

1 *Senate* BILL NO. 315
 2 INTRODUCED BY *Joe McCarthy Wood*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DISTINCTION BETWEEN A SOLID WASTE
 5 CONTAINER SITE AND A SOLID WASTE TRANSFER STATION; DEFINING THE TERM "TRANSFER
 6 STATION"; AMENDING SECTIONS 75-10-103 AND 75-10-203, MCA; AND PROVIDING AN EFFECTIVE
 7 DATE."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10

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

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

14 (1) "Board" means the board of environmental review provided for in 2-15-3502.

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

20 (3) "Department" means the department of environmental quality provided for in 2-15-3501.

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

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

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

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

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

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

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

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

15 (11) "Solid waste management system" means any system that controls the storage, treatment,
16 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a;~~

17 (a) a container site is not a component of a solid waste management system; and

18 (b) a transfer station is a component of a solid waste management system.

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

21 (13) "Transfer station" means a stationary solid waste management facility and a component of a
22 solid waste management system that may have a combination of structures, machinery, or devices and that
23 is designed to receive solid waste from public, private, or commercial collection vehicles and to place the
24 waste in other transportation units, each with a capacity of more than 50 cubic yards, for movement to
25 another solid waste management facility."

26

27 **Section 2.** Section 75-10-203, MCA, is amended to read:

28 **"75-10-203. Definitions.** Unless the context requires otherwise, in this part, the following
29 definitions apply:

30 (1) "Board" means the board of environmental review provided for in 2-15-3502.

1 (2) "Department" means the department of environmental quality provided for in 2-15-3501.

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

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

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

12 (6) (a) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit
13 that receives household waste or other types of waste, including commercial waste, nonhazardous sludge,
14 and industrial solid waste.

15 (b) The term does not include land application units, surface impoundments, injection wells, or
16 waste piles.

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

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

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

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

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

29 (b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes
30 regulated under the mining and reclamation laws administered by the department of environmental quality,

1 slash and forest debris regulated under laws administered by the department of natural resources and
2 conservation, or marketable byproducts.

3 (12) "Solid waste management system" means a system that controls the storage, treatment,
4 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a;~~

5 (a) a container site, as defined in 75-10-103, is not a component of a solid waste management
6 system; and

7 (b) a transfer station, as defined in 75-10-103, is a component of a solid waste management
8 system.

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

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

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

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18 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 1997.

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Senate BILL NO. 315

INTRODUCED BY *Sen. McCarty* *Wood*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DISTINCTION BETWEEN A SOLID WASTE CONTAINER SITE AND A SOLID WASTE TRANSFER STATION; DEFINING THE TERM "TRANSFER STATION"; AMENDING SECTIONS 75-10-103 AND 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 environmental review provided for in 2-15-3502.
- (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 by any person and deposited in a refuse container with a total capacity of not more than 50 cubic yards, notwithstanding that the container or the contents of the container may be transported to another disposal site.
- (3) "Department" means the department of environmental quality provided for in 2-15-3501.
- (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.

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

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

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

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

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

15 (11) "Solid waste management system" means any system that controls the storage, treatment,
16 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a:~~

17 (a) a container site is not a component of a solid waste management system; and

18 (b) a transfer station is a component of a solid waste management system.

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

21 (13) "Transfer station" means a stationary solid waste management facility and a component of a
22 solid waste management system that may have a combination of structures, machinery, or devices and that
23 is designed to receive solid waste from public, private, or commercial collection vehicles and to place the
24 waste in other transportation units, each with a capacity of more than 50 cubic yards, for movement to
25 another solid waste management facility."

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27 **Section 2.** Section 75-10-203, MCA, is amended to read:

28 **"75-10-203. Definitions.** Unless the context requires otherwise, in this part, the following
29 definitions apply:

30 (1) "Board" means the board of environmental review provided for in 2-15-3502.

1 (2) "Department" means the department of environmental quality provided for in 2-15-3501.

