

HOUSE BILL NO. 689

INTRODUCED BY A. OLSON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EXCLUSION TO THE SOLID WASTE MANAGEMENT LAWS FOR ELECTRIC GENERATING FACILITIES; AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADOPT RULES UNDER CERTAIN CONDITIONS TO REGULATE COAL COMBUSTION WASTE FROM ELECTRIC GENERATING FACILITIES; AND AMENDING SECTION 75-10-214, MCA."

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

**Section 1.** Section 75-10-214, MCA, is amended to read:

**"75-10-214. Exclusions -- exceptions to exclusions -- rulemaking.** (1) (a) This part may not be construed to prohibit a person from disposing of ~~his~~ the person's own solid waste that is generated in reasonable association with ~~his~~ 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 subsection (1)(c), 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.

(c) If the United States environmental protection agency adopts regulations for the disposal of coal combustion waste from electric generating facilities, the department may adopt rules regulating and providing for issuance of licenses for the disposal of coal combustion waste from electric generating facilities as solid waste.

The rules:

(i) must be no more stringent than comparable regulations or guidance promulgated by the United States environmental protection agency;

(ii) may regulate only coal combustion waste from electric generating facilities that is not put to beneficial use, including storage of coal combustion waste for more than 90 days;

(iii) must exempt from regulation under this part the completion of disposal of coal combustion waste in a coal combustion waste landfill cell that was in operation on [the effective date of this act] and is regulated by

1 another permit or authorization issued by the department. This exemption continues for the life of the landfill cell  
2 as approved on [the effective date of this act] under Title 75, chapter 5.

3 (iv) must exempt from regulation disposal of coal combustion waste that uses wet methods and produces  
4 liquid waste that is regulated under a certificate issued under Title 75, chapter 20, or a ground water permit issued  
5 under Title 75, chapter 5;

6 (v) must exempt from regulation coal combustion waste the disposal of which is regulated by a permit  
7 or authorization issued under Title 82; and

8 (vi) must provide that an electric generating facility in operation on the date on which the department's  
9 rules become effective may continue operating without a license until the department has completed the licensing  
10 process. A license granted to the facility must allow continued operation for a reasonable time to allow completion  
11 of new facilities or modification of existing facilities required to comply with applicable rules and license provisions.

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

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