

HOUSE BILL NO. 486

INTRODUCED BY GRADY, HARPER, O'KEEFE, SIMON,  
RASMUSSEN, HAGER, YELLOWTAIL

IN THE HOUSE

JANUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
JANUARY 30, 1989	FIRST READING.
FEBRUARY 1, 1989	ON MOTION BY CHIEF SPONSOR, SENATORS RASMUSSEN, HAGER, AND YELLOWTAIL ADDED AS SPONSORS.
FEBRUARY 14, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 15, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 69; NOES, 28.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 17, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 18, 1989	SECOND READING, CONCURRED IN.
MARCH 21, 1989	THIRD READING, CONCURRED IN. AYES, 36; NOES, 13.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

RECEIVED FROM SENATE.

MARCH 31, 1989

SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 6, 1989

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 7, 1989

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 15, 1989

CONFERENCE COMMITTEE REPORTED.

APRIL 18, 1989

SECOND READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

APRIL 19, 1989

THIRD READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE SENATE

APRIL 19, 1989

CONFERENCE COMMITTEE REPORT  
ADOPTED.

IN THE HOUSE

APRIL 20, 1989

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *486*  
2 INTRODUCED BY *Grady Hagen Rife*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE GROUNDWATER  
5 MONITORING AT CERTAIN MUNICIPAL SOLID WASTE LANDFILLS AND  
6 WASTE DISPOSAL SITES; AMENDING SECTIONS 75-10-203 AND  
7 75-10-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
8

9 STATEMENT OF INTENT

10 A statement of intent is required for this bill in  
11 order to provide guidance to the department of health and  
12 environmental sciences concerning the adoption of rules  
13 authorized by the bill. The purpose of the new rules is to  
14 establish appropriate requirements for groundwater  
15 monitoring at municipal solid waste landfills and other  
16 disposal sites as specified in the bill. The rules must  
17 address the following topics:

18 (a) the types and quality of information the  
19 department requires from owners and operators of municipal  
20 solid waste landfills and other disposal sites in order to  
21 prepare the groundwater monitoring priority compliance list;

22 (b) requirements concerning the number and placement  
23 of monitoring wells, considering hydrologic, geologic, and  
24 other relevant factors;

25 (c) the content of plans for the design, construction,

1 and maintenance of monitoring wells and systems; and  
2 (d) requirements for collecting, recording, and  
3 reporting monitoring results.  
4

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

6 **Section 1.** Section 75-10-203, MCA, is amended to read:

7 "75-10-203. Definitions. Unless the context requires  
8 otherwise, in this part the following definitions apply:

9 (1) "Board" means the board of health and  
10 environmental sciences provided for in 2-15-2104.

11 (2) "Department" means the department of health and  
12 environmental sciences provided for in Title 2, chapter 15,  
13 part 21.

14 (3) "Dispose" or "disposal" means the discharge,  
15 injection, deposit, dumping, spilling, leaking, or placing  
16 of any solid waste into or onto the land so that the solid  
17 waste or any constituent of it may enter the environment or  
18 be emitted into the air or discharged into any waters,  
19 including groundwaters.

20 (4) "Household waste" means any solid waste derived  
21 from households, including single and multiple residences,  
22 hotels, and motels, crew quarters, and campgrounds and other  
23 public recreation and public land management facilities.

24 (5) "Municipal solid waste landfill" means any  
25 publicly or privately owned landfill or landfill unit that

1 receives household waste or other types of waste, including  
 2 commercial waste, nonhazardous sludge, and industrial solid  
 3 waste. The term does not include land application units,  
 4 surface impoundments, injection wells, or waste piles.

5 ~~(4)~~(6) "Person" means an individual, firm,  
 6 partnership, company, association, corporation, city, town,  
 7 local governmental entity, or any other governmental or  
 8 private entity, whether organized for profit or not.

9 ~~(5)~~(7) "Resource recovery" means the recovery of  
 10 material or energy from solid waste.

