

SENATE BILL NO. 319

INTRODUCED BY HOCKETT, JERGESON, GROSFIELD,
DEBRUYCKER, NATHE, TVEIT, BACHINI, PECK

IN THE SENATE

FEBRUARY 4, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

FEBRUARY 17, 1993

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1993

PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 19, 1993

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

MARCH 11, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 13, 1993

SECOND READING, CONCURRED IN.

MARCH 16, 1993

THIRD READING, CONCURRED IN.
AYES, 94; NOES, 5.

MARCH 17, 1993

RETURNED TO SENATE.

IN THE SENATE

MARCH 18, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 319
 2 INTRODUCED BY Hockett Jorgensen Griffith
 3 DeBany WATK Trent Beckner Pest
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE FEES FOR
 5 SOLID WASTE MANAGEMENT; AMENDING SECTIONS 75-10-103 AND
 6 75-10-115, MCA; AND PROVIDING AN EFFECTIVE DATE."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 75-10-103, MCA, is amended to read:

10 "75-10-103. Definitions. Unless the context clearly
 11 requires otherwise, in this part, the following definitions
 12 apply:

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

15 (2) "Container site" means a solid waste management
 16 facility, generally open to the public, for the collection
 17 of solid waste that is generated by more than one household
 18 or firm and that is collected in a refuse container with a
 19 total capacity of not more than 50 cubic yards.

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

23 (4) "Front-end implementation funds" means the money
 24 granted to local governments for purchase of capital
 25 equipment to be used for a solid waste management system.

1 (5) "Front-end organizational funds" means the money
 2 to be loaned to local governments for initial operating
 3 capital, site evaluation and negotiation, final design
 4 engineering and cost estimates, construction contract
 5 documents, final contract negotiations with energy users,
 6 material markets, and waste suppliers, contract negotiations
 7 with private operational managers, and financial and legal
 8 consultations.

9 (6) "Front-end planning funds" means the money
 10 granted to local governments for contract negotiations
 11 between local governments, predesign engineering and cost
 12 estimates, administrative costs, preliminary contract
 13 negotiations with energy users and waste suppliers,
 14 financial feasibility analysis by a financial consultant,
 15 legal consultations, opinions, and review of contracts.

16 (7) "Local government" means a county, incorporated
 17 city or town, or refuse disposal district organized under
 18 the laws of this state.

19 (8) "Person" means any individual, firm,
 20 partnership, company, association, corporation, city, town,
 21 local governmental entity, or any other state, federal, or
 22 private entity, whether organized for profit or not.

23 (9) "Resource recovery facility" means any facility
 24 at which solid waste is processed for the purpose of
 25 extracting, converting to energy, or otherwise separating

1 and preparing solid waste for reuse.

2 †9†(10) "Solid waste" means all putrescible and
3 nonputrescible wastes, including but not limited to garbage,
4 rubbish, refuse, ashes, sludge from sewage treatment plants,
5 water supply treatment plants, or air pollution control
6 facilities; construction and demolition wastes; dead
7 animals, including offal; discarded home and industrial
8 appliances; and wood products or wood byproducts and inert
9 materials. "Solid waste" does not mean municipal sewage,
10 industrial wastewater effluents, mining wastes regulated
11 under the mining and reclamation laws administered by the
12 department of state lands, slash and forest debris regulated
13 under laws administered by the department of state lands, or
14 marketable byproducts.

15 †10†(11) "Solid waste management system" means any
16 system which controls the storage, treatment, recycling,
17 recovery, or disposal of solid waste.

18 †11†(12) "State solid waste plan" means the statewide
19 plan formulated by the department as authorized by this
20 part.

21 (13) "Transfer station" means a solid waste management
22 facility where solid waste is removed from a collection
23 vehicle and loaded into another vehicle for transportation
24 to a different solid waste management facility."

25 Section 2. Section 75-10-115, MCA, is amended to read:

1 "75-10-115. Solid waste management fee. (1) The Except
2 as provided in subsection (2), the department may establish
3 and collect fees for the management and regulation of solid
4 waste disposal. These fees may include:

5 (a) a license application fee that reflects the cost of
6 reviewing a new solid waste management system or a
7 substantial change to an existing facility;

8 (b) an annual license renewal fee that reflects a
9 minimal base fee related to the fixed costs of an annual
10 inspection and license renewal and based upon the following
11 formula:

12 (i) for a major facility with a planned capacity of
13 more than 25,000 tons of solid waste a year, \$3,500;

14 (ii) for an intermediate facility with a planned
15 capacity of more than 5,000 tons a year but not more than
16 25,000 tons a year, \$3,000;

17 (iii) for a minor facility with a planned capacity of
18 not more than 5,000 tons a year, \$2,500; and

19 (c) a volume-based fee on solid waste disposal.

