

## WHITE PAPER HOUSE BILL 48

### Provisions:

- Amends §75-10-214, MCA to eliminate the exclusion for electrical generating facilities from solid waste management facility regulatory requirements.
- Re-establishes state solid waste regulatory authority for the disposal of coal combustion waste. The regulatory authority for the handling of this waste stream was removed from the Major Facility Siting Act (MFSA) by the 2001 Legislature.

### Implementation:

- The Department of Environmental Quality, Waste & Underground Tank Management Bureau, Solid Waste Management Program (SWP) Program, will administer regulatory changes associated with this legislation. The SWP is authorized by the USEPA to administer solid waste regulations known as "Subtitle D" of the Resource Conservation and Recovery Act (RCRA). The SWP has the staff resources to license and regulate facilities that may be constructed for the disposal of wastes from electrical generation.

### Advantages

- The legislation would establish regulatory authority for the disposal of a large volume of Coal Combustion Wastes (CCW) of varying chemical characteristics that may have adverse impacts on human health and environment.
- The legislation would provide the DEQ the option to manage CCW in a manner protective to human health and the environment by designing disposal systems to prevent leaching and migration of contaminants to ground and/or surface water resources.
- In addition to protecting human health and the environment, the ability for the DEQ to work with electrical generating facilities to manage CCW could be a benefit to power plant development. If Montana is consistent with most other state and federal regulatory requirements there is not a "moving target" that could cost the power plant significant expenses down the road. By addressing the disposal of a large volume of waste of varying chemical characteristics through an established review process there is less likelihood for lawsuits that would stall or discourage development in Montana.

### Disadvantages

- If the legislation does not pass, Montana could lose regulatory primacy for the CCW waste stream by failure to dispose of CCW as suggested by the EPA under RCRA Subtitle D, through the use of lined landfills and groundwater monitoring programs.
- Electrical generation facilities would have to pay solid waste management system license application review fees and annual license renewal fees to the DEQ.