

1 substance, hazardous waste, or any constituent of the regulated substance or hazardous waste may enter
2 the environment or be emitted into the air or discharged into any waters, including ground water.

3 (4) "Energy recovery" means the beneficial use of wastes in a manufacturing or industrial process,
4 as a substitute for traditional fossil fuels, in which the wastes have a sufficient energy content to make a
5 net positive impact on the manufacturing or industrial process.

6 (4)(5) "Facility" or "hazardous waste management facility" means all contiguous land and
7 structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of
8 hazardous waste. A facility may consist of several treatment, storage, or disposal operational units.

9 (5)(6) "Generation" means the act or process of producing waste material.

10 (6)(7) "Generator" means any person, by site, whose act or process produces hazardous waste
11 or whose act first causes a hazardous waste to become subject to regulation under this part.

12 (7)(8) (a) "Hazardous waste" means a waste or combination of wastes that, because of its
13 quantity, concentration, or physical, chemical, or infectious characteristics, may:

14 (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible
15 or incapacitating reversible illness; or

16 (ii) pose a substantial present or potential hazard to human health or the environment when
17 improperly treated, stored, transported, or disposed of or otherwise managed.

18 (b) Hazardous ~~wastes~~ waste does not include those substances governed by Title 82, chapter
19 4, part 2.

20 (8)(9) "Hazardous waste management" means the management of the collection, source
21 separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.

22 (9)(10) "Hazardous waste transfer facility" means any land, structure, or improvement, including
23 loading docks, parking areas, holding sites, and other similar areas, used for the transfer and temporary
24 storage of hazardous wastes and where shipments of hazardous waste are temporarily held for a period
25 of 10 days or less during the normal course of transportation up to but not including the point of ultimate
26 treatment, storage, or disposal.

27 (10)(11) "Manifest" means the shipping document that is originated and signed by the generator
28 and ~~which~~ that is used to identify the hazardous waste, its quantity, origin, and destination during its
29 transportation.

30 (11)(12) "Person" means the United States, an individual, firm, trust, estate, partnership, company,

1 association, corporation, city, town, local governmental entity, or any other governmental or private entity,
2 whether organized for profit or not.

3 ~~(12)~~(13) "Regulated substance":

4 (a) means:

5 (i) a hazardous substance as defined in 75-10-602; or

6 (ii) petroleum, including crude oil or any fraction ~~thereof~~ of crude oil, ~~which that~~ is liquid at
7 standard conditions of temperature and pressure (60 degrees F and 14.7 pounds per square inch absolute);

8 (b) does not include a substance regulated as a hazardous waste under this part.

9 ~~(13)~~(14) "Storage" means the actual or intended containment of regulated substances, hazardous
10 wastes, or both, either on a temporary basis or for a period of years.

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

13 ~~(15)~~(16) "Transporter" means a person engaged in the offsite transportation of hazardous waste
14 by air, rail, highway, or water.

15 ~~(16)~~(17) "Treatment" means a method, technique, or process, including neutralization, designed
16 to change the physical, chemical, or biological character or composition of any hazardous waste so as to
17 neutralize the waste or so as to render it nonhazardous, safer for transportation, amenable for recovery,
18 amenable for storage, or reduced in volume.

19 ~~(17)~~(18) "Underground storage tank":

20 (a) means, except as provided in subsections ~~(17)(b)(i)~~(18)(b)(i) through ~~(17)(b)(viii)~~(18)(b)(viii):

21 (i) any ~~one~~ tank or combination of tanks used to contain a regulated substance, the volume of
22 which is 10% or more beneath the surface of the ground; and

23 (ii) any underground pipes used to contain or transport a regulated substance and connected to
24 a storage tank, whether the storage tank is entirely above ground, partially above ground, or entirely
25 underground;

26 (b) does not include:

27 (i) a septic tank;

28 (ii) a pipeline facility, ~~{including gathering lines}~~, regulated under:

29 (A) the Natural Gas Pipeline Safety Act of 1968, ~~{49 U.S.C. 1671, et seq.}~~;

30 (B) the Hazardous Liquid Pipeline Safety Act of 1979, ~~{49 U.S.C. 2001, et seq.}~~; or

1 (C) state law comparable to the provisions of law referred to in subsection ~~(17)(b)(iii)(A)~~ (18)(b)(ii)(A)
 2 or ~~(17)(b)(iii)(B)~~ (18)(b)(ii)(B), if the facility is intrastate;
 3 (iii) a surface impoundment, pit, pond, or lagoon;
 4 (iv) a storm water or wastewater collection system;
 5 (v) a flow-through process tank;
 6 (vi) a liquid trap or associated gathering lines directly related to oil or gas production and gathering
 7 operations;
 8 (vii) a storage tank situated in an underground area, such as a basement, cellar, mine, draft, shaft,
 9 or tunnel, if the storage tank is situated upon or above the surface of the floor; or
 10 (viii) any pipe connected to a tank described in subsections ~~(17)(b)(i)~~ (18)(b)(i) through
 11 ~~(17)(b)(vi)~~ (18)(b)(vi)."

12
 13 **Section 2.** Section 75-10-433, MCA, is amended to read:

14 **"75-10-433. Hazardous waste management fees.** (1) An owner or operator of a hazardous waste
 15 management facility that primarily receives waste generated by offsite sources that are not owned,
 16 controlled, or operated by the facility owner or operator or site owner shall collect from generators and
 17 remit quarterly to the department a fee of:

18 (a) ~~\$8~~ \$16 per ton on all hazardous waste received at the facility or site for management in
 19 regulated landfill units, surface impoundments, land treatment units, or incinerators, ~~boilers, or industrial~~
 20 ~~furnaces; and~~

21 (b) \$8 per ton on all hazardous waste received at the facility or site for management in regulated
 22 boilers or industrial furnaces that use the hazardous waste for energy recovery; and

23 ~~(b)(c)~~ \$4 per ton on all hazardous waste received at the facility or site for management in any
 24 regulated unit or units other than those units described in subsection (1)(a).

25 (2) The fees established in subsection (1) may be prorated for amounts of hazardous waste
 26 received that are less than 1 ton in weight.

27 (3) The department shall remit 15% of the fees received under this section from a facility to the
 28 county in which the facility is located. The county may use the money for the purpose of implementing
 29 hazardous material or hazardous waste monitoring and response programs.

30 (4) The department shall deposit all fees collected under this section, except fees paid to a county,

1 into an account in the state special revenue fund as provided in 75-10-434."

2

3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on July 1, 1995.

4

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0344, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act defining "energy recovery" and clarifying the hazardous waste management fees.

ASSUMPTIONS:

1. The only boiler or industrial furnace facility in Montana which has applied for a permit to burn hazardous wastes as a replacement fuel is Ash Grove Cement Company, Montana City, MT.
2. Should the Ash Grove plant receive a permit within the next biennium, the hazardous waste management fees which it will be required to pay remain unaffected by this bill.
3. There will not be any proposed commercial hazardous waste management facilities which will apply for and receive permits within the next biennium and be subject to the \$16 per ton fee newly established by this bill.

FISCAL IMPACT:

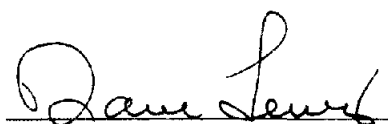
There will be no fiscal impact within the 1997 biennium from passage of this bill.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The increased per ton fee for those commercial hazardous waste facilities which utilize land disposal or incineration would provide increased revenues in the state special revenue fund established in 75-10-434, MCA, should such a commercial facility become permitted in future years.

TECHNICAL NOTES:

Page 4, line 24, should exclude (1) (b) in addition to (1) (a).

 2-15-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-15-95
LARRY TVEIT, PRIMARY SPONSOR DATE

Fiscal Note for SB0344, as introduced

SB 344