20 (2) The department may not establish and collect fees
21 pursuant to subsection (1) for transfer stations or
22 container sites.

23 †2†(3) All fees collected must be deposited in the
24 solid waste management account provided for in 75-10-117."

25 NEW SECTION. Section 3. effective date. [This act] is

LC 1518/01

1 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0319, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A bill clarifying the fees for solid waste management; amending sections 75-10-103 and 75-10-115, MCA and providing an effective date.

ASSUMPTIONS:

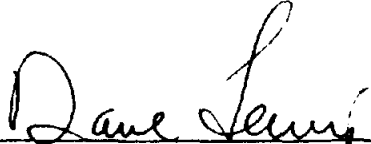
1. As required by section 75-10-221, MCA, which states "Except as provided in 75-10-214, no person may dispose of solid waste or operate a solid waste management system without a license from the department" DHES must license all solid waste management systems. A solid waste management system is defined in section 75-10-203, MCA, as "a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste." Since solid waste container sites and transfer stations control the temporary storage of solid wastes, the Department will be required to continue to license and inspect these facilities. Duties will remain unchanged.
2. Currently there are 268 container sites and 6 transfer stations in Montana which pay annual licensing fees totaling \$19,075. Annually DHES receives license applications for approximately 5 new container sites and 1 new transfer station which pay license application fees totaling \$6,500. These revenues of \$25,575 per year will be eliminated effective July 1, 1993.
3. Fees charged to solid waste management systems and facilities other than container sites and transfer stations will be increased by \$25,575 via amended rules under § 75-10-204, MCA.
4. The FY94 and FY95 Solid Waste Management Program budget as recommended in the executive budget will be approved.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The fee exemption for transfer stations and container sites will result in savings to cities and counties.

 2-9-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-11-93
BOB HOCKETT, PRIMARY SPONSOR DATE

Fiscal Note for SB0319, as introduced 5/3319

APPROVED BY COMM. ON
NATURAL RESOURCES

SENATE BILL NO. 319

INTRODUCED BY HOCKETT, JERGSON, GROSFIELD,
DEBRUYCKER, NATHE, TVEIT, BACHINI, PECK

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE FEES FOR
EXEMPTING CONTAINER SITES FROM THE DEFINITION OF A SOLID
WASTE MANAGEMENT SYSTEM; AMENDING SECTIONS 75-10-103,
75-10-112, AND 75-10-115 75-10-203, MCA; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Section 75-10-103, MCA, is amended to read:

"75-10-103. Definitions. Unless the context clearly
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) "Container site" means a solid waste management
facility, generally open to the public, for the collection
of solid waste that is generated by more than one household
or firm and that is collected in a refuse container with a
total capacity of not more than 50 cubic yards.

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

(4) "Front-end implementation funds" means the money
granted to local governments for purchase of capital
equipment to be used for a solid waste management system.

(5) "Front-end organizational funds" means the money
to be loaned to local governments for initial operating
capital, site evaluation and negotiation, final design
engineering and cost estimates, construction contract
documents, final contract negotiations with energy users,
material markets, and waste suppliers, contract negotiations
with private operational managers, and financial and legal
consultations.

(6) "Front-end planning funds" means the money
granted to local governments for contract negotiations
between local governments, predesign engineering and cost
estimates, administrative costs, preliminary contract
negotiations with energy users and waste suppliers,
financial feasibility analysis by a financial consultant,
legal consultations, opinions, and review of contracts.

(7) "Local government" means a county, incorporated
city or town, or refuse disposal district organized under
the laws of this state.

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

1 ~~(8)~~(9) "Resource recovery facility" means any facility
2 at which solid waste is processed for the purpose of
3 extracting, converting to energy, or otherwise separating
4 and preparing solid waste for reuse.

5 ~~(9)~~(10) "Solid waste" means all putrescible and
6 nonputrescible wastes, including but not limited to garbage,
7 rubbish, refuse, ashes, sludge from sewage treatment plants,
8 water supply treatment plants, or air pollution control
9 facilities; construction and demolition wastes; dead
10 animals, including offal; discarded home and industrial
11 appliances; and wood products or wood byproducts and inert
12 materials. "Solid waste" does not mean municipal sewage,
13 industrial wastewater effluents, mining wastes regulated
14 under the mining and reclamation laws administered by the
15 department of state lands, slash and forest debris regulated
16 under laws administered by the department of state lands, or
17 marketable byproducts.

