

HOUSE BILL NO. 729  
INTRODUCED BY WINSLOW

IN THE HOUSE

FEBRUARY 12, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON NATURAL RESOURCES.

FEBRUARY 19, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.  
  
STATEMENT OF INTENT ADOPTED.

FEBRUARY 20, 1987                   PRINTING REPORT.

FEBRUARY 21, 1987                   SECOND READING, DO PASS AS AMENDED.

FEBRUARY 23, 1987                   ENGROSSING REPORT.

FEBRUARY 24, 1987                   THIRD READING, PASSED.  
AYES, 96; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE & SAFETY.

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, 46; NOES, 3.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 26, 1987                   RECEIVED FROM SENATE.  
  
SENT TO ENROLLING.

1 House BILL NO. 729  
2 INTRODUCED BY Winn

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLIC  
5 HEARING BEFORE COMMENCING OPERATION OF A COMMERCIAL  
6 HAZARDOUS WASTE STORAGE, COLLECTION, OR TRANSFER FACILITY;  
7 AMENDING SECTION 75-10-405, MCA; AND PROVIDING AN IMMEDIATE  
8 EFFECTIVE DATE."  
9

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

11 NEW SECTION. Section 1. Public hearing required  
12 before operation of commercial hazardous waste storage,  
13 collection, or transfer facility. (1) The owner or manager  
14 of a proposed commercial facility for the storage,  
15 collection, or transfer of hazardous waste (whether or not  
16 the proposed facility is subject to permitting under  
17 75-10-406) shall conduct a public hearing in the nearest  
18 population center to provide information and answer  
19 questions on:

- 20 (a) facility plans and operating procedures;
- 21 (b) emergency response plans and the manner in which  
22 neighboring population densities have been considered in the  
23 facility siting decision;
- 24 (c) the kinds of substances to be handled and any  
25 applicable state and federal requirements for the provision

1 of public information on these substances;

- 2 (d) procedures that will be used to inform the public  
3 of any changes in the kinds of substances to be handled; and  
4 (e) any other matters related to the operation of the  
5 facility that are pertinent to protecting public health,  
6 safety, and the environment.

7 (2) The hearing must be conducted no later than 60  
8 days prior to the commencement of commercial hazardous waste  
9 storage, collection, or transfer operations at the facility.

10 (3) The hearing must be preceded by written notice:

- 11 (a) posted in no fewer than 25 locations of high  
12 public visibility and geographically distributed in  
13 neighborhoods within one-half mile of the facility;
- 14 (b) published in a newspaper of general circulation  
15 once a week for the 3 weeks immediately preceding the  
16 hearing; and
- 17 (c) delivered to the department not less than 30 days  
18 prior to the hearing.

19 Section 2. Section 75-10-405, MCA, is amended to read:  
20 "75-10-405. Administrative rules. (1) The department  
21 may adopt, amend, or repeal rules governing hazardous waste,  
22 including but not limited to the following:

- 23 (a) identification and classification of those  
24 hazardous wastes subject to regulation and those that are  
25 not;



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- 1 (b) requirements for the proper treatment, storage,  
2 transportation, and disposal of hazardous waste;
- 3 (c) requirements for siting, design, operation,  
4 maintenance, monitoring, inspection, closure, postclosure,  
5 and reclamation of hazardous waste management facilities;
- 6 (d) requirements for the issuance, denial, renewal,  
7 modification, and revocation of permits for hazardous waste  
8 management facilities;
- 9 (e) requirements for manifests and the manifest system  
10 for tracking hazardous waste and for reporting and  
11 recordkeeping by generators, transporters, and owners and  
12 operators of hazardous waste management facilities;
- 13 (f) requirements for training of facility personnel  
14 and for financial assurance of facility owners and  
15 operators;
- 16 (g) requirements for registration of generators and  
17 transporters;
- 18 (h) a schedule of fees for hazardous waste management  
19 facility permits and registration of hazardous waste  
20 generators;
- 21 (i) a schedule of fees to defray a portion of the  
22 costs of establishing, operating, and maintaining any state  
23 hazardous waste management facility authorized by 75-10-412;  
24 and
- 25 (j) other rules which are necessary to obtain and

