

HOUSE BILL NO. 144

INTRODUCED BY KAUFMANN

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE MONTANA INTEGRATED WASTE MANAGEMENT ACT; DEFINING THE TERMS "REUSE" AND "SOURCE REDUCTION"; ESTABLISHING TARGET RATES FOR RECYCLING AND COMPOSTING; AMENDING SECTIONS 75-10-802, 75-10-803, 75-10-804, 75-10-805, AND 75-10-807, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-10-802, MCA, is amended to read:

"75-10-802. Definitions. As used in this part, the following definitions apply:

(1) "Composting" means the controlled biological decomposition of organic matter into humus.

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

(3) "Integrated waste management" means the coordinated use of a priority of waste management methods, ~~including waste prevention~~, as specified in 75-10-804.

(4) "Postconsumer material" means only those paper products generated by a consumer that have served their intended end uses and have been separated or diverted from the solid waste stream.

(5) "Recycling" means all activities involving the collection of recyclable material, including but not limited to glass, paper, or plastic; the processing of recyclables to prepare them for resale; the marketing of recovered material for use in the manufacture of similar or different products; and the purchase of products containing recycled material.

(6) "Reuse" means using a product in its original form for a purpose that is similar to or different from the purpose for which it was originally designed.

(7) "Source reduction" means the design, manufacture, purchase, or use of a material or product, including packaging, to reduce its amount or toxicity before it enters the solid waste stream.

~~(6)~~(8) "Special waste" means solid waste that has unique handling, transportation, or disposal requirements to ensure protection of the public health, safety, and welfare and the environment.

~~(7)~~(9) "Waste reduction" means practices that decrease the weight, volume, or toxicity of material

1 entering the solid waste management stream ~~after consumer or commercial use but prior to incineration or~~
 2 ~~disposal.~~"

3

4 **Section 2.** Section 75-10-803, MCA, is amended to read:

5 **"75-10-803. Solid waste reduction goal and targets target.** (1) It is the goal of the state, by January
 6 ~~1, 1996, to reduce by at least 25% the volume of solid waste that is either disposed of in a landfill or incinerated~~
 7 to reduce, through source reduction, reuse, recycling, and composting, the amount of solid waste that is
 8 generated by households, businesses, and governments and that is either disposed of in landfills or burned in
 9 an incinerator, as defined in 75-2-103.

10 (2) Targets for the rate of recycling and composting are:

11 (a) 17% of the state's solid waste referenced in subsection (1) by 2008;

12 (b) 19% of the state's solid waste referenced in subsection (1) by 2011; and

13 (c) 22% of the state's solid waste referenced in subsection (1) by 2015."

14

15 **Section 3.** Section 75-10-804, MCA, is amended to read:

16 **"75-10-804. Integrated waste management priorities.** It is the policy of the state to plan for and
 17 implement an integrated approach to solid waste management, which must be based upon the following order
 18 of priority:

19 (1) ~~source reduction of waste generated at the source;~~

20 (2) ~~reuse of waste;~~

21 (3) ~~recycling of waste;~~

22 (4) ~~composting of biodegradable waste; and~~

23 (5) landfill disposal or incineration."

24

25 **Section 4.** Section 75-10-805, MCA, is amended to read:

26 **"75-10-805. State government source waste reduction and recycling program.** (1) In order to
 27 progress toward achieving the waste reduction ~~target~~ targets identified in 75-10-803, each state agency, the
 28 legislature, and the university system shall:

29 (a) prepare a ~~source waste~~ source waste reduction and recycling plan by ~~January 1, 1992;~~ to reduce the solid waste
 30 generated by state government. This plan must be submitted to the department and must include, at a minimum,

1 provisions for the composting of yard wastes and the recycling of office and computer paper, cardboard, used
 2 motor oil, USED OIL FILTERS, and other materials produced by the state for which recycling markets exist or may
 3 be developed.

4 (b) establish and implement a ~~source~~ waste reduction and recycling program ~~by July 1, 1992~~; and

5 (c) apply computer technology to reduce the generation of waste paper through:

6 (i) the use of electronic access systems;

7 (ii) the transfer of information in electronic rather than paper form; and

8 (iii) other applications of computer technology.

9 (2) The plan must be evaluated every 5 years and updated as necessary."
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11 **Section 5.** Section 75-10-807, MCA, is amended to read:

12 **"75-10-807. Requirement to prepare and implement state solid waste management plan.** (1) As

13 a basis for developing an integrated waste management program and ensuring adequate disposal capacity, the
 14 department shall prepare and implement a state solid waste management plan in accordance with this part.

15 (2) The plan must be comprehensive and integrated and must include at least the following elements:

16 (a) a capacity assurance element that identifies existing disposal capacity, estimates waste generation
 17 rates, and determines the disposal capacity needed for the future and that assesses the potential effect of
 18 interstate disposal on capacity;

19 (b) an element that incorporates federal regulations 40 CFR, parts 257 and 258;

20 (c) an element that identifies the role of each of the components of the integrated waste management
 21 priorities contained in 75-10-804 ~~in meeting the solid waste reduction target in 75-10-803~~;

22 (d) a technology assessment element that assesses the availability and practicality of alternative
 23 technologies for solid waste management;

24 (e) an education and public information element that identifies existing education and information
 25 programs and describes how the state will increase the awareness and cooperation of the public in
 26 environmentally safe solid waste management;

27 (f) a special waste and household hazardous waste element that identifies types and quantities of
 28 wastes that create special disposal problems and recommends methods for reducing, handling, collecting,
 29 transporting, and disposing of those wastes and that identifies existing and future strategies for managing those
 30 wastes;

1 (g) an element that identifies the needs of rural communities and management strategies to address
2 those needs;

3 (h) an element that identifies mechanisms to ensure proper training of landfill operators; and

4 (i) a timeline and implementation strategy for each of the plan elements.

5 (3) The plan must be developed with the involvement of local officials, citizens, solid waste and
6 recycling industries, environmental organizations, and others involved in the management of solid waste.

7 (4) The department shall conduct hearings as provided in 75-10-111.

8 (5) The plan must be evaluated every 5 years and updated as necessary."

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10 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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