18 ~~(10)~~(11) "Solid waste management system" means any
19 system which controls the storage, treatment, recycling,
20 recovery, or disposal of solid waste. FOR THE PURPOSES OF
21 THIS DEFINITION, A CONTAINER SITE IS NOT A COMPONENT OF A
22 SOLID WASTE MANAGEMENT SYSTEM.

23 ~~(11)~~(12) "State solid waste plan" means the statewide
24 plan formulated by the department as authorized by this
25 part.

1 ~~(13) "Transfer station" means a solid waste management~~
2 ~~facility where solid waste is removed from a collection~~
3 ~~vehicle and loaded into another vehicle for transportation~~
4 ~~to a different solid waste management facility."~~

5 ~~Section 2. Section 75-10-115, MCA, is amended to read:--~~

6 ~~"75-10-115. Solid waste management fees. (1) The Except~~
7 ~~as provided in subsection (2), the department may establish~~
8 ~~and collect fees for the management and regulation of solid~~
9 ~~waste disposal. These fees may include:~~

10 ~~(a) a license application fee that reflects the cost of~~
11 ~~reviewing a new solid waste management system or a~~
12 ~~substantial change to an existing facility;~~

13 ~~(b) an annual license renewal fee that reflects a~~
14 ~~minimal base fee related to the fixed costs of an annual~~
15 ~~inspection and license renewal and based upon the following~~
16 ~~formula:~~

17 ~~(i) for a major facility with a planned capacity of~~
18 ~~more than 25,000 tons of solid waste a year, \$3,500;~~

19 ~~(ii) for an intermediate facility with a planned~~
20 ~~capacity of more than 5,000 tons a year but not more than~~
21 ~~25,000 tons a year, \$3,000;~~

22 ~~(iii) for a minor facility with a planned capacity of~~
23 ~~not more than 5,000 tons a year, \$2,500; and~~

24 ~~(c) a volume-based fee on solid waste disposal;~~

25 ~~(2) The department may not establish and collect fees~~

1 ~~pursuant to subsection (1) for transfer stations or~~
 2 ~~container sites:~~

3 ~~(2)(3) All fees collected must be deposited in the~~
 4 ~~solid waste management account provided for in 75-10-117.~~

5 **SECTION 2. SECTION 75-10-203, MCA, IS AMENDED TO READ:**

6 "75-10-203. Definitions. Unless the context requires
 7 otherwise, in this part the following definitions apply:

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

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

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

19 (4) "Household hazardous waste" means products commonly
 20 used in the home that due to corrosivity, ignitability,
 21 reactivity, toxicity, or other chemical or physical
 22 properties are dangerous to human health or the environment.
 23 Household hazardous waste includes but is not limited to
 24 cleaning, home maintenance, automobile, personal care, and
 25 yard maintenance products.

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

5 (6) "Municipal solid waste landfill" means any publicly
 6 or privately owned landfill or landfill unit that receives
 7 household waste or other types of waste, including
 8 commercial waste, nonhazardous sludge, and industrial solid
 9 waste. The term does not include land application units,
 10 surface impoundments, injection wells, or waste piles.

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

15 (8) "Resource recovery" means the recovery of material
 16 or energy from solid waste.

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

21 (10) "Resource recovery system" means a solid waste
 22 management system which provides for the collection,
 23 separation, recycling, or recovery of solid wastes,
 24 including disposal of nonrecoverable waste residues.

25 (11) "Solid waste" means all putrescible and

1 nonputrescible wastes, including but not limited to garbage;
 2 rubbish; refuse; ashes; sludge from sewage treatment plants,
 3 water supply treatment plants, or air pollution control
 4 facilities; construction and demolition wastes; dead
 5 animals, including offal; discarded home and industrial
 6 appliances; and wood products or wood byproducts and inert
 7 materials. "Solid waste" does not mean municipal sewage,
 8 industrial wastewater effluents, mining wastes regulated
 9 under the mining and reclamation laws administered by the
 10 department of state lands, slash and forest debris regulated
 11 under laws administered by the department of state lands, or
 12 marketable byproducts.