- 1 maintain authorization under the federal program.
- 2 (2) The department may not adopt rules under this part  
3 that are more restrictive than those promulgated by the  
4 federal government under the Resource Conservation and  
5 Recovery Act of 1976, as amended, except that the department  
6 may:
- 7 (a) may require the registration of transporters not  
8 otherwise required to register with the state of Montana  
9 pursuant to the federal Resource Conservation and Recovery  
10 Act of 1976, as amended;
- 11 (b) may require generators and facilities to report on  
12 an annual rather than on a biennial basis; and
- 13 (c) may adopt requirements for the prevention of  
14 leakage from underground storage tanks, including:
- 15 (i) reporting by owners and operators;
- 16 (ii) financial responsibility;
- 17 (iii) release detection, prevention, and correction;
- 18 and
- 19 (iv) standards for design, construction, and  
20 installation; and
- 21 (d) shall require the owner or manager of any proposed  
22 commercial facility for the storage, collection, or transfer  
23 of hazardous waste to conduct a public hearing, as provided  
24 for in [section 1]."
- 25 NEW SECTION. Section 3. Codification instruction.

LC 1198/01

1 Section 1 is intended to be codified as an integral part of  
2 Title 75, chapter 10, part 4, and the provisions of Title  
3 75, chapter 10, part 4, apply to section 1.

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

-End-

APPROVED BY COMM. ON  
NATURAL RESOURCES

1                   STATEMENT OF INTENT

2                   HOUSE BILL 729

3                   House Natural Resources Committee

4  
5           It is the intent of the legislature that the department  
6 of health and environmental sciences adopt rules to specify  
7 that the public hearing requirements provided for in section  
8 1 apply to the owner or manager of a proposed commercial  
9 facility for the storage, collection, or transfer of  
10 hazardous waste. It is the intent of the legislature that  
11 the rules apply equally to facilities subject to permitting  
12 under 75-10-406 and to facilities exempt from permitting by  
13 virtue of operational characteristics.

HOUSE BILL NO. 729  
INTRODUCED BY WINSLOW

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLIC HEARING BEFORE COMMENCING OPERATION OF A COMMERCIAL HAZARDOUS WASTE STORAGE, COLLECTION, OR TRANSFER FACILITY; AMENDING SECTION 75-10-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Public hearing required before operation of commercial hazardous waste storage, collection, or transfer facility. (1) The owner or manager of a proposed commercial facility for the storage, collection, or transfer of hazardous waste (whether or not the proposed facility is subject to permitting under 75-10-406) shall conduct a public hearing in the nearest population center to provide information and answer questions on:

- (a) facility plans and operating procedures;
- (b) emergency response plans and the manner in which neighboring population densities have been considered in the facility siting decision;
- (c) the kinds of substances to be handled and any applicable state and federal requirements for the provision

of public information on these substances;

- (d) procedures that will be used to inform the public of any changes in the kinds of substances to be handled; and
- (e) any other matters related to the operation of the facility that are pertinent to protecting public health, safety, and the environment.

(2) The hearing must be conducted no later than 60 days prior to the commencement of commercial hazardous waste storage, collection, or transfer operations at the facility.

(3) The hearing must be preceded by written notice:

- (a) posted in no fewer than 25 locations of high public visibility and geographically distributed in neighborhoods within one-half mile of the facility;
- (b) published in a newspaper of general circulation once a week for the 3 weeks immediately preceding the hearing; and
- (c) delivered to the department not less than 30 days prior to the hearing.

Section 2. Section 75-10-405, MCA, is amended to read: "75-10-405. Administrative rules. (1) The department may adopt, amend, or repeal rules governing hazardous waste, including but not limited to the following:

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



- 1 (b) requirements for the proper treatment, storage,
- 2 transportation, and disposal of hazardous waste;
- 3 (c) requirements for siting, design, operation,
- 4 maintenance, monitoring, inspection, closure, postclosure,
- 5 and reclamation of hazardous waste management facilities;
- 6 (d) requirements for the issuance, denial, renewal,
- 7 modification, and revocation of permits for hazardous waste
- 8 management facilities;
- 9 (e) requirements for manifests and the manifest system
- 10 for tracking hazardous waste and for reporting and
- 11 recordkeeping by generators, transporters, and owners and
- 12 operators of hazardous waste management facilities;
- 13 (f) requirements for training of facility personnel
- 14 and for financial assurance of facility owners and
- 15 operators;
- 16 (g) requirements for registration of generators and
- 17 transporters;
- 18 (h) a schedule of fees for hazardous waste management
- 19 facility permits and registration of hazardous waste
- 20 generators;
- 21 (i) a schedule of fees to defray a portion of the
- 22 costs of establishing, operating, and maintaining any state
- 23 hazardous waste management facility authorized by 75-10-412;
- 24 and
- 25 (j) other rules which are necessary to obtain and

