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INTRODUCED BY

Senate BILL NO. 332

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SOLID WASTE MANAGEMENT FACILITIES LICENSED PRIMARILY AS WASTE TIRE DISPOSAL SITES TO PROVIDE PERFORMANCE OR OTHER SURETY BONDS TO GUARANTEE THE PROPER MANAGEMENT AND DISPOSAL OF WASTE TIRES; AND AMENDING SECTIONS 75-10-203 AND 75-10-204, MCA."

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## STATEMENT OF INTENT

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A statement of intent is required for this bill because it authorizes the department of environmental quality to adopt additional rules requiring that solid waste management systems that are licensed primarily for the management and disposal of waste tires provide sufficient bonding to cover the cost of transport, treatment, and disposal of the waste tires if the facility is not capable of proper management. It is the intent that the amount of the bond be adjusted as necessary if there are changing operational circumstances at the licensed facility and in the waste tire market. It is not the intent of the legislature to require licensing or bonding of retail facilities that store reusable tires for the purposes of recapping, retreading, or reuse as tires.

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

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

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

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

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

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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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(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

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1 health or the environment. Household hazardous waste includes but is not limited to cleaning, home  
2 maintenance, automobile, personal care, and yard maintenance products.

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

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

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

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

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

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

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

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

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

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

30 (13) "Storage" means the actual or intended containment of wastes, either on a temporary basis

1 or for a period of years.

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

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

8 (16) "Waste tire" means a tire that is no longer suitable for its original intended purpose because  
9 of wear, damage, or defect."

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11 **Section 2.** Section 75-10-204, MCA, is amended to read:

12 **"75-10-204. Powers and duties of department.** The department shall, subject to the provisions  
13 of 75-10-107, adopt rules governing solid waste management systems that must include but are not limited  
14 to:

15 (1) requirements for the plan of operation and maintenance that must be submitted with an  
16 application under this part;

17 (2) the classification of disposal sites according to the physical capabilities of the site to contain  
18 the type of solid waste to be disposed of;

19 (3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

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21 climatology are considered;

22 (5) requirements relating to ground water monitoring, including but not limited to:

23 (a) information that owners and operators of municipal solid waste landfills and other disposal sites  
24 specified in 75-10-207 must submit to the department to enable the department to prepare the priority  
25 compliance list authorized by 75-10-207(3);

26 (b) the content of plans for the design, construction, operation, and maintenance of monitoring  
27 wells and monitoring systems; and

28 (c) recordkeeping and reporting;

29 (6) fees related to the review of solid waste management system license applications;

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2 Title 75, chapter 10, parts 1 and 2, for solid waste generated outside Montana and disposed of or  
3 incinerated within Montana;

4 (9) requirements to maintain a bond payable to the state of Montana with a surety satisfactory to  
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6 disposal, fire suppression, or other measures necessary to protect the environment and the health, safety,  
7 and welfare of the public;

8 ~~(9)~~(10) any other factors relating to the sanitary disposal or management of solid wastes.”  
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10 NEW SECTION. Section 3. Waste tire disposal sites -- bond required. (1) A solid waste  
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12 processing, or disposal of waste tires is required to provide and maintain a performance or other surety  
13 bond in accordance with rules of the department.

14 (2) A bond required by this section must be sufficient to cover the cost of proper management of  
15 the waste tires stored at the facility, including but not limited to waste tire treatment, removal,  
16 transportation, disposal, fire suppression, or other measures necessary to protect the environment and the  
17 health, safety, and welfare of the public.

18 (3) The department may require the owner or operator of the facility to modify the bond terms and  
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24 NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an  
25 integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to  
26 [section 3].  
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1 Senate BILL NO. 332  
2 INTRODUCED BY J. Miller

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13 bond in accordance with rules of the department.

14 (2) A bond required by this section must be sufficient to cover the cost of proper management of  
15 the waste tires stored at the facility, including but not limited to waste tire treatment, removal,  
16 transportation, disposal, fire suppression, or other measures necessary to protect the environment and the  
17 health, safety, and welfare of the public.

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*Senate* BILL NO. 332  
INTRODUCED BY J. White

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## 1 SENATE BILL NO. 332

2 INTRODUCED BY MILLER

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11 **Section 2.** Section 75-10-204, MCA, is amended to read:

12 **"75-10-204. Powers and duties of department.** The department shall, subject to the provisions  
13 of 75-10-107, adopt rules governing solid waste management systems that must include but are not limited  
14 to:

15 (1) requirements for the plan of operation and maintenance that must be submitted with an  
16 application under this part;

17 (2) the classification of disposal sites according to the physical capabilities of the site to contain  
18 the type of solid waste to be disposed of;

19 (3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

20 (4) the suitability of the site from a public health standpoint when hydrology, geology, and  
21 climatology are considered;

22 (5) requirements relating to ground water monitoring, including but not limited to:

23 (a) information that owners and operators of municipal solid waste landfills and other disposal sites  
24 specified in 75-10-207 must submit to the department to enable the department to prepare the priority  
25 compliance list authorized by 75-10-207(3);

