

HOUSE BILL NO. 467

INTRODUCED BY REAM

BY REQUEST OF THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES

IN THE HOUSE

JANUARY 26, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
FEBRUARY 12, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. STATEMENT OF INTENT ADOPTED.
FEBRUARY 13, 1987	PRINTING REPORT.
FEBRUARY 14, 1987	SECOND READING, DO PASS.
FEBRUARY 16, 1987	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 89; NOES, 3. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 17, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
MARCH 19, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 23, 1987	SECOND READING, CONCURRED IN.
MARCH 25, 1987	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0. RETURNED TO HOUSE.

MARCH 26, 1987

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 467
 2 INTRODUCED BY Ream
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH AND
 4 ENVIRONMENTAL SCIENCES
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 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
 7 HAZARDOUS WASTE ACT TO INCORPORATE, WHERE EXPLICITLY NEEDED,
 8 CHANGES MADE IN 1984 TO THE FEDERAL RESOURCE CONSERVATION
 9 AND RECOVERY ACT OF 1976; AND AMENDING SECTIONS 75-10-405
 10 AND 75-10-406, MCA."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 75-10-405, MCA, is amended to read:
 13 "75-10-405. Administrative rules. (1) The department
 14 may adopt, amend, or repeal rules governing hazardous waste,
 15 including but not limited to the following:

16 (a) identification and classification of those
 17 hazardous wastes subject to regulation and those that are
 18 not;

19 (b) requirements for the proper treatment, storage,
 20 transportation, and disposal of hazardous waste;

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

24 (d) requirements for the issuance, denial, renewal,
 25

1 modification, and revocation of permits for hazardous waste
 2 management facilities;

3 (e) requirements for corrective action within and
 4 outside of facility boundaries and for financial assurance
 5 of that corrective action;

6 (e)(f) requirements for manifests and the manifest
 7 system for tracking hazardous waste and for reporting and
 8 recordkeeping by generators, transporters, and owners and
 9 operators of hazardous waste management facilities;

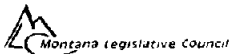
10 (f)(g) requirements for training of facility personnel
 11 and for financial assurance of facility owners and operators
 12 and for liability of guarantors providing financial
 13 assurance;

14 (g)(h) requirements for registration of generators and
 15 transporters;

16 (h)(i) a schedule of fees for hazardous waste
 17 management facility permits and registration of hazardous
 18 waste generators;

19 (i)(j) a schedule of fees to defray a portion of the
 20 costs of establishing, operating, and maintaining any state
 21 hazardous waste management facility authorized by 75-10-412;
 22 and

23 (k) requirements for availability to the public of
 24 information obtained by the department regarding facilities
 25 and sites used for the treatment, storage, and disposal of



1 hazardous wastes; and

2 ~~††~~(1) other rules which are necessary to obtain and
3 maintain authorization under the federal program.

4 (2) The department may not adopt rules under this part
5 that are more restrictive than those promulgated by the
6 federal government under the Resource Conservation and
7 Recovery Act of 1976, as amended, except that the department
8 may:

9 (a) require the registration of transporters not
10 otherwise required to register with the state of Montana
11 pursuant to the federal Resource Conservation and Recovery
12 Act of 1976, as amended;

13 (b) require generators and facilities to report on an
14 annual rather than on a biennial basis; and

15 (c) adopt requirements for the prevention of leakage
16 from underground storage tanks, including:

17 (i) reporting by owners and operators;

18 (ii) financial responsibility;

19 (iii) release detection, prevention, and correction;

20 and

21 (iv) standards for design, construction, and
22 installation."

23 Section 2. Section 75-10-406, MCA, is amended to read:

24 "75-10-406. Permits. (1) No person may construct or
25 operate a hazardous waste management facility without first

1 obtaining a permit from the department for such facility,
2 except that the department may, by rule, prescribe
3 conditions under which specified hazardous wastes or
4 specified quantities of hazardous waste may be disposed of
5 at solid waste disposal sites licensed by the department
6 pursuant to Title 75, chapter 10, part 2.