- 1 maintain authorization under the federal program.
- 2 (2) The department may not adopt rules under this part
- 3 that are more restrictive than those promulgated by the
- 4 federal government under the Resource Conservation and
- 5 Recovery Act of 1976, as amended, except that the department
- 6 may:
- 7 (a) may require the registration of transporters not
- 8 otherwise required to register with the state of Montana
- 9 pursuant to the federal Resource Conservation and Recovery
- 10 Act of 1976, as amended;
- 11 (b) may require generators and facilities to report on
- 12 an annual rather than on a biennial basis; and
- 13 (c) may adopt requirements for the prevention of
- 14 leakage from underground storage tanks, including:
- 15 (i) reporting by owners and operators;
- 16 (ii) financial responsibility;
- 17 (iii) release detection, prevention, and correction;
- 18 and
- 19 (iv) standards for design, construction, and
- 20 installation; and
- 21 (d) shall require the owner or manager of any proposed
- 22 commercial facility for the storage, collection, or transfer
- 23 of hazardous waste to conduct a public hearing, as provided
- 24 for in [section 1]."
- 25 NEW SECTION. Section 3. Codification instruction.

1 Section 1 is intended to be codified as an integral part of  
2 Title 75, chapter 10, part 4, and the provisions of Title  
3 75, chapter 10, part 4, apply to section 1.

4 NEW SECTION. Section 4. Effective date. This act is  
5 effective ~~on-passage-and-approval~~ JULY 1, 1987.

-End-



1                   STATEMENT OF INTENT

2                   HOUSE BILL 729

3                   House Natural Resources Committee

4

5           It is the intent of the legislature that the department  
6 of health and environmental sciences adopt rules to specify  
7 that the public hearing requirements provided for in section  
8 1 apply to the owner or manager of a proposed commercial  
9 facility for the storage, collection, or transfer of  
10 hazardous waste. It is the intent of the legislature that  
11 the rules apply equally to facilities subject to permitting  
12 under 75-10-406 and to facilities exempt from permitting by  
13 virtue of operational characteristics.

HOUSE BILL NO. 729  
INTRODUCED BY WINSLOW

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLIC HEARING BEFORE COMMENCING OPERATION OF A COMMERCIAL HAZARDOUS WASTE STORAGE, COLLECTION, OR TRANSFER FACILITY WHOSE PRIMARY PURPOSE IS THE TRANSPORTATION AND TEMPORARY STORAGE OF HAZARDOUS MATERIALS; AMENDING SECTION 75-10-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Public hearing required before operation of commercial hazardous waste storage, collection, or transfer facility WHOSE PRIMARY PURPOSE IS THE TRANSPORTATION AND TEMPORARY STORAGE OF HAZARDOUS MATERIALS. (1) The owner or manager of a proposed commercial facility for the storage, collection, or transfer of hazardous waste (whether or not the proposed facility is subject to permitting under 75-10-406) shall conduct a public hearing in the nearest population center to provide information and answer questions on:

- (a) facility plans and operating procedures;
- (b) emergency response plans and the manner in which neighboring population densities have been considered in the facility siting decision;

(c) the kinds of substances to be handled and any applicable state and federal requirements for the provision of public information on these substances;

(d) procedures that will be used to inform the public of any changes in the kinds of substances to be handled; and

(e) any other matters related to the operation of the facility that are pertinent to protecting public health, safety, and the environment.

(2) The hearing must be conducted no later than 60 days prior to the commencement of commercial hazardous waste storage, collection, or transfer operations at the facility.

(3) The hearing must be preceded by written notice:

(a) posted in no fewer than 25 locations of high public visibility and geographically distributed in neighborhoods within one-half mile of the facility;

(b) published in a newspaper of general circulation once a week for the 3 weeks immediately preceding the hearing; and

(c) delivered to the department not less than 30 days prior to the hearing.