26 (b) the content of plans for the design, construction, operation, and maintenance of monitoring  
27 wells and monitoring systems; and

28 (c) recordkeeping and reporting;

29 (6) fees related to the review of solid waste management system license applications;

30 (7) the renewal of solid waste management system licenses and related fees;

1 (8) a quarterly fee based on the justifiable direct and indirect costs to the state of administering  
2 Title 75, chapter 10, parts 1 and 2, for solid waste generated outside Montana and disposed of or  
3 incinerated within Montana;

4 (9) requirements to maintain a bond payable to the state of Montana with a surety satisfactory to  
5 the department in an amount sufficient to provide for waste tire treatment, removal, transportation,  
6 disposal, fire suppression, or other measures necessary to protect the environment and the health, safety,  
7 and welfare of the public;

8 ~~(9)~~(10) any other factors relating to the sanitary disposal or management of solid wastes."  
9

10 **NEW SECTION. Section 3. Waste tire disposal sites -- bond required.** (1) A solid waste  
11 management system licensed pursuant to 75-10-221 for the sole or primary purpose of storage, treatment,  
12 processing, or disposal of waste tires is required to provide and maintain a performance or other surety  
13 bond in accordance with rules of the department.

14 (2) A bond required by this section must be sufficient to cover the cost of proper management of  
15 the waste tires stored at the facility, including but not limited to waste tire treatment, removal,  
16 transportation, disposal, fire suppression, or other measures necessary to protect the environment and the  
17 health, safety, and welfare of the public. THE LICENSEE MAY ELECT TO PROVIDE CASH, NEGOTIABLE  
18 BONDS, OR NEGOTIABLE CERTIFICATES OF DEPOSIT OF ANY BANK ORGANIZED OR TRANSACTING  
19 BUSINESS IN THE UNITED STATES. THE CASH DEPOSIT OR MARKET VALUE OF THE SECURITIES MUST  
20 BE EQUAL TO OR GREATER THAN THE AMOUNT OF THE BOND REQUIRED FOR THE BONDED  
21 ACTIVITIES.

22 (3) The department may require the owner or operator of the facility to modify the bond terms and  
23 conditions for the purposes of this section to adjust for changing circumstances at the facility, including  
24 but not limited to the number of waste tires accumulated without processing or disposal, availability of  
25 alternative waste tire markets, the financial viability of the facility operation, and the estimated costs of  
26 waste tire treatment, processing, transportation, and disposal alternatives.  
27

28 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an  
29 integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to  
30 [section 3].

-END-



## 1 SENATE BILL NO. 332

2 INTRODUCED BY MILLER

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SOLID WASTE MANAGEMENT FACILITIES  
 5 LICENSED PRIMARILY AS WASTE TIRE DISPOSAL SITES TO PROVIDE ~~PERFORMANCE OR OTHER SURETY~~  
 6 ~~BONDS~~ FINANCIAL ASSURANCE TO GUARANTEE THE PROPER MANAGEMENT AND DISPOSAL OF  
 7 WASTE TIRES; REQUIRING A STUDY OF ISSUES REGARDING WASTE TIRES; AND AMENDING SECTIONS  
 8 75-10-203 AND 75-10-204, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

9  
10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because it authorizes the department of environmental  
 12 quality to adopt additional rules requiring that solid waste management systems that are licensed primarily  
 13 for the management and disposal of waste tires provide ~~sufficient bonding~~ FINANCIAL ASSURANCE  
 14 SUFFICIENT to cover the cost of transport, treatment, and disposal of the waste tires if the facility is not  
 15 capable of proper management. It is the intent that the amount of ~~the bond~~ FINANCIAL ASSURANCE be  
 16 adjusted as necessary if there are changing operational circumstances at the licensed facility and in the  
 17 waste tire market. It is not the intent of the legislature to require licensing or ~~bonding~~ FINANCIAL  
 18 ASSURANCE of retail facilities that store reusable tires for the purposes of recapping, retreading, or reuse  
 19 as tires.

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:22  
23 **Section 1.** Section 75-10-203, MCA, is amended to read:24 **"75-10-203. Definitions.** Unless the context requires otherwise, in this part, the following  
25 definitions apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (12) "Solid waste management system" means a system that controls the storage, treatment,  
30 recycling, recovery, or disposal of solid waste. For the purposes of this definition, a container site, as

1 defined in 75-10-103, is not a component of a solid waste management system.

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

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

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

10 (16) "Waste tire" means a tire that is no longer suitable for its original intended purpose because  
11 of wear, damage, or defect."

