

HOUSE BILL 434

Introduced by Whalen

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| 2/02 | Introduced |
| 2/02 | Referred to Natural Resources |
| 2/02 | First Reading |
| 2/02 | Fiscal Note Requested |
| 2/06 | Fiscal Note Received |
| 2/09 | Fiscal Note Printed |
| 2/10 | Hearing |
| 2/25 | Missed Transmittal Deadline |

1 House BILL NO. 434
2 INTRODUCED BY Whalen

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4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE
5 MORATORIUM ON THE INTERSTATE TRANSPORT OF SOLID WASTE UNTIL
6 THE BOARD AND DEPARTMENT OF HEALTH AND ENVIRONMENTAL
7 SCIENCES HAVE ADOPTED RULES IMPLEMENTING THE MONTANA
8 MEGALANDFILL SITING ACT; PROVIDING AN EXCEPTION TO THE
9 MORATORIUM; AMENDING SECTION 75-10-209, MCA; AND PROVIDING
10 AN IMMEDIATE EFFECTIVE DATE."
11

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

13 **Section 1.** Section 75-10-209, MCA, is amended to read:
14 "75-10-209. Moratorium on certain interstate transport
15 of solid waste. (1) The state of Montana recognizes the
16 importance of providing for disposal or incineration of
17 solid waste in a manner that protects Montana's public
18 health, safety, welfare, and environment. Although the state
19 of Montana also recognizes that, under appropriate
20 conditions, the transportation of out-of-state solid waste
21 into Montana may not conflict with this goal, it is
22 imperative that the state further develop regional and
23 statewide solid waste management goals, plans, and
24 regulations and revise its rules governing landfill siting
25 and operation criteria before allowing solid waste

1 importation beyond current levels.

2 (2) Except as provided in subsection (3), a person may
3 not transport solid waste into Montana for disposal or
4 incineration until October 1, 1993, or until the department
5 and board have adopted rules to implement Title 75, chapter
6 10, part 9, whichever is later.

7 (3) (a) A person who transported solid waste into
8 Montana before May 22, 1989, may continue to transport solid
9 waste into Montana subject to the limitation that the amount
10 he transports transported into Montana during any calendar
11 year of the moratorium does not significantly exceed the
12 amount he transported into Montana during calendar year
13 1988.

14 (b) A person may transport solid waste into Montana for
15 disposal provided that the solid waste is generated in an
16 Idaho, North Dakota, South Dakota, or Wyoming county that
17 borders Montana."

18 **NEW SECTION. Section 2.** Effective date. [This act] is
19 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 HB0434, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

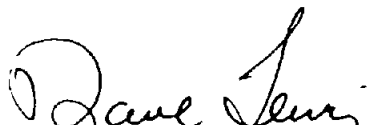
An act extending the moratorium on the interstate transport of solid waste until the Board and the Department of Health and Environmental Sciences have adopted rules implementing the Montana Megalandfill Siting Act; and providing an exception to the moratorium.

ASSUMPTIONS:

1. The Department of Health and Environmental Sciences (DHES) and board will have megalandfill rules adopted by October 1, 1993.
2. The current solid waste management fee--out-of-state waste of \$5.00 per ton contained in 75-10-118, MCA--will be amended in accordance with HB64 as passed by the Montana House of Representatives on 2nd reading on February 1, 1993.
3. The Megalandfill Siting Act (75-10-901 et seq, MCA) requires the submission of a long-range plan that identifies a megalandfill at least 2 years prior to the acceptance of an application by the DHES. To-date, the DHES has not received any long-range plans identifying a megalandfill and does not anticipate receiving any prior to July 1, 1993. Therefore, no megalandfill applications will be received during FY94 and FY95.
4. Imported wastes will not exceed 12,500 tons per year during FY94 and FY95. It is estimated that approximately 8 solid waste disposal facilities will accept out-of-state wastes. These facilities will be responsible for reporting imported waste quantities and submitting the appropriate fee to the DHES on a quarterly basis.
5. Prior to establishing a solid waste management fee for out-of-state waste as proposed by HB64 as passed by the House, the DHES will need to determine what direct and indirect activities will be required in administering Title 75, chapter 10, parts 1 and 2, MCA, that are above and beyond current level activities for in-state wastes. The exact fee will be unknown until the completion of the DHES study.
6. Implementation and administration of the actual out-of-state fee collection program will not begin until August 1, 1993, when the DHES adopts rules required by HB64.
7. The current executive budget recommendation for FY94 and FY95 for the Solid Waste Management Program contains funding authority for the staffing and operation of imported waste management and megalandfill licensing duties. Program staffing and operations for imported waste and megalandfills will commence when imported waste or megalandfill fee funding is available. Therefore, if the proposed executive budget is approved, there will be no fiscal impact as a result of this proposed legislation.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties or municipalities with disposal facilities that accept out-of-state wastes may be able to offset increased user fees by spreading the cost of operating their disposal facility over a larger population base.

 2-5-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2-9-93
TIMOTHY J. WHALEN, PRIMARY SPONSOR DATE

Fiscal Note for HB0434, as introduced

HB 434