11 ~~(6)~~(8) "Resource recovery facility" means a facility  
 12 at which solid waste is processed for the purpose of  
 13 extracting, converting to energy, or otherwise separating  
 14 and preparing solid waste for reuse.

15 ~~(7)~~(9) "Resource recovery system" means a solid waste  
 16 management system which provides for the collection,  
 17 separation, recycling, or recovery of solid wastes,  
 18 including disposal of nonrecoverable waste residues.

19 ~~(8)~~(10) "Solid waste" means all putrescible and  
 20 nonputrescible wastes, including but not limited to garbage;  
 21 rubbish; refuse; ashes; sludge from sewage treatment plants,  
 22 water supply treatment plants, or air pollution control  
 23 facilities; construction and demolition wastes; dead  
 24 animals, including offal; discarded home and industrial  
 25 appliances; and wood products or wood byproducts and inert

1 materials. "Solid waste" does not mean municipal sewage,  
 2 industrial wastewater effluents, mining wastes regulated  
 3 under the mining and reclamation laws administered by the  
 4 department of state lands, slash and forest debris regulated  
 5 under laws administered by the department of state lands, or  
 6 marketable byproducts.

7 ~~(9)~~(11) "Solid waste management system" means a system  
 8 which controls the storage, treatment, recycling, recovery,  
 9 or disposal of solid waste.

10 ~~(10)~~(12) "Storage" means the actual or intended  
 11 containment of wastes, either on a temporary basis or for a  
 12 period of years.

13 ~~(11)~~(13) "Transport" means the movement of wastes from  
 14 the point of generation to any intermediate points and  
 15 finally to the point of ultimate storage or disposal.

16 ~~(12)~~(14) "Treatment" means a method, technique, or  
 17 process, including neutralization, designed to change the  
 18 physical, chemical, or biological character or composition  
 19 of any solid waste so as to neutralize the waste or so as to  
 20 render it safer for transport, amenable for recovery,  
 21 amenable for storage, or reduced in volume."

22 NEW SECTION. Section 2. Groundwater monitoring. (1)  
 23 Owners and operators of municipal solid waste landfills and  
 24 other disposal sites that at any time accepted household  
 25 waste, that are in operation as of [the effective date of

1 this act], and that serve a geographic area with a  
2 population of 5,000 or more persons as determined by the  
3 most recent census are required to monitor groundwater as  
4 specified by the department.

5 (2) If the owner or operator of a municipal solid  
6 waste landfill or other disposal site specified in  
7 subsection (1) can demonstrate to the department that there  
8 is no potential for migration of constituents from the site  
9 that could cause pollution of groundwater during the active  
10 life of the site, including the closure period, and during  
11 postclosure care, the requirement for groundwater monitoring  
12 specified in subsection (1) does not apply. The information  
13 provided to the department to make this demonstration must  
14 be certified by a qualified geologist, hydrogeologist, or  
15 geotechnical engineer and must include reliable  
16 site-specific data.

17 (3) Based on site-specific information that owners and  
18 operators of municipal solid waste landfills and other  
19 disposal sites specified in subsection (1) provide to the  
20 department, the department shall establish a priority  
21 compliance list that identifies those sites where there is  
22 the greatest risk that constituents from the sites may cause  
23 pollution of groundwater, considering:

24 (a) proximity to current and potential drinking water  
25 supplies;

1 (b) site hydrologic and geologic characteristics; and  
2 (c) age and design of the site.

3 (4) Owners and operators of municipal solid waste  
4 landfills and other disposal sites specified in subsection  
5 (1) shall submit proposed plans to the department for  
6 accomplishing groundwater monitoring, consistent with  
7 requirements specified by department rules. The plans may be  
8 based on the information owners and operators provide to the  
9 department as specified in subsection (3). The department  
10 may approve the plans as submitted or require modifications  
11 to the plans as necessary to accomplish the purposes of this  
12 section.