13 (12) "Solid waste management system" means a system
 14 which controls the storage, treatment, recycling, recovery,
 15 or disposal of solid waste. For the purposes of this
 16 definition, a container site, as defined in 75-10-103, is
 17 not a component of a solid waste management system.

18 (13) "Storage" means the actual or intended containment
 19 of wastes, either on a temporary basis or for a period of
 20 years.

21 (14) "Transport" means the movement of wastes from the
 22 point of generation to any intermediate points and finally
 23 to the point of ultimate storage or disposal.

24 (15) "Treatment" means a method, technique, or process,
 25 including neutralization, designed to change the physical,

1 chemical, or biological character or composition of any
 2 solid waste so as to neutralize the waste or so as to render
 3 it safer for transport, amenable for recovery, amenable for
 4 storage, or reduced in volume."

5 **SECTION 3. SECTION 75-10-112, MCA, IS AMENDED TO READ:**

6 "75-10-112. Powers and duties of local government. A
 7 local government may:

8 (1) plan, develop, and implement a solid waste
 9 management system consistent with the state's solid waste
 10 plan and propose modifications to the state's solid waste
 11 plan;

12 (2) upon adoption of the state plan by the board, pass
 13 an ordinance or resolution to exempt the local jurisdiction
 14 from complying with the state plan and subsequent rules
 15 implementing the state plan. The ordinance or resolution
 16 must include a means to provide solid waste disposal to the
 17 citizens of the jurisdiction as required in part 2 of this
 18 chapter.

19 (3) employ appropriate personnel to carry out the
 20 provisions of this part;

21 (4) purchase, rent, or execute leasing agreements for
 22 equipment and material necessary for the implementation of a
 23 solid waste management system;

24 (5) cooperate with and enter into agreements with any
 25 persons in order to implement an effective solid waste

1 management system;

2 (6) receive gifts, grants, or donations or acquire by
3 gift, deed, or purchase land necessary for the
4 implementation of any provision of this part;

5 (7) enforce the rules of the department or a local
6 board of health pertaining to solid waste management through
7 the appropriate county attorney;

8 (8) apply for and utilize state, federal, or other
9 available money for developing or operating a solid waste
10 management system;

11 (9) borrow from any lending agency funds available for
12 assistance in planning a solid waste management system;

13 (10) finance a solid waste management system through the
14 assessment of a tax as authorized by state law;

15 (11) sell on an installment sales contract or lease to a
16 person all or a portion of a solid waste management system
17 which the local government plans, designs, or constructs,
18 for such consideration and upon such terms as are
19 established by the local governments and consistent with the
20 loan requirements as set forth in this part and rules;

21 (12) procure insurance against any loss in connection
22 with property, assets, or activities;

23 (13) mortgage or otherwise encumber all or a portion of
24 a solid waste management system when the local government
25 finds the action is necessary to implement the purposes of

1 this part, as long as the action is consistent with the loan
2 requirements set forth in this part and rules;

3 (14) hold or dispose of real property and, subject to
4 agreements with lessors and lessees, develop or alter the
5 property by making improvements or betterments for the
6 purpose of enhancing the value and usefulness of the
7 property;

8 (15) finance, design, construct, own, and operate a
9 solid waste management system or contract for any or all of
10 the aforementioned powers;

11 (16) control the disposition of solid waste generated
12 within the jurisdiction of a local government;

13 (17) enter into long-term contracts with local
14 governments and private entities for:

15 (a) financing, designing, constructing, and operating a
16 solid waste management system;

17 (b) marketing all raw or processed material recovered
18 from solid waste;

19 (c) marketing energy products or byproducts resulting
20 from processing or utilization of solid waste;

21 (18) finance an areawide solid waste management system
22 through the use of any of the sources of revenue available
23 to the implementation entity for public works projects, by
24 the use of revenue bonds issued by the city or county, or by
25 fees levied by a refuse disposal district, whichever is

1 appropriate;
2 (19) enter into interlocal agreements in order to
3 achieve and implement the powers enumerated in this part;
4 (20) regulate the siting and operation of container
5 sites."
6 NEW SECTION. Section 4. Effective date. [This act] is
7 effective July 1, 1993.

-End-

SENATE BILL NO. 319

INTRODUCED BY HOCKETT, JERGESON, GROSFIELD,
DEBRUYCKER, NATHE, TVEIT, BACHINI, PECK

A BILL FOR AN ACT ENTITLED: "AN ACT ~~CLARIFYING THE FEES FOR~~
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75-10-112, AND 75-10-115 75-10-203, MCA; AND PROVIDING AN
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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) "Container site" means a solid waste management
facility, generally open to the public, for the collection
of solid waste that is generated by more than one household
or firm and that is collected in a refuse container with a
total capacity of not more than 50 cubic yards.