Section 2. Section 75-10-405, MCA, is amended to read:

"75-10-405. Administrative rules. (1) The department may adopt, amend, or repeal rules governing hazardous waste, including but not limited to the following:

(a) identification and classification of those

1 hazardous wastes subject to regulation and those that are  
2 not;

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

5 (c) requirements for siting, design, operation,  
6 maintenance, monitoring, inspection, closure, postclosure,  
7 and reclamation of hazardous waste management facilities;

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

11 (e) requirements for manifests and the manifest system  
12 for tracking hazardous waste and for reporting and  
13 recordkeeping by generators, transporters, and owners and  
14 operators of hazardous waste management facilities;

15 (f) requirements for training of facility personnel  
16 and for financial assurance of facility owners and  
17 operators;

18 (g) requirements for registration of generators and  
19 transporters;

20 (h) a schedule of fees for hazardous waste management  
21 facility permits and registration of hazardous waste  
22 generators;

23 (i) a schedule of fees to defray a portion of the  
24 costs of establishing, operating, and maintaining any state  
25 hazardous waste management facility authorized by 75-10-412;

1 and

2 (j) 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) may require the registration of transporters not  
10 otherwise required to register with the state of Montana  
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12 Act of 1976, as amended;

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

15 (c) may adopt requirements for the prevention of  
16 leakage 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; and

23 (d) shall require the owner or manager of any proposed  
24 commercial facility for the storage, collection, or transfer  
25 of hazardous waste to conduct a public hearing, as provided

1 for in [section 1]."

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3 Section 1 is intended to be codified as an integral part of  
4 Title 75, chapter 10, part 4, and the provisions of Title  
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7 effective ~~on-passage-and-approval~~ JULY 1, 1987.

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1 STATEMENT OF INTENT

2 HOUSE BILL 729

3 House Natural Resources Committee

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5 It is the intent of the legislature that the department  
6 of health and environmental sciences adopt rules to specify  
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 5 HEARING BEFORE COMMENCING OPERATION OF A COMMERCIAL  
 6 HAZARDOUS WASTE STORAGE, COLLECTION, OR TRANSFER FACILITY  
 7 WHOSE PRIMARY PURPOSE IS THE TRANSPORTATION AND TEMPORARY  
 8 STORAGE OF HAZARDOUS MATERIALS; AMENDING SECTION 75-10-405,  
 9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 NEW SECTION. Section 1. Public hearing required  
 12 before operation of commercial hazardous waste storage,  
 13 collection, or transfer facility WHOSE PRIMARY PURPOSE IS  
 14 THE TRANSPORTATION AND TEMPORARY STORAGE OF HAZARDOUS  
 15 MATERIALS. (1) The owner or manager of a proposed commercial  
 16 facility for the storage, collection, or transfer of  
 17 hazardous waste (whether or not the proposed facility is  
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 20 information and answer questions on:

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- 23 neighboring population densities have been considered in the
- 24 facility siting decision;
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1 (c) the kinds of substances to be handled and any  
 2 applicable state and federal requirements for the provision  
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 5 (c) requirements for siting, design, operation,  
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 7 and reclamation of hazardous waste management facilities;  
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 16 and for financial assurance of facility owners and  
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 20 (h) a schedule of fees for hazardous waste management  
 21 facility permits and registration of hazardous waste  
 22 generators;  
 23 (i) a schedule of fees to defray a portion of the  
 24 costs of establishing, operating, and maintaining any state  
 25 hazardous waste management facility authorized by 75-10-412;

1 and  
 2 (j) other rules which are necessary to obtain and  
 3 maintain authorization under the federal program.  
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 6 federal government under the Resource Conservation and  
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 16 leakage from underground storage tanks, including:  
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 21 (iv) standards for design, construction, and  
 22 installation; and  
 23 (d) shall require the owner or manager of any proposed  
 24 commercial facility for the storage, collection, or transfer  
 25 of hazardous waste to conduct a public hearing, as provided

1 for in [section 1]."

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3 Section 1 is intended to be codified as an integral part of  
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7 effective ~~on-passage-and-approval~~ JULY 1, 1987.

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