



AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADOPT RULES TO REGULATE THE DISPOSAL AND MANAGEMENT OF MATERIALS GENERATED BY THE COMBUSTION OF COAL AT ELECTRIC GENERATING FACILITIES UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 75-10-204 AND 75-10-214, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 75-10-204, MCA, is amended to read:

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

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

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

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

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

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

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

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

(c) recordkeeping and reporting;

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

incinerated within Montana;

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

(8) requirements for coal combustion residues at electrical generation facilities in order to provide for state implementation of federal legislation or federal environmental protection agency regulations that contain legislative or regulatory requirements pertaining to coal combustion residues and that become effective on or after [the effective date of this act]; and

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

Section 2. Section 75-10-214, MCA, is amended to read:

"75-10-214. Exclusions -- exceptions to exclusions. (1) (a) This part may not be construed to prohibit a person from disposing of the person's own solid waste that is generated in reasonable association with the person's household or agricultural operations upon land owned or leased by that person or covered by easement or permit as long as the disposal does not create a nuisance or public health hazard or violate the laws governing the disposal of hazardous or deleterious substances.

(b) ~~This~~ Except as provided in 75-10-204(8), this part does not apply to the operation of an electric generating facility, to the drilling, production, or refining of natural gas or petroleum, or to the operation of a mine, mill, smelter, or electrolytic reduction facility.

(2) The exclusions contained in subsection (1) do not apply to a division of land of 5 acres or less made after July 1, 1977, that falls within the definition of subdivision in Title 76, chapter 4, part 1, or the Montana Subdivision and Platting Act in Title 76, chapter 3."

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0364, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2013.

Speaker of the House

Signed this _____ day
of _____, 2013.

SENATE BILL NO. 364
INTRODUCED BY C. VINCENT

AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADOPT RULES TO REGULATE THE DISPOSAL AND MANAGEMENT OF MATERIALS GENERATED BY THE COMBUSTION OF COAL AT ELECTRIC GENERATING FACILITIES UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 75-10-204 AND 75-10-214, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.