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

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

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

12 (6) (a) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit
13 that receives household waste or other types of waste, including commercial waste, nonhazardous sludge,
14 and industrial solid waste.

15 (b) The term does not include land application units, surface impoundments, injection wells, or
16 waste piles.

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

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

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

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

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

29 (b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes
30 regulated under the mining and reclamation laws administered by the department of environmental quality,

1 slash and forest debris regulated under laws administered by the department of natural resources and
2 conservation, or marketable byproducts.

3 (12) "Solid waste management system" means a system that controls the storage, treatment,
4 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a;~~

5 (a) a container site, as defined in 75-10-103, is not a component of a solid waste management
6 system; and

7 (b) a transfer station, as defined in 75-10-103, is a component of a solid waste management
8 system.

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

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

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

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18 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1997.

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Senate BILL NO. 315

INTRODUCED BY *Rep. McCreary* *Wood*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DISTINCTION BETWEEN A SOLID WASTE CONTAINER SITE AND A SOLID WASTE TRANSFER STATION; DEFINING THE TERM "TRANSFER STATION"; AMENDING SECTIONS 75-10-103 AND 75-10-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

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(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 by any person and deposited in a refuse container with a total capacity of not more than 50 cubic yards, notwithstanding that the container or the contents of the container may be transported to another disposal site.

(3) "Department" means the department of environmental quality provided for in 2-15-3501.

(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.

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

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

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

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

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

15 (11) "Solid waste management system" means any system that controls the storage, treatment,
16 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a:~~

17 (a) a container site is not a component of a solid waste management system; and

18 (b) a transfer station is a component of a solid waste management system.

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

21 (13) "Transfer station" means a stationary solid waste management facility and a component of a
22 solid waste management system that may have a combination of structures, machinery, or devices and that
23 is designed to receive solid waste from public, private, or commercial collection vehicles and to place the
24 waste in other transportation units, each with a capacity of more than 50 cubic yards, for movement to
25 another solid waste management facility."

26

27 **Section 2.** Section 75-10-203, MCA, is amended to read:

28 **"75-10-203. Definitions.** Unless the context requires otherwise, in this part, the following
29 definitions apply:

30 (1) "Board" means the board of environmental review provided for in 2-15-3502.

1 (2) "Department" means the department of environmental quality provided for in 2-15-3501.

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

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

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

12 (6) (a) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit
13 that receives household waste or other types of waste, including commercial waste, nonhazardous sludge,
14 and industrial solid waste.

15 (b) The term does not include land application units, surface impoundments, injection wells, or
16 waste piles.

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

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

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

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

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

29 (b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes
30 regulated under the mining and reclamation laws administered by the department of environmental quality,

1 slash and forest debris regulated under laws administered by the department of natural resources and
2 conservation, or marketable byproducts.

3 (12) "Solid waste management system" means a system that controls the storage, treatment,
4 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a;~~

5 (a) a container site, as defined in 75-10-103, is not a component of a solid waste management
6 system; and

7 (b) a transfer station, as defined in 75-10-103, is a component of a solid waste management
8 system.

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

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

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

17

18 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1997.

19

-END-

SENATE BILL NO. 315

INTRODUCED BY MCCARTHY, MOOD

A BILL FOR AN ACT ENTITLED: "~~AN ACT CLARIFYING THE DISTINCTION BETWEEN A SOLID WASTE CONTAINER SITE AND A SOLID WASTE TRANSFER STATION~~ MODIFYING THE DEFINITION OF "CONTAINER SITE"; DEFINING THE TERM "TRANSFER STATION"; AMENDING ~~SECTIONS~~ SECTION 75-10-103 AND ~~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 environmental review provided for in 2-15-3502.

