennial basis."

8 NEW SECTION. Section 2. Saving clause. This act does
9 not affect rights and duties that matured, penalties that
10 were incurred, or proceedings that were begun before the
11 effective date of this act.

12 NEW SECTION. Section 3. Extension of authority. Any
13 existing authority of the department of health and
14 environmental sciences to make rules on the subject of the
15 provisions of this act is extended to the provisions of this
16 act.

17 NEW SECTION. Section 4. Effective date. This act is
18 effective on passage and approval.

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APPROVED BY COMM. ON BUSINESS AND LABOR

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