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

(4) "Front-end implementation funds" means the money
granted to local governments for purchase of capital
equipment to be used for a solid waste management system.

(5) "Front-end organizational funds" means the money
to be loaned to local governments for initial operating
capital, site evaluation and negotiation, final design
engineering and cost estimates, construction contract
documents, final contract negotiations with energy users,
material markets, and waste suppliers, contract negotiations
with private operational managers, and financial and legal
consultations.

(6) "Front-end planning funds" means the money
granted to local governments for contract negotiations
between local governments, predesign engineering and cost
estimates, administrative costs, preliminary contract
negotiations with energy users and waste suppliers,
financial feasibility analysis by a financial consultant,
legal consultations, opinions, and review of contracts.

(7) "Local government" means a county, incorporated
city or town, or refuse disposal district organized under
the laws of this state.

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

1 ~~{8}~~{9} "Resource recovery facility" means any facility
2 at which solid waste is processed for the purpose of
3 extracting, converting to energy, or otherwise separating
4 and preparing solid waste for reuse.

5 ~~{9}~~{10} "Solid waste" means all putrescible and
6 nonputrescible wastes, including but not limited to garbage,
7 rubbish, refuse, ashes, sludge from sewage treatment plants,
8 water supply treatment plants, or air pollution control
9 facilities; construction and demolition wastes; dead
10 animals, including offal; discarded home and industrial
11 appliances; and wood products or wood byproducts and inert
12 materials. "Solid waste" does not mean municipal sewage,
13 industrial wastewater effluents, mining wastes regulated
14 under the mining and reclamation laws administered by the
15 department of state lands, slash and forest debris regulated
16 under laws administered by the department of state lands, or
17 marketable byproducts.

18 ~~{10}~~{11} "Solid waste management system" means any
19 system which controls the storage, treatment, recycling,
20 recovery, or disposal of solid waste. FOR THE PURPOSES OF
21 THIS DEFINITION, A CONTAINER SITE IS NOT A COMPONENT OF A
22 SOLID WASTE MANAGEMENT SYSTEM.

23 ~~{11}~~{12} "State solid waste plan" means the statewide
24 plan formulated by the department as authorized by this
25 part.

1 ~~{13}~~"Transfer--station"--means-a-solid-waste-management
2 facility-where-solid-waste-is-removed-from-a-collection
3 vehicle--and--loaded-into-another-vehicle-for-transportation
4 to-a-different-solid-waste-management-facility."

5 Section 2.--Section 75-10-115, MCA, is amended to read:--

6 "75-10-115.--Solid-waste-management-fee--(1)--The Except
7 as--provided-in-subsection-(2), the department may establish
8 and collect fees for the management and regulation of--solid
9 waste disposal. These fees may include:

10 (1)--a license application fee that reflects the cost of
11 reviewing---a---new---solid---waste---management---system---or---a
12 substantial change to an existing facility;

13 (2)--an annual--license--renewal--fee--that--reflects--a
14 minimal--base--fee--related--to--the--fixed--costs--of--an--annual
15 inspection-and-license-renewal-and-based-upon-the--following
16 formula:

17 (1)--for--a--major--facility--with--a--planned--capacity--of
18 more-than-25,000-tons-of-solid-waste-a-year, \$3,500;

19 (2)--for--an--intermediate--facility--with---a---planned
20 capacity--of--more--than-5,000-tons-a-year-but-not-more-than
21 25,000-tons-a-year, \$3,000;

22 (3)--for--a--minor--facility--with--a--planned--capacity--of
23 not-more-than-5,000-tons-a-year, \$2,500;--and

24 (4)--a volume-based fee on solid waste disposal;

25 (5)--The--department--may--not--establish--and--collect--fees

~~pursuant--to--subsection--(1)--for--transfer--stations--or
container-sites:~~

~~{2}{3}--All--fees--collected--must--be--deposited--in--the
solid-waste-management-account-provided-for-in-75-10-117--"~~

SECTION 2. 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 ground water.

(4) "Household hazardous waste" means products commonly used in the home that due to corrosivity, ignitability, reactivity, toxicity, or other chemical or physical properties are dangerous to human health or the environment. Household hazardous waste includes but is not limited to cleaning, home maintenance, automobile, personal care, and yard maintenance products.