(2) "Container site" means a solid waste management facility, THAT:

(A) IS 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 ~~by any person and deposited~~ in a refuse container with a total capacity of not more than 50 cubic yards, ~~notwithstanding that the container or the contents of the container may be transported to another disposal site;~~ OR

(B) RECEIVES WASTE FROM WASTE COLLECTION VEHICLES AND:

(I) IS LOCATED IN A FIFTH-, SIXTH-, OR SEVENTH-CLASS COUNTY, AS DEFINED IN 7-1-2111;

(II) RECEIVES NO MORE THAN 3,000 TONS OF WASTE EACH YEAR;

(III) HAS CONTROL MEASURES IN PLACE, INCLUDING ONSITE STAFFING, TO ADEQUATELY CONTAIN SOLID WASTES AND BLOWING LITTER ON THE SITE AND TO MINIMIZE SPILLS AND LEAKAGE OF LIQUID WASTES; AND

(IV) IS A SITE AT WHICH A LOCAL GOVERNMENT UNIT REQUIRES COMMERCIAL WASTE HAULERS TO DEPOSIT WASTES AT THE SITE ONLY DURING HOURS THAT THE SITE IS STAFFED.

(3) "Department" means the department of environmental quality provided for in 2-15-3501.

(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.

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

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

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

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

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

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

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20 regulated under the mining and reclamation laws administered by the department of environmental quality,
21 slash and forest debris regulated under laws administered by the department of natural resources and
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23 (11) "Solid waste management system" means any system that controls the storage, treatment,
24 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a~~

25 ~~(a) a, A~~ container site is not a component of a solid waste management system, ~~and~~

26 ~~(b) a transfer station is a component of a solid waste management system.~~

27 (12) "State solid waste plan" means the statewide plan formulated by the department as authorized
28 by this part.

29 ~~(13) "Transfer station" means a stationary solid waste management facility and a component of a~~
30 ~~solid waste management system that may have a combination of structures, machinery, or devices and that~~

~~is designed to receive solid waste from public, private, or commercial collection vehicles and to place the waste in other transportation units, each with a capacity of more than 50 cubic yards, for movement to another solid waste management facility."~~

~~Section 2. Section 75-10-203, MCA, is amended to read:~~

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~~(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.~~

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~~(6) (a) "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.~~

~~(b) 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.~~

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2 residues.

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

7 ~~(b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes~~
8 ~~regulated under the mining and reclamation laws administered by the department of environmental quality,~~
9 ~~slash and forest debris regulated under laws administered by the department of natural resources and~~
10 ~~conservation, or marketable byproducts.~~

11 ~~(12) "Solid waste management system" means a system that controls the storage, treatment,~~
12 ~~recycling, recovery, or disposal of solid waste. For the purposes of this definition, a:~~

13 ~~(a) a container site, as defined in 75-10-103, is not a component of a solid waste management~~
14 ~~system; and~~

15 ~~(b) a transfer station, as defined in 75-10-103, is a component of a solid waste management~~
16 ~~system.~~

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

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

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

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26 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 1997.

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-END-

SENATE BILL NO. 315

INTRODUCED BY MCCARTHY, MOOD

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A BILL FOR AN ACT ENTITLED: "~~AN ACT CLARIFYING THE DISTINCTION BETWEEN A SOLID WASTE CONTAINER SITE AND A SOLID WASTE TRANSFER STATION~~ MODIFYING THE DEFINITION OF "CONTAINER SITE"; DEFINING THE TERM "TRANSFER STATION"; AMENDING ~~SECTIONS~~ SECTION 75-10-103 ~~AND 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 environmental review provided for in 2-15-3502.

(2) "Container site" means a solid waste management facility, THAT:

(A) IS 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 ~~by any person and deposited~~ in a refuse container with a total capacity of not more than 50 cubic yards, ~~notwithstanding that the container or the contents of the container may be transported to another disposal site;~~ OR

(B) RECEIVES WASTE FROM WASTE COLLECTION VEHICLES AND:

(I) IS LOCATED IN A FIFTH-, SIXTH-, OR SEVENTH-CLASS COUNTY, AS DEFINED IN 7-1-2111;

(II) RECEIVES NO MORE THAN 3,000 TONS OF WASTE EACH YEAR;

(III) HAS CONTROL MEASURES IN PLACE, INCLUDING ONSITE STAFFING, TO ADEQUATELY CONTAIN SOLID WASTES AND BLOWING LITTER ON THE SITE AND TO MINIMIZE SPILLS AND LEAKAGE OF LIQUID WASTES; AND

(IV) IS A SITE AT WHICH A LOCAL GOVERNMENT UNIT REQUIRES COMMERCIAL WASTE HAULERS TO DEPOSIT WASTES AT THE SITE ONLY DURING HOURS THAT THE SITE IS STAFFED.