13 (5) All sites included on the priority compliance list  
14 authorized by subsection (3) must comply with this section  
15 by January 1, 1991. All other sites subject to this section  
16 must comply by January 1, 1992.

17 **Section 3.** Section 75-10-204, MCA, is amended to read:

18 **"75-10-204. Powers and duties of department.** The  
19 department shall adopt rules governing solid waste  
20 management systems which shall include but are not be  
21 limited to:

22 (1) requirements for the plan of operation and  
23 maintenance that must be submitted with an application under  
24 this part;

25 (2) the classification of disposal sites according to

1 the physical capabilities of the site to contain the type of  
2 solid waste to be disposed of;

3 (3) the procedures to be followed in the disposal,  
4 treatment, or transport of solid wastes;

5 (4) the suitability of the site from a public health  
6 standpoint when hydrology, geology, and climatology are  
7 considered; and

8 (5) requirements relating to groundwater monitoring,  
9 including but not limited to:

10 (a) information that owners and operators of municipal  
11 solid waste landfills and other disposal sites specified in  
12 [section 2] must submit to the department to enable the  
13 department to prepare the priority compliance list  
14 authorized by [section 2(3)];

15 (b) the content of plans for the design, construction,  
16 operation, and maintenance of monitoring wells and  
17 monitoring systems; and

18 (c) recordkeeping and reporting; and

19 {5}{5} any other factors relating to the sanitary  
20 disposal or management of solid wastes."

21 **NEW SECTION. Section 4. Codification instruction.**

22 [Section 2] is intended to be codified as an integral part  
23 of Title 75, chapter 10, part 2, and the provisions of Title  
24 75, chapter 10, part 2, apply to [section 2].

25 **NEW SECTION. Section 5. Effective date.** [This act] is

1 effective on passage and approval.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB486, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to require groundwater monitoring at certain municipal solid waste landfills and waste disposal sites; amending sections 75-10-203 and 75-10-204, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. DHES will need 1.5 FTE to administer - one hydrologist, .5 clerical.
2. Each affected landfill will require six monitoring wells.
3. Average depth of monitoring wells is 60 feet.
4. Laboratory costs will be \$600/sample.
5. Each landfill will have to be evaluated for monitoring well placement.
6. DHES presently performs these functions 5% of the time.
7. This program will be funded from the General Fund unless legislation is passed approving a fee fund schedule.

FISCAL IMPACT:

	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed Law	Difference
Total Revenue	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Total Expenditures	\$ 3,800	\$104,990	\$ 101,190	\$ 3,800	\$104,990	\$ 101,190
Net Result	(\$ 3,800)	(\$104,990)	(\$ 101,190)	(\$ 3,800)	(\$104,990)	(\$ 101,190)
Funds Impacted:						
General Fund		(\$101,190)	(\$ 101,190)		(\$101,190)	(\$ 101,190)
Earmarked Spec. Rev.	(\$ 3,800)	(\$ 3,800)	-0-	(\$ 3,800)	(\$ 3,800)	-0-

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Landfill owner/operators will be responsible for paying the costs of monitoring. Most landfills in Montana are owned/operated by units of local government.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Ongoing monitoring of groundwater disposal sites will require yearly expenditures of funds for owner/operators. DHES in evaluating groundwater test results will have ongoing expenses for personnel and support in subsequent fiscal years.

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

*Edward J. Grady* 2/27/89  
 EDWARD J. GRADY, PRIMARY SPONSOR DATE

Fiscal Note for HB486, as introduced

**HB 486**

APPROVED BY COMM. ON  
NATURAL RESOURCES

HOUSE BILL NO. 486

INTRODUCED BY GRADY, HARPER, O'KEEFE, SIMON,  
RASMUSSEN, HAGER, YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE GROUNDWATER  
MONITORING AT CERTAIN MUNICIPAL SOLID WASTE LANDFILLS AND  
WASTE DISPOSAL SITES; AND AMENDING SECTIONS 75-10-203 AND  
75-10-204, MCA--AND-PROVIDING-AN-IMMEDIATE-EFFECTIVE-DATE."