(5) "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.

(6) "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.

(7) "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.

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

(9) "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.

(10) "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.

(11) "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.

(12) "Solid waste management system" means a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste. For the purposes of this definition, a container site, as defined in 75-10-103, is not a component of a solid waste management system.

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

(14) "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.

(15) "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."

SECTION 3. SECTION 75-10-112, MCA, IS AMENDED TO READ:

"75-10-112. Powers and duties of local government. A local government may:

(1) plan, develop, and implement a solid waste management system consistent with the state's solid waste plan and propose modifications to the state's solid waste plan;

(2) upon adoption of the state plan by the board, pass an ordinance or resolution to exempt the local jurisdiction from complying with the state plan and subsequent rules implementing the state plan. The ordinance or resolution must include a means to provide solid waste disposal to the citizens of the jurisdiction as required in part 2 of this chapter.

(3) employ appropriate personnel to carry out the provisions of this part;

(4) purchase, rent, or execute leasing agreements for equipment and material necessary for the implementation of a solid waste management system;

(5) cooperate with and enter into agreements with any persons in order to implement an effective solid waste

1 management system;

2 (6) receive gifts, grants, or donations or acquire by
3 gift, deed, or purchase land necessary for the
4 implementation of any provision of this part;

5 (7) enforce the rules of the department or a local
6 board of health pertaining to solid waste management through
7 the appropriate county attorney;

8 (8) apply for and utilize state, federal, or other
9 available money for developing or operating a solid waste
10 management system;

11 (9) borrow from any lending agency funds available for
12 assistance in planning a solid waste management system;

13 (10) finance a solid waste management system through the
14 assessment of a tax as authorized by state law;

15 (11) sell on an installment sales contract or lease to a
16 person all or a portion of a solid waste management system
17 which the local government plans, designs, or constructs,
18 for such consideration and upon such terms as are
19 established by the local governments and consistent with the
20 loan requirements as set forth in this part and rules;

21 (12) procure insurance against any loss in connection
22 with property, assets, or activities;

23 (13) mortgage or otherwise encumber all or a portion of
24 a solid waste management system when the local government
25 finds the action is necessary to implement the purposes of

1 this part, as long as the action is consistent with the loan
2 requirements set forth in this part and rules;

3 (14) hold or dispose of real property and, subject to
4 agreements with lessors and lessees, develop or alter the
5 property by making improvements or betterments for the
6 purpose of enhancing the value and usefulness of the
7 property;

8 (15) finance, design, construct, own, and operate a
9 solid waste management system or contract for any or all of
10 the aforementioned powers;

11 (16) control the disposition of solid waste generated
12 within the jurisdiction of a local government;

13 (17) enter into long-term contracts with local
14 governments and private entities for:

15 (a) financing, designing, constructing, and operating a
16 solid waste management system;

17 (b) marketing all raw or processed material recovered
18 from solid waste;

19 (c) marketing energy products or byproducts resulting
20 from processing or utilization of solid waste;

21 (18) finance an areawide solid waste management system
22 through the use of any of the sources of revenue available
23 to the implementation entity for public works projects, by
24 the use of revenue bonds issued by the city or county, or by
25 fees levied by a refuse disposal district, whichever is

1 appropriate;

2 (19) enter into interlocal agreements in order to
3 achieve and implement the powers enumerated in this part;

4 (20) regulate the siting and operation of container
5 sites."

6 NEW SECTION. Section 4. Effective date. [This act] is
7 effective July 1, 1993.

-End-

SENATE BILL NO. 319

INTRODUCED BY HOCKETT, JERGESON, GROSFIELD,
DEBRUYCKER, NATHE, TVEIT, BACHINI, PECK

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE FEES FOR
EXEMPTING CONTAINER SITES FROM THE DEFINITION OF A SOLID
WASTE MANAGEMENT SYSTEM; AMENDING SECTIONS 75-10-103,
75-10-112, AND 75-10-115 75-10-203, MCA; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Section 75-10-103, MCA, is amended to read:

"75-10-103. Definitions. Unless the context clearly
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) "Container site" means a solid waste management
facility, generally open to the public, for the collection
of solid waste that is generated by more than one household
or firm and that is collected in a refuse container with a
total capacity of not more than 50 cubic yards.

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

(4) "Front-end implementation funds" means the money
granted to local governments for purchase of capital
equipment to be used for a solid waste management system.

