SENATE NATURAL RESOURCES
EXHIBIT NO. 20
DATE Feb. 16, 2009
BILL NO. SB451

REASONS FOR REPEALING THE "MONTANA MEGALANDFILL SITING ACT"

HISTORY – MEGALANDFILL SITING ACT The treatment, storage, recycling, and disposal of solid wastes in Montana is regulated by the Montana Solid Waste Management Act (SWMA) found at 75-10-201, et. ct. MCA, and the rules promulgated under that statute.

In 1991 the state of Montana passed the Megalandfill Siting Act in response to a concern about out-of-state metropolitan areas transporting their garbage to Montana for disposal. Since that time the Congress passed the comprehensive Subtitle D regulations, and Montana adopted extensive rules implementing Subtitle D.

The Megalandfill Siting Act was patterned after the Facility Siting Act which has been extensively amended. Unlike the Megalandfill Act, their implementing rules have indeed been updated.

OVERSIGHT DEQ Permitting and Compliance Division, Solid Waste Section_is assigned the responsibility for regulating and siting solid waste landfills in Montana. They have adopted extensive rules under that SWMA.

Since its passage in 1991, the DEQ has never used the Megalandfill Siting Act to regulate landfills in Montana as there has never been an application submitted for the siting and operation of a megalandfill. All current solid waste management facilities in the state have been licensed under the Montana SWMA. This includes landfills accepting 200,000 tons or more of solid wastes per year. According to them, the SWMA gives them the regulatory authority to license the very large landfills targeted by the Megalandfill Siting Act. The SWMA has been amended and its rules amended to stay consistent with the federal laws and rules. In nearly 20 years, no changes or amendments have been made to the Megalandfill Siting Act.

The DEQ feels they have all of the authority needed under the Montana Solid Waste Management Act to regulate all landfills in Montana.

PROBLEM Section 75-10-902 of the Megalandfill Siting act applies to a new or existing landfill accepting more than 200,000 tons per year (Missoula and Billings) and thereafter accepting 300,00 tons per year OR an existing landfill that accepted 100,000 tons as of December 31, 1991(Great Falls, Bozeman and Kalispell) and thereafter accepts 200,000 tons or more per year. Ownership of landfills varies—three are owned by municipalities and two are privately owned. For instance, the Billings landfill is owned and operated by the City of Billings and serves a large portion of southeastern Montana Missoula is a privately owned landfill that services a large portion of western Montana. Great Falls is privately-owned; Bozeman (Gallatin County) and Kalispell by municipalities.

If landfills in Missoula and Billings were to reach 300,000 tons per year and fall under the requirements of Megalandfill Siting, costs would increase considerably. In Missoula, for instance, cleanup of the Stimson site may be jeopardized, as the waste from that facility alone is estimated to be 120,000 tons.

SOLUTION At the time the Megalandfill Act was enacted there were 130 landfills in Montana. Landfills have since regionalized and there are currently 28. Montana law should be amended to reflect the current practices of solid waste disposal in Montana. DEQ has the all the authority it needs to safely and responsibly regulate under the Solid Waste Management Act. The Megalandfill Act should be repealed.

GARY L. SPAETH ■ LOBBYIST ■ 439-8898