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 TH | IE SENATE |
| January 29, 1985 | | Introduced and referred to Committee on Public Health, Welfare and Safety. |
| March 7, 1985 | | Committee recommend bill be concurred in. Report adopted. |
| March 9, 1985 | | Second reading, concurred in. |
| March 12, 1985 | | Third reading, concurred in. Ayes, 43; Noes, 7. |
| | | Returned to House. |
| | IN TI | IE HOUSE |
| March 13, 1985 | | Received from Senate. |
| | | Sent to enrolling. |
| | | Reported correctly enrolled. |

INTRODUCED BY Ream Hager 1 2 BY REQUEST OF THE DEPARTMENT OF HEALTH 3 AND ENVIRONMENTAL SCIENCES Δ 5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT BULES. 7 REQUIRING HAZARDOUS WASTE TRANSPORTERS TO REGISTER WITHIN 8 MONTANA AND HAZARDOUS WASTE GENERATORS AND FACILITIES TO 9 FILE REPORTS ON AN ANNUAL BASIS; AMENDING SECTION 75-10-405, 10 MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 11 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 75-10-405, MCA, is amended to read: 14 "75-10-405. Administrative rules. (1) The department 15 may 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 15 20 not; (2)(b) requirements for the proper treatment, storage, 21 transportation, and disposal of hazardous waste; 22 (d) requirements for siting, design, operation, 23 maintenance, monitoring, inspection, closure, postclosure, 24

25 and reclamation of hazardous waste management facilities;



(4)(d) requirements for the issuance, denial, renewal,
 modification, and revocation of permits for hazardous waste
 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 (0)(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 maintain authorization under the federal program7--except 17 that-the-department-may-not-adopt-rules-under-this-part-that 18 are--more--restrictive-than-those-promulgated-by-the-federal 19 20 government-under-the-Resource-Conservation-and-Recovery--Act 21 of-19767-as-amended. (2) The department may not adopt rules under this part 22 that are more restrictive than those promulgated by the 23

24 <u>federal government under the Resource Conservation and</u>

25 Recovery Act of 1976, as amended, except that the department

-2- INTRODUCED BILL HB/89

1 may: (a) require the registration of transporters not 2 otherwise required to register with the state of Montana 3 pursuant to the federal Resource Conservation and Recovery 4 Act of 1976, as amended; and 5 6 (b) require generators and facilities to report on an 7 annual rather than on a biennial basis." NEW SECTION. Section 2. Saving clause. This act does 8 9 not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the 10 effective date of this act. 11 NEW SECTION. Section 3. Extension of authority. Any 12 existing authority of the department of health and 13 14 environmental sciences to make rules on the subject of the provisions of this act is extended to the provisions of this 15 16 act. 17 NEW SECTION. Section 4. Effective date. This act is

18 effective on passage and approval.

-End-

-3--

LC 0709/01 APPROVED BY COMM. ON BUSINESS AND LABOR

1

| 1 | HOUSE BILL NO. 189 |
|----|---|
| 2 | INTRODUCED BY Ream Hager |
| 3 | BY REQUEST OF THE DEPARTMENT OF HEALTH |
| 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 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 | <pre>(1) identification and classification of those</pre> |
| 19 | hazardous wastes subject to regulation and those that are |
| 20 | not; |
| 21 | <pre>(2)(b) requirements for the proper treatment, storage,</pre> |
| 22 | transportation, and disposal of hazardous waste; |
| 23 | <pre>(3)(c) requirements for siting, design, operation,</pre> |
| 24 | maintenance, monitoring, inspection, closure, postclosure, |
| 25 | and reclamation of hazardous waste management facilities; |
| | |

Montana Legislative Council

modification, and revocation of permits for hazardous waste 2 3 management facilities; (5)(e) requirements for manifests and the manifest 4 system 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)(f) requirements for training of facility personnel 8 9 and for financial assurance of facility owners and 10 operators; (7)(q) requirements for registration of generators and 11 12 transporters; (8)(h) a schedule of fees for hazardous waste 13 management facility permits and registration of hazardous 14 15 waste generators; and (i) other rules which are necessary to obtain and 16 maintain authorization under the federal program,--except 17 that-the-department-may-not-adopt-rules-under-this-part-that 18 are--more--restrictive-than-those-promulgated-by-the-federal 19 government-under-the-Resource-Conservation-and-Recovery--Act 20 21 of-19767-as-amended. 22 (2) The department may not adopt rules under this part

(d) requirements for the issuance, denial, renewal,

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

SECOND READING -2-HB 189

LC 0709/01

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." NEW SECTION. Section 2. Saving clause. This act does 8 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. NEW SECTION. Section 3. Extension of authority. Any 12 existing authority of the department of health and 13 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.