(5) "Front-end organizational funds" means the money
to be loaned to local governments for initial operating
capital, site evaluation and negotiation, final design
engineering and cost estimates, construction contract
documents, final contract negotiations with energy users,
material markets, and waste suppliers, contract negotiations
with private operational managers, and financial and legal
consultations.

(6) "Front-end planning funds" means the money
granted to local governments for contract negotiations
between local governments, predesign engineering and cost
estimates, administrative costs, preliminary contract
negotiations with energy users and waste suppliers,
financial feasibility analysis by a financial consultant,
legal consultations, opinions, and review of contracts.

(7) "Local government" means a county, incorporated
city or town, or refuse disposal district organized under
the laws of this state.

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

1 ~~{8}~~{9} "Resource recovery facility" means any facility
2 at which solid waste is processed for the purpose of
3 extracting, converting to energy, or otherwise separating
4 and preparing solid waste for reuse.

5 ~~{9}~~{10} "Solid waste" means all putrescible and
6 nonputrescible wastes, including but not limited to garbage,
7 rubbish, refuse, ashes, sludge from sewage treatment plants,
8 water supply treatment plants, or air pollution control
9 facilities; construction and demolition wastes; dead
10 animals, including offal; discarded home and industrial
11 appliances; and wood products or wood byproducts and inert
12 materials. "Solid waste" does not mean municipal sewage,
13 industrial wastewater effluents, mining wastes regulated
14 under the mining and reclamation laws administered by the
15 department of state lands, slash and forest debris regulated
16 under laws administered by the department of state lands, or
17 marketable byproducts.

18 ~~{10}~~{11} "Solid waste management system" means any
19 system which controls the storage, treatment, recycling,
20 recovery, or disposal of solid waste. FOR THE PURPOSES OF
21 THIS DEFINITION, A CONTAINER SITE IS NOT A COMPONENT OF A
22 SOLID WASTE MANAGEMENT SYSTEM.

23 ~~{11}~~{12} "State solid waste plan" means the statewide
24 plan formulated by the department as authorized by this
25 part.

1 ~~{13}~~ "Transfer station" means a solid waste management
2 facility where solid waste is removed from a collection
3 vehicle and loaded into another vehicle for transportation
4 to a different solid waste management facility."

5 Section 2--Section 75-10-115, MCA, is amended to read:--

6 "75-10-115--Solid waste management fee--{1}--The Except
7 as--provided-in-subsection-{2}, the department may establish
8 and collect fees for the management and regulation of--solid
9 waste disposal. These fees may include:

10 {a}--a license application fee that reflects the cost of
11 reviewing--a--new--solid--waste--management--system--or--a
12 substantial change to an existing facility;

13 {b}--an annual--license--renewal--fee--that--reflects--a
14 minimal--base--fee--related--to--the--fixed--costs--of--an--annual
15 inspection and license renewal and based upon the--following
16 formula:

17 {1}--for--a--major--facility--with--a--planned--capacity--of
18 more than 25,000 tons of solid waste a year, \$3,500;

19 {2}--for--an--intermediate--facility--with--a--planned
20 capacity--of--more--than--5,000--tons--a--year--but--not--more--than
21 25,000--tons--a--year, \$3,000;

22 {3}--for--a--minor--facility--with--a--planned--capacity--of
23 not more than 5,000 tons a year, \$2,500; and

24 {c}--a volume-based fee on solid waste disposal;

25 {2}--The--department--may--not--establish--and--collect--fees

~~pursuant to subsection (1) for transfer stations or container sites:~~

~~(2)(3) All fees collected must be deposited in the solid waste management account provided for in 75-10-117.~~

SECTION 2. 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 ground water.

(4) "Household hazardous waste" means products commonly used in the home that due to corrosivity, ignitability, reactivity, toxicity, or other chemical or physical properties are dangerous to human health or the environment. Household hazardous waste includes but is not limited to cleaning, home maintenance, automobile, personal care, and yard maintenance products.

(5) "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.

(6) "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.

(7) "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.

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

(9) "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.

(10) "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.

(11) "Solid waste" means all putrescible and

1 nonputrescible wastes, including but not limited to garbage;
 2 rubbish; refuse; ashes; sludge from sewage treatment plants,
 3 water supply treatment plants, or air pollution control
 4 facilities; construction and demolition wastes; dead
 5 animals, including offal; discarded home and industrial
 6 appliances; and wood products or wood byproducts and inert
 7 materials. "Solid waste" does not mean municipal sewage,
 8 industrial wastewater effluents, mining wastes regulated
 9 under the mining and reclamation laws administered by the
 10 department of state lands, slash and forest debris regulated
 11 under laws administered by the department of state lands, or
 12 marketable byproducts.