(3) "Department" means the department of environmental quality provided for in 2-15-3501.

(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.

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

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

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

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

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

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

19 (b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes
 20 regulated under the mining and reclamation laws administered by the department of environmental quality,
 21 slash and forest debris regulated under laws administered by the department of natural resources and
 22 conservation, or marketable byproducts.

23 (11) "Solid waste management system" means any system that controls the storage, treatment,
 24 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a;~~

25 ~~(a) a, A container site is not a component of a solid waste management system, and~~

26 ~~(b) a transfer station is a component of a solid waste management system.~~

27 (12) "State solid waste plan" means the statewide plan formulated by the department as authorized
 28 by this part.

29 ~~(13) "Transfer station" means a stationary solid waste management facility and a component of a~~
 30 ~~solid waste management system that may have a combination of structures, machinery, or devices and that~~

1 ~~is designed to receive solid waste from public, private, or commercial collection vehicles and to place the~~
2 ~~waste in other transportation units, each with a capacity of more than 50 cubic yards, for movement to~~
3 ~~another solid waste management facility,"~~

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5 **Section 2.** ~~Section 75-10-203, MCA, is amended to read:~~

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

8 (1) ~~"Board" means the board of environmental review provided for in 2-15-3502.~~

9 (2) ~~"Department" means the department of environmental quality provided for in 2-15-3501.~~

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

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

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

20 (6) (a) ~~"Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit~~
21 ~~that receives household waste or other types of waste, including commercial waste, nonhazardous sludge,~~
22 ~~and industrial solid waste.~~

23 (b) ~~The term does not include land application units, surface impoundments, injection wells, or~~
24 ~~waste piles.~~

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

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

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

30 (10) ~~"Resource recovery system" means a solid waste management system that provides for the~~

1 ~~collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste~~
 2 ~~residues.~~

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

7 ~~(b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes~~
 8 ~~regulated under the mining and reclamation laws administered by the department of environmental quality,~~
 9 ~~slash and forest debris regulated under laws administered by the department of natural resources and~~
 10 ~~conservation, or marketable byproducts.~~

11 ~~(12) "Solid waste management system" means a system that controls the storage, treatment,~~
 12 ~~recycling, recovery, or disposal of solid waste. For the purposes of this definition, a:~~

13 ~~(a) a container site, as defined in 75-10-103, is not a component of a solid waste management~~
 14 ~~system; and~~

15 ~~(b) a transfer station, as defined in 75-10-103, is a component of a solid waste management~~
 16 ~~system.~~

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

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

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

25

26 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 1997.

27

-END-

SENATE BILL NO. 315

INTRODUCED BY MCCARTHY, MOOD

A BILL FOR AN ACT ENTITLED: "~~AN ACT CLARIFYING THE DISTINCTION BETWEEN A SOLID WASTE CONTAINER SITE AND A SOLID WASTE TRANSFER STATION; DEFINING THE TERM "TRANSFER STATION" MODIFYING THE DEFINITION OF "CONTAINER SITE"; AMENDING SECTIONS SECTION 75-10-103 AND 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 environmental review provided for in 2-15-3502.

