

HOUSE BILL NO. 484

INTRODUCED BY HANNAH, BRADLEY, GILBERT, HARPER,  
DRISCOLL, HALLIGAN, RAPP-SVRCEK

IN THE HOUSE

JANUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
JANUARY 30, 1989	FIRST READING.
FEBRUARY 8, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 9, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 96; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
MARCH 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 3, 1989	SECOND READING, CONCURRED IN.
MARCH 6, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 2.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 7, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *484*  
 2 INTRODUCED BY *Harold Bradley Gilbert*  
 3 *Ernest Wallace - Ray Smith*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PERSONS WHO  
 5 ANNUALLY USE 20 GALLONS OR MORE OF HALOGENATED SOLVENTS FOR  
 6 COMMERCIAL PURPOSES TO REGISTER WITH THE DEPARTMENT OF  
 7 HEALTH AND ENVIRONMENTAL SCIENCES; AND TO PROHIBIT THE SALE  
 8 OF 20 GALLONS OR MORE OF HALOGENATED SOLVENTS FOR COMMERCIAL  
 9 USE TO PERSONS NOT POSSESSING PROOF OF REGISTRATION."

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

12 NEW SECTION. **Section 1.** Halogenated solvents -- sale  
 13 restricted -- proof of registration required -- procedure.

14 (1) It is unlawful for any person to distribute, sell, or  
 15 offer for sale within the state quantities of 20 gallons or  
 16 more of halogenated solvent annually to a single purchaser  
 17 for commercial use unless the purchaser possesses proof of  
 18 registration with the department.

19 (2) It is unlawful for any person to annually use 20  
 20 gallons or more of a halogenated solvent for commercial  
 21 purposes without registering with the department.

22 (3) Under this section, halogenated solvents include  
 23 but are not limited to solvents containing  
 24 tetrachloroethylene, trichloroethylene, methylene chloride,  
 25 1,1,1-trichloroethane, and other hazardous wastes referenced

1 in 40 CFR 261.31, United States environmental protection  
 2 agency hazardous waste numbers F001 and F002, as amended.

3 (4) To register with the department, a person shall  
 4 file a statement indicating the following:

5 (a) the person's name and business address;

6 (b) the estimated volume of halogenated solvent used  
 7 annually for commercial purposes; and

8 (c) the method of waste disposal in accordance with  
 9 requirements specified by department rules, including:

10 (i) treatment or disposal in an on-site facility;

11 (ii) delivery to an appropriate off-site storage,  
 12 treatment, or disposal facility;

13 (iii) beneficial use or reuse; or

14 (iv) legitimate recycling or reclamation.

15 (5) Pursuant to the requirements of subsection (4),  
 16 the department shall:

17 (a) notify affected persons of the requirements;

18 (b) prepare and distribute forms for the statement;

19 (c) prepare and distribute information to assist  
 20 persons in selecting appropriate methods to use, dispose of,  
 21 or reuse waste halogenated solvents; and

22 (d) register any person who files a completed  
 23 statement.

24 (6) This section does not authorize the department to  
 25 impose new or additional requirements for waste disposal on

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1 commercial users of halogenated solvents.

2 NEW SECTION. **Section 2.** Extension of authority. Any  
3 existing authority to make rules on the subject of the  
4 provisions of [this act] is extended to the provisions of  
5 [this act].

6 NEW SECTION. **Section 3.** Codification instruction.  
7 [Section 1] is intended to be codified as an integral part  
8 of Title 75, chapter 10, part 4, and the provisions of Title  
9 75, chapter 10, part 4, apply to [section 1].

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB484, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB484 would require persons commercially using halogenated solvents to register that activity with the Department of Health and Environmental Sciences.

ASSUMPTIONS:

It is assumed that this legislation will involve the following hazardous waste generators: large generators (50); small generators (200); conditionally exempt generators (500). The 20 gallon reportable quantity of halogenated solvents represents approximately 100 kg. which is the amount that distinguishes a small quantity and conditionally exempt hazardous waste generator. Based on discussions with chemical distributors and staff experience, it is assumed that approximately 500 conditionally exempt generators annually will purchase and use in excess of 20 gallons of halogenated solvents.

FISCAL IMPACT:

	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed Law	Difference
<u>Expenditures:</u>	\$12,492	\$12,492	\$ -0-	\$ 6,246	\$ 6,246	\$ -0-
<u>Revenues:</u>	12,492	12,492	-0-	6,246	6,246	-0-
<u>Fund Impact:</u>	-0-	-0-	-0-	-0-	-0-	-0-

Expenditures:

The department expenditures for this legislation will be absorbed within the current hazardous waste program. Activities associated with this legislation will be considered as part of the on-going hazardous waste minimization project maintained by the bureau.