## STATEMENT OF INTENT

A statement of intent is required for this bill in  
order to provide guidance to the department of health and  
environmental sciences concerning the adoption of rules  
authorized by the bill. The purpose of the new rules is to  
establish appropriate requirements for groundwater  
monitoring at municipal solid waste landfills and other  
disposal sites as specified in the bill. The rules must  
address the following topics:

(a) the types and quality of information the  
department requires from owners and operators of municipal  
solid waste landfills and other disposal sites in order to  
prepare the groundwater monitoring priority compliance list;

(b) requirements concerning the number and placement  
of monitoring wells, considering hydrologic, geologic, and  
other relevant factors;

(c) the content of plans for the design, construction,  
and maintenance of monitoring wells and systems; and  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 75-10-203, MCA, is amended to read:

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(3) "Dispose" or "disposal" means the discharge,  
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of any solid waste into or onto the land so that the solid  
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(5) "Municipal solid waste landfill" means any



publicly or privately owned landfill or landfill unit that receives household waste or other types of waste, including commercial waste, nonhazardous sludge, and industrial solid waste. The term does not include land application units, surface impoundments, injection wells, or waste piles.

(4)(6) "Person" means an individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

(5)(7) "Resource recovery" means the recovery of material or energy from solid waste.

(6)(8) "Resource recovery facility" means a facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

(7)(9) "Resource recovery system" means a solid waste management system which provides for the collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste residues.

(8)(10) "Solid waste" means all putrescible and nonputrescible wastes, including but not limited to garbage; rubbish; refuse; ashes; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial

appliances; and wood products or wood byproducts and inert materials. "Solid waste" does not mean municipal sewage, industrial wastewater effluents, mining wastes regulated under the mining and reclamation laws administered by the department of state lands, slash and forest debris regulated under laws administered by the department of state lands, or marketable byproducts.

(9)(11) "Solid waste management system" means a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste.

(10)(12) "Storage" means the actual or intended containment of wastes, either on a temporary basis or for a period of years.

(11)(13) "Transport" means the movement of wastes from the point of generation to any intermediate points and finally to the point of ultimate storage or disposal.

(12)(14) "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize the waste or so as to render it safer for transport, amenable for recovery, amenable for storage, or reduced in volume."

NEW SECTION. Section 2. Groundwater monitoring --  
EXCEPTIONS. (1) Owners EXCEPT AS PROVIDED IN SUBSECTIONS (2)  
AND (3), OWNERS and operators of municipal solid waste

landfills and other disposal sites that at any time accepted household waste, that are in operation as of [the effective date of this act], and that serve a geographic area with a population of 5,000 or more persons as determined by the most recent census are required to monitor groundwater as specified by the department.

(2) If the owner or operator of a municipal solid waste landfill or other disposal site specified in subsection (1) can demonstrate to the department that there is no potential for migration of constituents from the site that could cause pollution of groundwater during the active life of the site, including the closure period, and during postclosure care, the requirement for groundwater monitoring specified in subsection (1) does not apply. The information provided to the department to make this demonstration must be certified by a qualified geologist, hydrogeologist, or geotechnical engineer and must include reliable site-specific data.

(3) UNLESS SITE-SPECIFIC INFORMATION DEVELOPED PURSUANT TO SUBSECTION (4) INDICATES A PARTICULAR NEED FOR THE MONITORING DESCRIBED IN SUBSECTION (3)(A) OR (3)(B), THE DEPARTMENT MAY NOT REQUIRE:

(A) MORE THAN FOUR MONITORING WELLS; OR

(B) ANY GROUNDWATER MONITORING IF THE DEPTH TO GROUNDWATER EXCEEDS 100 FEET FROM THE BOTTOM OF THE

# MUNICIPAL SOLID WASTE LANDFILL OR OTHER DISPOSAL SITE.

~~(3)~~(4) Based on site-specific information that owners and operators of municipal solid waste landfills and other disposal sites specified in subsection (1) provide to the department, the department shall establish a priority compliance list that identifies those sites where there is the greatest risk that constituents from the sites may cause pollution of groundwater, considering:

(a) proximity to current and potential drinking water supplies;

(b) site hydrologic and geologic characteristics; and

(c) age and design of the site.