-End-

-3-

1

2

3 4

5

6

7

8

9

10 11

12 13

14

15 16

17

18

19

20

21 22

23

24

25

LC 0709/01

| HOUSE BILL NO. 189 | . 1 | (4)(d) requirements |
|---|-----|---------------------------------------|
| INTRODUCED BY Ream Hager | 2 | modification, and revocat |
| BY REQUEST OF THE DEPARTMENT OF HEALTH | 3 | management facilities; |
| AND ENVIRONMENTAL SCIENCES | 4 | (5)<u>(e)</u> requirements |
| | 5 | system for tracking hazar |
| A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT | 6 | recordkeeping by genera |
| OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES | 7 | operators of hazardous wa |
| REQUIRING HAZARDOUS WASTE TRANSPORTERS TO REGISTER WITHIN | 8 | +6+(f) requirements |
| MONTANA AND HAZARDOUS WASTE GENERATORS AND FACILITIES TO | 9 | and for financial assu |
| FILE REPORTS ON AN ANNUAL BASIS; AMENDING SECTION 75-10-405, | 10 | operators; |
| MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." | 11 | (7)(g) requirements |
| | 12 | transporters; |
| BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 13 | (h) a schedule |
| Section 1. Section 75-10-405, MCA, is amended to read: | 14 | management facility permi |
| "75-10-405. Administrative rules. (1) The department | 15 | waste generators; and |
| may adopt, amend, or repeal rules governing hazardous waste, | 16 | (9) (i) other rules |
| including but not limited to the following: | 17 | maintain authorization ur |
| <pre>(1)(a) identification and classification of those</pre> | 18 | that-the-department-may-n |
| hazardous wastes subject to regulation and those that are | 19 | aremorerestrictive-th |
| not; | 20 | government-under-the-Resc |
| <pre>f2+(b) requirements for the proper treatment, storage,</pre> | 21 | of-19767-as-amended. |
| transportation, and disposal of hazardous waste; | 22 | (2) The department |
| <pre>(3)(c) requirements for siting, design, operation,</pre> | 23 | that are more restrict |
| maintenance, monitoring, inspection, closure, postclosure, | 24 | federal government unde |
| and reclamation of hazardous waste management facilities; | 25 | Recovery Act of 1976, as |
| | 23 | account and of 1910, 45 |
| | | |

Montana Legislative Council

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

1 (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 0 operators;

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 program7--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-19767-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

5 Recovery Act of 1976, as amended, except that the department

-2- THIRD READING HB 189

(a) require the registration of transporters not
otherwise required to register with the state of Montana
pursuant to the federal Resource Conservation and Recovery
Act of 1976, as amended; and
(b) require generators and facilities to report on an
annual rather than on a biennial basis."

1

<u>may:</u>

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

12 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> Section 4. Effective date. This act is
18 effective on passage and approval.

-End-

-3-

HB 0189/02

с

| , | HOUSE BILL NO. 189 | 1 | <pre>f4+(d) requirements for the issuance, denial, renewal,</pre> |
|----|---|------|---|
| 1 | | 2 | modification, and revocation of permits for hazardous waste |
| 2 | INTRODUCED BY REAM, HAGER | 2 | management facilities; |
| 3 | BY REQUEST OF THE DEPARTMENT OF HEALTH | - | +5+(e) requirements for manifests and the manifest |
| 4 | AND ENVIRONMENTAL SCIENCES | 4 | system for tracking hazardous waste and for reporting and |
| 5 | | - | record keeping by generators, transporters, and owners and |
| 6 | A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT | 6 | |
| 7 | OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES | 7 | operators of hazardous waste management facilities; |
| 8 | REQUIRING HAZARDOUS WASTE TRANSPORTERS TO REGISTER WITHIN | 8 | <pre>(6)(f) requirements for training of facility personnel</pre> |
| 9 | MONTANA AND HAZARDOUS WASTE GENERATORS AND FACILITIES TO | 9 | and for financial assurance of facility owners and |
| 10 | FILE REPORTS ON AN ANNUAL BASIS; AMENDING SECTION 75-10-405, | 10 | operators; |
| 11 | MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." | 11 | <pre>{7}(g) requirements for registration of generators and</pre> |
| 12 | | 12 | transporters; |
| 13 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 13 | <pre>(h) a schedule of fees for hazardous waste</pre> |
| 14 | Section 1. Section 75-10-405, MCA, is amended to read: | 14 | management facility permits and registration of hazardous |
| 15 | 75-10-405. Administrative rules. (1) The department | 15 | waste generators; and |
| 16 | may adopt, amend, or repeal rules governing nazardous waste, | 16 | <pre>f9;(i) other rules which are necessary to obtain and</pre> |
| 17 | including but not limited to the following: | . 17 | maintain authorization under the federal program7~-except |
| 18 | <pre>(1)(a) identification and classification of those</pre> | 18 | that-the-department-may-not-sdopt-rules-under-this-part-that |
| 19 | hazardous wastes subject to regulation and those that are | 19 | aremorerestrictive-than-those-promutgated-by-the-federal |
| 20 | not; | 20 | government-under-the-Resource-Conservation-and-RecoveryAct |
| 21 | <pre>(2)(b) requirements for the proper treatment, storage,</pre> | 21 | of-1976,-as-amended. |
| 22 | transportation, and disposal of hazardous waste; | 22 | (2) The department may not adopt rules under this part |
| 23 | <pre>(3)(c) requirements for siting, design, operation,</pre> | 23 | that are more restrictive than those promulgated by the |
| 24 | maintenance, monitoring, inspection, closure, postclosure, | 24 | federal government under the Resource Conservation and |
| 25 | and reclamation of hazardous waste management facilities; | 25 | Recovery Act of 1976, as amended, except that the department |
| | Chontana Legislative council | | -2- HB 189 REFERENCE BILL |

HB 0189/02

1 <u>may:</u> (a) require the registration of transporters not 2 otherwise required to register with the state of Montana 3 pursuant to the federal Resource Conservation and Recovery 4 5 Act of 1976, as amended; and (b) require generators and facilities to report on an 6 annual rather than on a biennial basis." 7 NEW SECTION. Section 2. Saving clause. This act does 8 not affect rights and duties that matured, penalties that 9 were incurred, or proceedings that were begun before the 10 11 effective date of this act. NEW SECTION. Section 3. Extension of authority. Any 12 existing authority of the department of health and 13 environmental sciences to make rules on the subject of the 14 15 provisions of this act is extended to the provisions of this 16 act.

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

-End-

-3-