12

13 **Section 2.** Section 75-10-204, MCA, is amended to read:

14 **"75-10-204. Powers and duties of department.** The department shall, subject to the provisions  
15 of 75-10-107, adopt rules governing solid waste management systems that must include but are not limited  
16 to:

17 (1) requirements for the plan of operation and maintenance that must be submitted with an  
18 application under this part;

19 (2) the classification of disposal sites according to the physical capabilities of the site to contain  
20 the type of solid waste to be disposed of;

21 (3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

22 (4) the suitability of the site from a public health standpoint when hydrology, geology, and  
23 climatology are considered;

24 (5) requirements relating to ground water monitoring, including but not limited to:

25 (a) information that owners and operators of municipal solid waste landfills and other disposal sites  
26 specified in 75-10-207 must submit to the department to enable the department to prepare the priority  
27 compliance list authorized by 75-10-207(3);

28 (b) the content of plans for the design, construction, operation, and maintenance of monitoring  
29 wells and monitoring systems; and

30 (c) recordkeeping and reporting;

- 1 (6) fees related to the review of solid waste management system license applications;  
 2 (7) the renewal of solid waste management system licenses and related fees;  
 3 (8) a quarterly fee based on the justifiable direct and indirect costs to the state of administering  
 4 Title 75, chapter 10, parts 1 and 2, for solid waste generated outside Montana and disposed of or  
 5 incinerated within Montana;

6 (9) requirements to maintain a bond FINANCIAL ASSURANCE payable to the state of Montana with  
 7 a surety satisfactory to the department in an amount sufficient to provide for waste tire treatment, removal,  
 8 transportation, disposal, fire suppression, or other measures necessary to protect the environment and the  
 9 health, safety, and welfare of the public;

10 ~~(9)~~(10) any other factors relating to the sanitary disposal or management of solid wastes."

11  
 12 NEW SECTION. Section 3. Waste tire disposal sites -- bond FINANCIAL ASSURANCE required.

13 (1) A solid waste management system licensed pursuant to 75-10-221 for the sole or primary purpose of  
 14 storage, treatment, processing, or disposal of waste tires is required to provide and maintain ~~a performance~~  
 15 ~~or other surety bond~~ FINANCIAL ASSURANCE in accordance with rules of the department.

16 (2) ~~A bond~~ FINANCIAL ASSURANCE required by this section must be sufficient to cover the cost  
 17 of proper management of the waste tires stored at the facility, including but not limited to waste tire  
 18 treatment, removal, transportation, disposal, fire suppression, or other measures necessary to protect the  
 19 environment and the health, safety, and welfare of the public. THE LICENSEE MAY ELECT TO PROVIDE  
 20 CASH, NEGOTIABLE BONDS, OR NEGOTIABLE CERTIFICATES OF DEPOSIT OF ANY BANK ORGANIZED  
 21 OR TRANSACTING BUSINESS IN THE UNITED STATES. THE CASH DEPOSIT OR MARKET VALUE OF THE  
 22 SECURITIES MUST BE EQUAL TO OR GREATER THAN THE AMOUNT OF THE BOND REQUIRED FOR THE  
 23 BONDED ACTIVITIES FINANCIAL ASSURANCE BY ANY ONE METHOD OR A COMBINATION OF METHODS  
 24 SATISFACTORY TO THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO INSURANCE, A GUARANTEE,  
 25 PERFORMANCE, OR OTHER SURETY BOND, A LETTER OF CREDIT, QUALIFICATION AS A SELF-INSURER,  
 26 OR OTHER DEMONSTRATION OF FINANCIAL CAPABILITY.

27 (3) The department may require the owner or operator of the facility to modify the ~~bond~~ terms and  
 28 conditions OF FINANCIAL ASSURANCE PROVIDED for the purposes of this section to adjust for changing  
 29 circumstances at the facility, including but not limited to the number of waste tires accumulated without  
 30 processing or disposal, availability of alternative waste tire markets, the financial viability of the facility

1 operation, and the estimated costs of waste tire treatment, processing, transportation, and disposal  
2 alternatives.

3

4 NEW SECTION. SECTION 4. WASTE TIRE STUDY. (1) THE ENVIRONMENTAL QUALITY COUNCIL  
5 SHALL STUDY THE ISSUES ASSOCIATED WITH MANAGING, PROCESSING, TREATING, TRANSPORTING,  
6 AND DISPOSING OF WASTE TIRES.

7 (2) THE ENVIRONMENTAL QUALITY COUNCIL SHALL REPORT THE RESULTS OF THE STUDY,  
8 INCLUDING ANY RECOMMENDATIONS FOR LEGISLATION, TO THE LEGISLATURE NO LATER THAN  
9 OCTOBER 1, 1998.

10

11 NEW SECTION. Section 5. Codification instruction. [Section 3] is intended to be codified as an  
12 integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to  
13 [section 3].

14

15 NEW SECTION. SECTION 6. APPLICABILITY. (1) [THIS ACT] APPLIES TO A FACILITY THAT  
16 INITIALLY APPLIED FOR OR RECEIVED A SOLID WASTE MANAGEMENT SYSTEM LICENSE PURSUANT  
17 TO TITLE 75, CHAPTER 10, PART 2, AFTER JULY 1, 1997.

18 (2) [THIS ACT] DOES NOT APPLY TO A FACILITY THAT WAS LICENSED PURSUANT TO TITLE 75,  
19 CHAPTER 10, PART 2, PRIOR TO JULY 1, 1997.

20

21 NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 1997.

22

-END-