~~(4)~~(5) Owners and operators of municipal solid waste landfills and other disposal sites specified in subsection (1) shall submit proposed plans to the department for accomplishing groundwater monitoring, consistent with requirements specified by department rules. The plans may be based on the information owners and operators provide to the department as specified in subsection ~~(3)~~ (4). The department may approve the plans as submitted or require modifications to the plans as necessary to accomplish the purposes of this section.

~~(5)~~(6) All sites included on the priority compliance list authorized by subsection ~~(3)~~ (4) must comply with this section by January 1, 1991. All other sites subject to this

section must comply by January 1, 1992.

**Section 3.** Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall adopt rules governing solid waste management systems which shall include but are not be limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are considered; and

(5) requirements relating to groundwater monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in [section 2] must submit to the department to enable the department to prepare the priority compliance list authorized by {section-2(3)} [SECTION 2(4)];

(b) the content of plans for the design, construction,

operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting; and

{5}(6) any other factors relating to the sanitary disposal or management of solid wastes."

NEW SECTION. Section 4. Codification instruction.

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

NEW-SECTION--Section-5--Effective-date--{This-act}-is effective-on-passage-and-approval-

-End-

## 1 HOUSE BILL NO. 486

2 INTRODUCED BY GRADY, HARPER, O'KEEFE, SIMON,

3 RASMUSSEN, HAGER, YELLOWTAIL

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(9)(11) "Solid waste management system" means a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste.

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1 landfills and other disposal sites that at any time accepted  
 2 household waste, that are in operation as of [the effective  
 3 date of this act], and that serve a geographic area with a  
 4 population of 5,000 or more persons as determined by the  
 5 most recent census are required to monitor groundwater as  
 6 specified by the department.

7 (2) If the owner or operator of a municipal solid  
 8 waste landfill or other disposal site specified in  
 9 subsection (1) can demonstrate to the department that there  
 10 is no potential for migration of constituents from the site  
 11 that could cause pollution of groundwater during the active  
 12 life of the site, including the closure period, and during  
 13 postclosure care, the requirement for groundwater monitoring  
 14 specified in subsection (1) does not apply. The information  
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 25 GROUNDWATER EXCEEDS 100 FEET FROM THE BOTTOM OF THE

1 MUNICIPAL SOLID WASTE LANDFILL OR OTHER DISPOSAL SITE.

2 (3)(4) Based on site-specific information that owners  
 3 and operators of municipal solid waste landfills and other  
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 14 landfills and other disposal sites specified in subsection  
 15 (1) shall submit proposed plans to the department for  
 16 accomplishing groundwater monitoring, consistent with  
 17 requirements specified by department rules. The plans may be  
 18 based on the information owners and operators provide to the  
 19 department as specified in subsection (3)(4). The  
 20 department may approve the plans as submitted or require  
 21 modifications to the plans as necessary to accomplish the  
 22 purposes of this section.

23 (5)(6) All sites included on the priority compliance  
 24 list authorized by subsection (3)(4) must comply with this  
 25 section by January 1, 1991. All other sites subject to this

1 section must comply by January 1, 1992.