13 (12) "Solid waste management system" means a system
 14 which controls the storage, treatment, recycling, recovery,
 15 or disposal of solid waste. For the purposes of this
 16 definition, a container site, as defined in 75-10-103, is
 17 not a component of a solid waste management system.

18 (13) "Storage" means the actual or intended containment
 19 of wastes, either on a temporary basis or for a period of
 20 years.

21 (14) "Transport" means the movement of wastes from the
 22 point of generation to any intermediate points and finally
 23 to the point of ultimate storage or disposal.

24 (15) "Treatment" means a method, technique, or process,
 25 including neutralization, designed to change the physical,

1 chemical, or biological character or composition of any
 2 solid waste so as to neutralize the waste or so as to render
 3 it safer for transport, amenable for recovery, amenable for
 4 storage, or reduced in volume."

5 **SECTION 3. SECTION 75-10-112, MCA, IS AMENDED TO READ:**

6 "75-10-112. Powers and duties of local government. A
 7 local government may:

8 (1) plan, develop, and implement a solid waste
 9 management system consistent with the state's solid waste
 10 plan and propose modifications to the state's solid waste
 11 plan;

12 (2) upon adoption of the state plan by the board, pass
 13 an ordinance or resolution to exempt the local jurisdiction
 14 from complying with the state plan and subsequent rules
 15 implementing the state plan. The ordinance or resolution
 16 must include a means to provide solid waste disposal to the
 17 citizens of the jurisdiction as required in part 2 of this
 18 chapter.

19 (3) employ appropriate personnel to carry out the
 20 provisions of this part;

21 (4) purchase, rent, or execute leasing agreements for
 22 equipment and material necessary for the implementation of a
 23 solid waste management system;

24 (5) cooperate with and enter into agreements with any
 25 persons in order to implement an effective solid waste

1 management system;

2 (6) receive gifts, grants, or donations or acquire by
3 gift, deed, or purchase land necessary for the
4 implementation of any provision of this part;

5 (7) enforce the rules of the department or a local
6 board of health pertaining to solid waste management through
7 the appropriate county attorney;

8 (8) apply for and utilize state, federal, or other
9 available money for developing or operating a solid waste
10 management system;

11 (9) borrow from any lending agency funds available for
12 assistance in planning a solid waste management system;

13 (10) finance a solid waste management system through the
14 assessment of a tax as authorized by state law;

15 (11) sell on an installment sales contract or lease to a
16 person all or a portion of a solid waste management system
17 which the local government plans, designs, or constructs,
18 for such consideration and upon such terms as are
19 established by the local governments and consistent with the
20 loan requirements as set forth in this part and rules;

21 (12) procure insurance against any loss in connection
22 with property, assets, or activities;

23 (13) mortgage or otherwise encumber all or a portion of
24 a solid waste management system when the local government
25 finds the action is necessary to implement the purposes of

1 this part, as long as the action is consistent with the loan
2 requirements set forth in this part and rules;

3 (14) hold or dispose of real property and, subject to
4 agreements with lessors and lessees, develop or alter the
5 property by making improvements or betterments for the
6 purpose of enhancing the value and usefulness of the
7 property;

8 (15) finance, design, construct, own, and operate a
9 solid waste management system or contract for any or all of
10 the aforementioned powers;

11 (16) control the disposition of solid waste generated
12 within the jurisdiction of a local government;

13 (17) enter into long-term contracts with local
14 governments and private entities for:

15 (a) financing, designing, constructing, and operating a
16 solid waste management system;

17 (b) marketing all raw or processed material recovered
18 from solid waste;

19 (c) marketing energy products or byproducts resulting
20 from processing or utilization of solid waste;

21 (18) finance an areawide solid waste management system
22 through the use of any of the sources of revenue available
23 to the implementation entity for public works projects, by
24 the use of revenue bonds issued by the city or county, or by
25 fees levied by a refuse disposal district, whichever is

1 appropriate;
2 (19) enter into interlocal agreements in order to
3 achieve and implement the powers enumerated in this part;
4 (20) regulate the siting and operation of container
5 sites."
6 NEW SECTION. Section 4. Effective date. [This act] is
7 effective July 1, 1993.

-End-