7 (2) Any person who wishes to construct or operate a
8 hazardous waste management facility shall apply to the
9 department for a permit on forms provided by the department.
10 An application must contain, at a minimum, the name and
11 business address of the applicant, the location of the
12 proposed facility, a plan of operation and maintenance, and
13 a description of pertinent site characteristics.

14 (3) A permit may be issued for a period specified by
15 the department and shall be subject to renewal by the
16 department upon a showing that the facility has been
17 operated in accordance with the terms of the permit and the
18 rules applicable to such facility and in compliance with the
19 provisions of this part and any applicable order of the
20 board or department.

21 (4) Any permit issued is subject to revocation by the
22 department for failure of the permittee to comply with the
23 terms and conditions of the permit, the department rules, an
24 order of the board or the department, or the provisions of
25 this part. Any person who is denied a permit by the

1 department or who has such permit revoked or modified shall
 2 be afforded an opportunity for a hearing before the board
 3 upon written application made within 30 days after service
 4 of notice of such denial, revocation, or modification by
 5 mail. Service by mail is complete upon mailing.

6 (5) Notwithstanding any other provisions of this part,
 7 the department may, in the event of an imminent and
 8 substantial danger to public health or the environment,
 9 issue a temporary emergency permit to any person for
 10 treatment, storage, or disposal of hazardous waste or to any
 11 facility to handle hazardous waste not covered by the
 12 existing facility permit. Such emergency permits may be oral
 13 or written, may not exceed 90 days in duration, and may be
 14 terminated by the department at any time prior to 90 days.

15 (6) The department may, as it considers appropriate,
 16 grant permits by rule to classes or categories of hazardous
 17 waste management facilities where the facility owner or
 18 operator is already licensed or permitted by the department
 19 pursuant to other state environmental statutes or where an
 20 interim period exists until final administrative disposition
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22 (7) In permits issued under this section, the
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 24 of hazardous waste or constituents at a treatment, storage,
 25 or disposal facility. A permit must contain a schedule of

1 compliance for corrective action and requirements for
 2 assurance of financial responsibility for completion of the
 3 corrective action.

4 (8) Each permit issued by the department to a person
 5 owning or operating an existing facility must contain the
 6 terms and conditions the department considers necessary to
 7 protect human health and the environment."

8 NEW SECTION. Section 3. Extension of authority. Any
 9 existing authority of the department of health and
 10 environmental sciences to make rules on the subject of the
 11 provisions of this act is extended to the provisions of this
 12 act.

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

1 STATEMENT OF INTENT

2 HOUSE BILL 467

3 House Natural Resources Committee

4
5 In 1984, the United States congress amended the federal
6 Resource Conservation and Recovery Act (RCRA) to:

7 (1) establish requirements for corrective action
8 within and outside of facility boundaries and for financial
9 assurance of that corrective action;

10 (2) establish liability requirements for guarantors
11 providing financial assurance;

12 (3) make information on hazardous waste management
13 facilities available to the public; and

14 (4) ensure that facility permits contain terms and
15 conditions necessary to protect human health and the
16 environment.

17 Rulemaking authority is provided in this bill to
18 authorize the department of health and environmental
19 sciences to adopt rules necessary to carry out these
20 purposes and thus to maintain the equivalence of the Montana
21 Hazardous Waste Act with RCRA, as amended.

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20 (b) requirements for the proper treatment, storage,
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22 (c) requirements for siting, design, operation,
23 maintenance, monitoring, inspection, closure, postclosure,
24 and reclamation of hazardous waste management facilities;

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

1 modification, and revocation of permits for hazardous waste
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7 system for tracking hazardous waste and for reporting and
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 4 (2) The department may not adopt rules under this part
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THIRD READING

HB-467



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REFERENCE BILL

HB-467



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