2 **Section 3.** Section 75-10-204, MCA, is amended to read:

3 "75-10-204. Powers and duties of department. The  
4 department shall adopt rules governing solid waste  
5 management systems which shall include but are not be  
6 limited to:

7 (1) requirements for the plan of operation and  
8 maintenance that must be submitted with an application under  
9 this part;

10 (2) the classification of disposal sites according to  
11 the physical capabilities of the site to contain the type of  
12 solid waste to be disposed of;

13 (3) the procedures to be followed in the disposal,  
14 treatment, or transport of solid wastes;

15 (4) the suitability of the site from a public health  
16 standpoint when hydrology, geology, and climatology are  
17 considered; and

18 (5) requirements relating to groundwater monitoring,  
19 including but not limited to:

20 (a) information that owners and operators of municipal  
21 solid waste landfills and other disposal sites specified in  
22 [section 2] must submit to the department to enable the  
23 department to prepare the priority compliance list  
24 authorized by {section-2(3)} [SECTION 2(4)];

25 (b) the content of plans for the design, construction,

1 operation, and maintenance of monitoring wells and  
2 monitoring systems; and

3 (c) recordkeeping and reporting; and

4 {5}(6) any other factors relating to the sanitary  
5 disposal or management of solid wastes."

6 NEW SECTION. Section 4. Codification instruction.

7 [Section 2] is intended to be codified as an integral part  
8 of Title 75, chapter 10, part 2, and the provisions of Title  
9 75, chapter 10, part 2, apply to [section 2].

10 ~~NEW-SECTION--Section-5---Effective-date---{This-act}-is~~  
11 ~~effective-on-passage-and-approval-~~

-End-

SENATE STANDING COMMITTEE REPORT

March 16, 1989

MR. PRESIDENT:

We, your committee on Natural Resources, having had under consideration HB 486 (third reading copy -- blue), respectfully report that HB 486 be amended and as so amended be concurred in:

Sponsor: Grady (Yellowtail)

1. Page 4, lines 23 through 25.

Following: "monitoring" on line 23

Strike: remainder of line 23 through "OWNERS" on line 25

Insert: ". (1) Owners"

2. Page 5, line 19 through page 6, line 1.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

3. Page 6, line 19.

Strike: "(4)"

Insert: "(3)"

4. Page 6, line 24.

Strike: "(4)"

Insert: "(3)"

5. Page 7, line 24.

Strike: "[SECTION 2(4)]"

Insert: "[section 2(3)]"

AND AS AMENDED BE CONCURRED IN

Signed: 

Thomas F. Keating, Chairman

HB 486

SENATE



## HOUSE BILL NO. 486

INTRODUCED BY GRADY, HARPER, O'KEEFE, SIMON,

RASMUSSEN, HAGER, YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE GROUNDWATER MONITORING AT CERTAIN MUNICIPAL SOLID WASTE LANDFILLS AND WASTE DISPOSAL SITES; AND AMENDING SECTIONS 75-10-203 AND 75-10-204, MCA; ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

## STATEMENT OF INTENT

A statement of intent is required for this bill in order to provide guidance to the department of health and environmental sciences concerning the adoption of rules authorized by the bill. The purpose of the new rules is to establish appropriate requirements for groundwater monitoring at municipal solid waste landfills and other disposal sites as specified in the bill. The rules must address the following topics:

(a) the types and quality of information the department requires from owners and operators of municipal solid waste landfills and other disposal sites in order to prepare the groundwater monitoring priority compliance list;

(b) requirements concerning the number and placement of monitoring wells, considering hydrologic, geologic, and other relevant factors;

(c) the content of plans for the design, construction, and maintenance of monitoring wells and systems; and

(d) requirements for collecting, recording, and reporting monitoring results.

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

**Section 1.** Section 75-10-203, MCA, is amended to read:

"75-10-203. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

(1) "Board" means the board of health and environmental sciences provided for in 2-15-2104.

(2) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(3) "Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any solid waste into or onto the land so that the solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

(4) "Household waste" means any solid waste derived from households, including single and multiple residences, hotels, and motels, crew quarters, and campgrounds and other public recreation and public land management facilities.