Revenue:

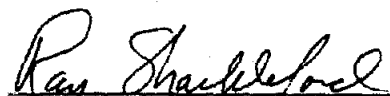
Total revenue for FY90 would be \$12,492 and for FY91 would be \$6,246. Revenue sources are 75% annual federal grant and 25% state match from the R.I.T. account.

Fund Impact:

Staff resources redirected to solvent user registration activities will come at an expense to existing duties and activities in the hazardous waste regulatory programs.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

Positive impact in the long term reduction in the use of halogenated solvents.

 2/6/89  
RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
OFFICE OF BUDGET AND PROGRAM PLANNING

 2/07/89  
TOM HANNAH, PRIMARY SPONSOR DATE

Fiscal Note for HB484, as introduced

**HB 484**

APPROVED BY COMM. ON  
NATURAL RESOURCES

1 House BILL NO. 484  
2 INTRODUCED BY Harold Bradley, Gilbert Harper  
3 Shirley Hallgren, Ray Smith  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PERSONS WHO  
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6 COMMERCIAL PURPOSES TO REGISTER WITH THE DEPARTMENT OF  
7 HEALTH AND ENVIRONMENTAL SCIENCES; AND TO PROHIBIT THE SALE  
8 OF 20 GALLONS OR MORE OF HALOGENATED SOLVENTS FOR COMMERCIAL  
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12 NEW SECTION. Section 1. Halogenated solvents -- sale  
13 restricted -- proof of registration required -- procedure.  
14 (1) It is unlawful for any person to distribute, sell, or  
15 offer for sale within the state quantities of 20 gallons or  
16 more of halogenated solvent annually to a single purchaser  
17 for commercial use unless the purchaser possesses proof of  
18 registration with the department.  
19 (2) It is unlawful for any person to annually use 20  
20 gallons or more of a halogenated solvent for commercial  
21 purposes without registering with the department.  
22 (3) Under this section, halogenated solvents include  
23 but are not limited to solvents containing  
24 tetrachloroethylene, trichloroethylene, methylene chloride,  
25 1,1,1-trichloroethane, and other hazardous wastes referenced

1 in 40 CFR 261.31, United States environmental protection  
2 agency hazardous waste numbers F001 and F002, as amended.  
3 (4) To register with the department, a person shall  
4 file a statement indicating the following:  
5 (a) the person's name and business address;  
6 (b) the estimated volume of halogenated solvent used  
7 annually for commercial purposes; and  
8 (c) the method of waste disposal in accordance with  
9 requirements specified by department rules, including:  
10 (i) treatment or disposal in an on-site facility;  
11 (ii) delivery to an appropriate off-site storage,  
12 treatment, or disposal facility;  
13 (iii) beneficial use or reuse; or  
14 (iv) legitimate recycling or reclamation.  
15 (5) Pursuant to the requirements of subsection (4),  
16 the department shall:  
17 (a) notify affected persons of the requirements;  
18 (b) prepare and distribute forms for the statement;  
19 (c) prepare and distribute information to assist  
20 persons in selecting appropriate methods to use, dispose of,  
21 or reuse waste halogenated solvents; and  
22 (d) register any person who files a completed  
23 statement.  
24 (6) This section does not authorize the department to  
25 impose new or additional requirements for waste disposal on

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1 commercial users of halogenated solvents.

2 NEW SECTION. **Section 2.** Extension of authority. Any  
3 existing authority to make rules on the subject of the  
4 provisions of [this act] is extended to the provisions of  
5 [this act].

6 NEW SECTION. **Section 3.** Codification instruction.  
7 [Section 1] is intended to be codified as an integral part  
8 of Title 75, chapter 10, part 4, and the provisions of Title  
9 75, chapter 10, part 4, apply to [section 1].

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5 (4) To register with the department, a person OR  
6 GOVERNMENT UNIT shall file a statement indicating the  
7 following:

8 (a) the person's OR GOVERNMENT UNIT'S name and  
9 business address;

10 (b) the estimated volume of halogenated solvent used  
11 annually for commercial OR GOVERNMENT purposes; and

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19 (5) Pursuant to the requirements of subsection (4),  
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23 (b) prepare and distribute forms for the statement;

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25 persons AND GOVERNMENT UNITS in selecting appropriate



1 methods to use, dispose of, or reuse waste halogenated  
2 solvents; and

3 (d) register any person OR GOVERNMENT UNIT who files a  
4 completed statement.

5 (6) This section does not authorize the department to  
6 impose new or additional requirements for waste disposal on  
7 commercial OR GOVERNMENT users of halogenated solvents.

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