(2) "Container site" means a solid waste management facility, THAT:

(A) IS 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 ~~by any person and deposited~~ in a refuse container with a total capacity of not more than 50 cubic yards, ~~notwithstanding that the container or the contents of the container may be transported to another disposal site; OR~~

(B) RECEIVES WASTE FROM WASTE COLLECTION VEHICLES AND:

(I) IS LOCATED IN A FIFTH-, SIXTH-, OR SEVENTH-CLASS COUNTY, AS DEFINED IN 7-1-2111;

(II) RECEIVES NO MORE THAN 3,000 TONS OF WASTE EACH YEAR;

(III) HAS CONTROL MEASURES IN PLACE, INCLUDING ONSITE STAFFING, TO ADEQUATELY CONTAIN SOLID WASTES AND BLOWING LITTER ON THE SITE AND TO MINIMIZE SPILLS AND LEAKAGE OF LIQUID WASTES; AND

(IV) IS A SITE AT WHICH A LOCAL GOVERNMENT UNIT REQUIRES COMMERCIAL WASTE HAULERS TO DEPOSIT WASTES AT THE SITE ONLY DURING HOURS THAT THE SITE IS STAFFED.

(3) "Department" means the department of environmental quality provided for in 2-15-3501.

(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.

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

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

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

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

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

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

19 (b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes
 20 regulated under the mining and reclamation laws administered by the department of environmental quality,
 21 slash and forest debris regulated under laws administered by the department of natural resources and
 22 conservation, or marketable byproducts.

23 (11) "Solid waste management system" means any system that controls the storage, treatment,
 24 recycling, recovery, or disposal of solid waste. For the purposes of this definition, ~~a~~

25 ~~(a) a, A container site is not a component of a solid waste management system, and~~

26 ~~(b) a transfer station is a component of a solid waste management system.~~

27 (12) "State solid waste plan" means the statewide plan formulated by the department as authorized
 28 by this part.

29 ~~(13) "Transfer station" means a stationary solid waste management facility and a component of a~~
 30 ~~solid waste management system that may have a combination of structures, machinery, or devices and that~~

1 ~~is designed to receive solid waste from public, private, or commercial collection vehicles and to place the~~
2 ~~waste in other transportation units, each with a capacity of more than 50 cubic yards, for movement to~~
3 ~~another solid waste management facility."~~

4
5 **Section 2.** ~~Section 75-10-203, MCA, is amended to read:~~

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

8 ~~(1) "Board" means the board of environmental review provided for in 2-15-3502.~~

9 ~~(2) "Department" means the department of environmental quality provided for in 2-15-3501.~~

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

13 ~~(4) "Household hazardous waste" means products commonly used in the home that due to~~
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15 ~~health or the environment. Household hazardous waste includes but is not limited to cleaning, home~~
16 ~~maintenance, automobile, personal care, and yard maintenance products.~~

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

20 ~~(6) (a) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit~~
21 ~~that receives household waste or other types of waste, including commercial waste, nonhazardous sludge,~~
22 ~~and industrial solid waste.~~

23 ~~(b) The term does not include land application units, surface impoundments, injection wells, or~~
24 ~~waste piles.~~

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

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

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

30 ~~(10) "Resource recovery system" means a solid waste management system that provides for the~~

1 collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste
 2 residues.

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

7 ~~(b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes~~
 8 ~~regulated under the mining and reclamation laws administered by the department of environmental quality,~~
 9 ~~slash and forest debris regulated under laws administered by the department of natural resources and~~
 10 ~~conservation, or marketable byproducts.~~

11 ~~(12) "Solid waste management system" means a system that controls the storage, treatment,~~
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15 ~~(b) a transfer station, as defined in 75-10-103, is a component of a solid waste management~~
 16 ~~system.~~

17 ~~(13) "Storage" means the actual or intended containment of wastes, either on a temporary basis~~
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19 ~~(14) "Transport" means the movement of wastes from the point of generation to any intermediate~~
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21 ~~(15) "Treatment" means a method, technique, or process, including neutralization, designed to~~
 22 ~~change the physical, chemical, or biological character or composition of any solid waste so as to neutralize~~
 23 ~~the waste or so as to render it safer for transport, amenable for recovery, amenable for storage, or reduced~~
 24 ~~in volume."~~

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26 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 1997.

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