(5) "Municipal solid waste landfill" means any

1 publicly or privately owned landfill or landfill unit that  
 2 receives household waste or other types of waste, including  
 3 commercial waste, nonhazardous sludge, and industrial solid  
 4 waste. The term does not include land application units,  
 5 surface impoundments, injection wells, or waste piles.

6 {4}{6} "Person" means an individual, firm,  
 7 partnership, company, association, corporation, city, town,  
 8 local governmental entity, or any other governmental or  
 9 private entity, whether organized for profit or not.

10 {5}{7} "Resource recovery" means the recovery of  
 11 material or energy from solid waste.

12 {6}{8} "Resource recovery facility" means a facility  
 13 at which solid waste is processed for the purpose of  
 14 extracting, converting to energy, or otherwise separating  
 15 and preparing solid waste for reuse.

16 {7}{9} "Resource recovery system" means a solid waste  
 17 management system which provides for the collection,  
 18 separation, recycling, or recovery of solid wastes,  
 19 including disposal of nonrecoverable waste residues.

20 {8}{10} "Solid waste" means all putrescible and  
 21 nonputrescible wastes, including but not limited to garbage;  
 22 rubbish; refuse; ashes; sludge from sewage treatment plants,  
 23 water supply treatment plants, or air pollution control  
 24 facilities; construction and demolition wastes; dead  
 25 animals, including offal; discarded home and industrial

1 appliances; and wood products or wood byproducts and inert  
 2 materials. "Solid waste" does not mean municipal sewage,  
 3 industrial wastewater effluents, mining wastes regulated  
 4 under the mining and reclamation laws administered by the  
 5 department of state lands, slash and forest debris regulated  
 6 under laws administered by the department of state lands, or  
 7 marketable byproducts.

8 {9}{11} "Solid waste management system" means a system  
 9 which controls the storage, treatment, recycling, recovery,  
 10 or disposal of solid waste.

11 {10}{12} "Storage" means the actual or intended  
 12 containment of wastes, either on a temporary basis or for a  
 13 period of years.

14 {11}{13} "Transport" means the movement of wastes from  
 15 the point of generation to any intermediate points and  
 16 finally to the point of ultimate storage or disposal.

17 {12}{14} "Treatment" means a method, technique, or  
 18 process, including neutralization, designed to change the  
 19 physical, chemical, or biological character or composition  
 20 of any solid waste so as to neutralize the waste or so as to  
 21 render it safer for transport, amenable for recovery,  
 22 amenable for storage, or reduced in volume."

23 NEW SECTION. Section 2. Groundwater monitoring  
 24 EXCEPTIONS. (1) Owners OWNERS EXCEPT--AS--PROVIDED--IN  
 25 SUBSECTIONS--{2}--AND--{3}--OWNERS and operators of municipal

1 solid waste landfills and other disposal sites that at any  
2 time accepted household waste, that are in operation as of  
3 [the effective date of this act], and that serve a  
4 geographic area with a population of 5,000 or more persons  
5 as determined by the most recent census are required to  
6 monitor groundwater as specified by the department.

7 (2) If the owner or operator of a municipal solid  
8 waste landfill or other disposal site specified in  
9 subsection (1) can demonstrate to the department that there  
10 is no potential for migration of constituents from the site  
11 that could cause pollution of groundwater during the active  
12 life of the site, including the closure period, and during  
13 postclosure care, the requirement for groundwater monitoring  
14 specified in subsection (1) does not apply. The information  
15 provided to the department to make this demonstration must  
16 be certified by a qualified geologist, hydrogeologist, or  
17 geotechnical engineer and must include reliable  
18 site-specific data.

