

HOUSE BILL NO. 560

INTRODUCED BY J. COHENOUR

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A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING THE SALVAGING OF RECYCLABLE AND REUSABLE MATERIALS AT LANDFILLS; REQUIRING ENTITIES TO REPORT SALVAGING PROGRAMS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; REQUIRING THE DEPARTMENT TO REPORT TO THE ENVIRONMENTAL QUALITY COUNCIL; AND AMENDING SECTIONS 75-10-204, 75-10-802, 75-10-804, AND 75-10-807, MCA."

WHEREAS, it is important to reduce the amount of waste sent to Montana's landfills; and

WHEREAS, programs that promote the recycling of reusable materials can reduce the amount of waste sent to landfills; and

WHEREAS, local governments and private entities have in the past struggled with start-up programs for salvage and reuse and encouraging those entities to develop programs will encourage waste reduction and reuse and greatly benefit the state.

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

NEW SECTION. Section 1. Department responsibilities -- local reuse programs. (1) By April 1 of each even-numbered year, the owner or operator of a solid waste management facility that administers a program allowing for the salvaging of recyclable or reusable materials shall provide the department with:

- (a) the name and address of the owner or operator administering the program;
- (b) an estimate of the amount of waste diverted from a landfill because of the program; and
- (c) rules or regulations, if any, administered by the owner or operator pursuant to 75-10-204(9).

(2) Each interim the department shall provide a report to the environmental quality council summarizing the information required in subsection (1).

Section 2. 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 (1) requirements for the plan of operation and maintenance that must be submitted with an application
2 under this part;
- 3 (2) the classification of disposal sites according to the physical capabilities of the site to contain the type
4 of solid waste to be disposed of;
- 5 (3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;
- 6 (4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology
7 are considered;
- 8 (5) requirements relating to ground water monitoring, including but not limited to:
- 9 (a) information that owners and operators of municipal solid waste landfills and other disposal sites
10 specified in 75-10-207 are required to submit to the department to enable the department to prepare the priority
11 compliance list authorized by 75-10-207(3);
- 12 (b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and
13 monitoring systems; and
- 14 (c) recordkeeping and reporting;
- 15 (6) the imposition of a quarterly fee based on the justifiable direct and indirect costs to the state of
16 administering Title 75, chapter 10, parts 1 and 2, for solid waste generated outside Montana and disposed of or
17 incinerated within Montana;
- 18 (7) requirements to maintain financial assurance payable to the state of Montana with a surety
19 satisfactory to the department in an amount sufficient to provide for waste tire treatment, removal, transportation,
20 and disposal, fire suppression, or other measures necessary to protect the environment and the health, safety,
21 and welfare of the public;
- 22 (8) any other factors relating to the sanitary disposal or management of solid wastes.
- 23 (9) Rules related to the salvaging of recyclable or reusable materials must:
- 24 (a) provide the owners and operators of solid waste management facilities with the flexibility to administer
25 a salvaging program, including the ability to regulate:
- 26 (i) hours of operation; and
- 27 (ii) access to the site to maximize the usefulness of the salvaging program while protecting human health
28 and safety and the environment; and
- 29 (b) encourage the salvaging of recyclable and reusable materials in a manner protective of human health
30 and safety and the environment."

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- 2 **Section 3.** Section 75-10-802, MCA, is amended to read:
- 3 **"75-10-802. Definitions.** As used in this part, the following definitions apply:
- 4 (1) "Composting" means the controlled biological decomposition of organic matter into humus.
- 5 (2) "Department" means the department of environmental quality provided for in 2-15-3501.
- 6 (3) "Integrated waste management" means the coordinated use of a priority of waste management
- 7 methods, as specified in ~~75-10-804~~ 75-10-804(1).
- 8 (4) "Postconsumer material" means only those paper products generated by a consumer that have
- 9 served their intended end uses and have been separated or diverted from the solid waste stream.
- 10 (5) "Recycling" means all activities involving the collection of recyclable material, including but not limited
- 11 to glass, paper, or plastic; the processing of recyclables to prepare them for resale; the marketing of recovered
- 12 material for use in the manufacture of similar or different products; and the purchase of products containing
- 13 recycled material.
- 14 (6) "Reuse" means using a product in its original form for a purpose that is similar to or different from the
- 15 purpose for which it was originally designed.
- 16 (7) "Source reduction" means the design, manufacture, purchase, or use of a material or product,
- 17 including packaging, to reduce its amount or toxicity before it enters the solid waste stream.
- 18 (8) "Special waste" means solid waste that has unique handling, transportation, or disposal requirements
- 19 to ensure protection of the public health, safety, and welfare and the environment.
- 20 (9) "Waste reduction" means practices that decrease the weight, volume, or toxicity of material entering
- 21 the solid waste management stream."

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- 23 **Section 4.** Section 75-10-804, MCA, is amended to read:
- 24 **"75-10-804. Integrated waste management priorities.** (1) It is the policy of the state to plan for and
- 25 implement an integrated approach to solid waste management, which must be based upon the following order
- 26 of priority:
- 27 ~~(1)~~(a) source reduction;
- 28 ~~(2)~~(b) reuse;
- 29 ~~(3)~~(c) recycling;
- 30 ~~(4)~~(d) composting; and

1 ~~(5)~~(e) landfill disposal or incineration.

2 (2) It is the policy of the state to encourage the owners and operators of solid waste management facilities
 3 to allow the salvaging of recyclable and reusable materials, in compliance with rules adopted pursuant to
 4 75-10-204, to reduce the amount of waste disposed of at landfills."

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6 **Section 5.** Section 75-10-807, MCA, is amended to read:

7 **"75-10-807. Requirement to prepare and implement state solid waste management and resource**
 8 **recovery plan.** (1) As a basis for developing an integrated waste management program and ensuring adequate
 9 disposal capacity, the department shall prepare, adopt, and implement a state solid waste management and
 10 resource recovery plan in accordance with 75-10-111 and this part.

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

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

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

16 (c) an element that identifies the role of each of the components of the integrated waste management
 17 priorities contained in ~~75-10-804~~ 75-10-804(1);

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

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

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

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

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

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

30 (3) The plan must be evaluated every 5 years and updated as necessary.

