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 2 INTRODUCTION BY *Senate* BILL NO. *253*
 3 *Carlson* *H. Beaudry* *Menahan* *Luis* *Stier* *Singgood* *Beck*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING CONSTRUCTION AND DEMOLITION WASTES FROM
 5 THE DEFINITION OF "SOLID WASTE" IN THE MONTANA SOLID WASTE MANAGEMENT ACT; AMENDING
 6 SECTION 75-10-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

9
 10 **Section 1.** Section 75-10-203, MCA, is amended to read:

11 **"75-10-203. Definitions.** Unless the context requires otherwise, in this part, the following
 12 definitions apply:

- 13 (1) "Board" means the board of environmental review provided for in 2-15-3502.
- 14 (2) "Department" means the department of environmental quality provided for in 2-15-3501.
- 15 (3) "Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or
 16 placing of any solid waste into or onto the land so that the solid waste or any constituent of it may enter
 17 the environment or be emitted into the air or discharged into any waters, including ground water.
- 18 (4) "Household hazardous waste" means products commonly used in the home that due to
 19 corrosivity, ignitability, reactivity, toxicity, or other chemical or physical properties are dangerous to human
 20 health or the environment. Household hazardous waste includes but is not limited to cleaning, home
 21 maintenance, automobile, personal care, and yard maintenance products.
- 22 (5) "Household waste" means any solid waste derived from households, including single and
 23 multiple residences, hotels, and motels, crew quarters, and campgrounds and other public recreation and
 24 public land management facilities.
- 25 (6) (a) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit
 26 that receives household waste or other types of waste, including commercial waste, nonhazardous sludge,
 27 and industrial solid waste.
- 28 (b) The term does not include land application units, surface impoundments, injection wells, or
 29 waste piles.
- 30 (7) "Person" means an individual, firm, partnership, company, association, corporation, city, town,

1 local governmental entity, or any other governmental or private entity, whether organized for profit or not.

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

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

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

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

12 (b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes
13 regulated under the mining and reclamation laws administered by the department of environmental quality,
14 slash and forest debris regulated under laws administered by the department of natural resources and
15 conservation, construction and demolition wastes, or marketable byproducts.

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

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

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

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

27

28 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

29

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0253, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act removing construction and demolition wastes from the definition of "solid waste" in the Montana Solid Waste Management Act.

ASSUMPTIONS:

1. Disposal of materials meeting the current definition of "solid waste" results in a tonnage fee of \$.31/ton that is payable to the solid waste management account used to fund the Solid Waste Program. The associated waste stream is increasing at a rate of approximately 5% per year (Montana Integrated Waste Management Plan).
2. Construction and demolition waste makes up approximately 15% of the solid waste stream according to the EPA, the Montana Integrated Waste Management Plan and the Flathead County Solid Waste Study.
3. Class III landfills which are used only for the disposal of construction and demolition materials will no longer require a license and will not pay annual license renewal fees. Up to 26 Class III landfills may be de-licensed as a result of this change. Revenues to the solid waste management account would decrease approximately \$124,665 in the biennium and at an annual rate of 1.05% thereafter.
4. The department would conduct 26 fewer inspections per year but this would be offset by an increased number of complaints fielded by staff so expenditures would remain unchanged.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
<u>Revenues:</u>	<u>Difference</u>	<u>Difference</u>
Solid Waste Mgmt. Fee(02)	(\$60,739)	(\$63,926)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

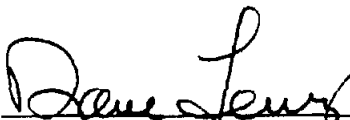
Local government landfill revenues would decrease comparable to the decrease in volume of materials being disposed at local government operated landfills. For some marginal landfill operations, this reduction in revenue may lead to closure; however, landfills will still be available for solid waste disposal to the public.

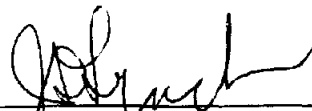
LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

There may possibly be an increase in the number of randomly-located landfills for construction and demolition debris. The effect of these dumps on water quality, vector numbers, air quality, or clean up costs cannot be quantified at the current time.

TECHNICAL NOTES:

Mixed construction and demolition debris usually contains conditionally exempt small quantity generator (CESQG) hazardous wastes. The EPA promulgated a final rule for landfills which receive non-municipal non-hazardous wastes which may contain CESQG wastes on July 1, 1996. Section 4005 of the Resource Conservation and Recovery Act (RCRA) requires states to adopt and implement a permit program or other system of prior approval and conditions for these landfills within 18 months of final rule promulgation. Approved states like Montana which currently restrict CESQG wastes to Part 258 municipal solid waste landfills, do not need to seek further EPA approval. This modification would require the DEQ to seek further EPA approvals for any changes that are made. The department has previously established a working group to recommend rule changes comparable to the non-fee program changes in this proposed bill. The next meeting of that working group is February 19.

 2-5-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2/6/97
 JOHN "J.D." LYNCH, PRIMARY SPONSOR DATE
 Fiscal Note for SB0253, as introduced
SB 253