19 ~~{3}--UNLESS---SITE-SPECIFIC---INFORMATION---DEVELOPED~~  
20 ~~PURSUANT-TO-SUBSECTION-(4)-INDICATES-A-PARTICULAR-NEED--FOR~~  
21 ~~THE-MONITORING-DESCRIBED-IN-SUBSECTION-(3)(A)-OR-(3)(B),-THE~~  
22 ~~DEPARTMENT-MAY-NOT-REQUIRE-~~

23 ~~{A}--MORE-THAN-FOUR-MONITORING-WELLS,-OR~~

24 ~~{B}--ANY---GROUNDWATER---MONITORING---IF---THE---DEPTH---TO~~  
25 ~~GROUNDWATER---EXCEEDS---100---FEET---FROM---THE---BOTTOM---OF---THE~~

1 ~~MUNICIPAL-SOLID-WASTE-LANDFILL-OR-OTHER-DISPOSAL-SITE-~~

2 ~~{3}{4}(3)~~ Based on site-specific information that  
3 owners and operators of municipal solid waste landfills and  
4 other disposal sites specified in subsection (1) provide to  
5 the department, the department shall establish a priority  
6 compliance list that identifies those sites where there is  
7 the greatest risk that constituents from the sites may cause  
8 pollution of groundwater, considering:

9 (a) proximity to current and potential drinking water  
10 supplies;

11 (b) site hydrologic and geologic characteristics; and  
12 (c) age and design of the site.

13 ~~{4}{5}(4)~~ Owners and operators of municipal solid  
14 waste landfills and other disposal sites specified in  
15 subsection (1) shall submit proposed plans to the department  
16 for accomplishing groundwater monitoring, consistent with  
17 requirements specified by department rules. The plans may be  
18 based on the information owners and operators provide to the  
19 department as specified in subsection ~~{3}~~ ~~{4}~~ (3). The  
20 department may approve the plans as submitted or require  
21 modifications to the plans as necessary to accomplish the  
22 purposes of this section.

23 ~~{5}{6}(5)~~ All sites included on the priority  
24 compliance list authorized by subsection ~~{3}~~ ~~{4}~~ (3) must  
25 comply with this section by January 1, 1991. All other sites

1 subject to this section must comply by January 1, 1992.

2 **Section 3.** Section 75-10-204, MCA, is amended to read:

3 "75-10-204. Powers and duties of department. The  
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14 treatment, or transport of solid wastes;

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21 solid waste landfills and other disposal sites specified in  
22 [section 2] must submit to the department to enable the  
23 department to prepare the priority compliance list  
24 authorized by {section-2(3)} [SECTION 2(4) 2(3)];

25 (b) the content of plans for the design, construction,

1 operation, and maintenance of monitoring wells and  
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7 [Section 2] is intended to be codified as an integral part  
8 of Title 75, chapter 10, part 2, and the provisions of Title  
9 75, chapter 10, part 2, apply to [section 2].

10 ~~NEW-SECTION--Section-5---Effective-date--{This ac }-is~~  
11 ~~effective-on-passage-and-approval-~~

-End-

Conference Committee  
on HOUSE BILL 486  
Report No. 1, April 15, 1989

Page 1 of 1

Mr. Speaker/Mr. President:

We, your Conference Committee on House Bill 486 (third reading -- blue copy) met and considered:

The Senate Amendments to House Bill 486 (pink sheet) dated March 16, 1989.

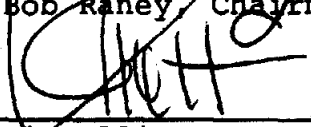
We recommend that:

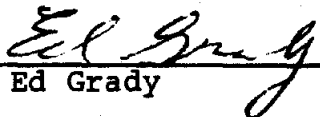
The Senate amendments be accepted and that House Bill 486 (reference copy -- salmon) be adopted.

And that this Conference Committee Report be adopted.

For the House:

  
Rep. Bob Raney, Chairman

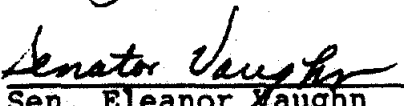
  
Rep. Jim Elliott

  
Rep. Ed Grady

For the Senate:

  
Sen. Tom Beck, Chairman

  
Sen. John Anderson

  
Sen. Eleanor Vaughn

HB 486

ADOPT

REJECT