

## Montana Code Annotated 2009

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**75-10-216. Waste tire disposal sites -- financial assurance required.** (1) A solid waste management system licensed pursuant to [75-10-221](#) for the sole or primary purpose of storage, treatment, processing, or disposal of waste tires is required to provide and maintain financial assurance in accordance with rules of the department.

(2) Financial assurance required by this section must be sufficient to cover the cost of proper management of the waste tires stored at the facility, including but not limited to waste tire treatment, removal, transportation, disposal, fire suppression, or other measures necessary to protect the environment and the health, safety, and welfare of the public. The licensee may elect to provide financial assurance by any one method or a combination of methods satisfactory to the department, including but not limited to insurance, a guarantee, performance, or other surety bond, a letter of credit, qualification as a self-insurer, or other demonstration of financial capability.

(3) The department may require the owner or operator of the facility to modify the terms and conditions of financial assurance provided for the purposes of this section to adjust for changing circumstances at the facility, including but not limited to the number of waste tires accumulated without processing or disposal, availability of alternative waste tire markets, the financial viability of the facility operation, and the estimated costs of waste tire treatment, processing, transportation, and disposal alternatives.

**History:** En. Sec. 3, Ch. 373, L. 1997.

*Provided by Montana Legislative Services*

**Ch. 372**

**AN ACT RELATING TO "CONTAINER SITE"; PROVIDING AN EFFECTIVE DATE**

*Montana:*  
 amended to read:  
 text clearly requires otherwise, in  
 environmental review provided for in  
 management facility, that:  
 collection of solid waste that is  
 and that is collected in a refuse  
 in 50 cubic yards; or  
 cities and:  
 as county, as defined in 7-1-2111;  
 each year;  
 ing onsite staffing, to adequately  
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 unit requires commercial waste  
 hours that the site is staffed.  
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 ive costs, preliminary contract  
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 pinions, and review of contracts.

(7) "Local government" means a county, incorporated city or town, or refuse disposal district organized under the laws of this state.

(8) "Person" means any individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other state, federal, or private entity, whether organized for profit or not.

(9) "Resource recovery facility" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

(10) (a) "Solid waste" means all putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials.

(b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes regulated under the mining and reclamation laws administered by the department of environmental quality, slash and forest debris regulated under laws administered by the department of natural resources and conservation, or marketable byproducts.

(11) "Solid waste management system" means any system that controls the storage, treatment, recycling, recovery, or disposal of solid waste. For the purposes of this definition, a container site is not a component of a solid waste management system.

(12) "State solid waste plan" means the statewide plan formulated by the department as authorized by this part."

**Section 2. Effective date.** [This act] is effective July 1, 1997.

Approved April 23, 1997

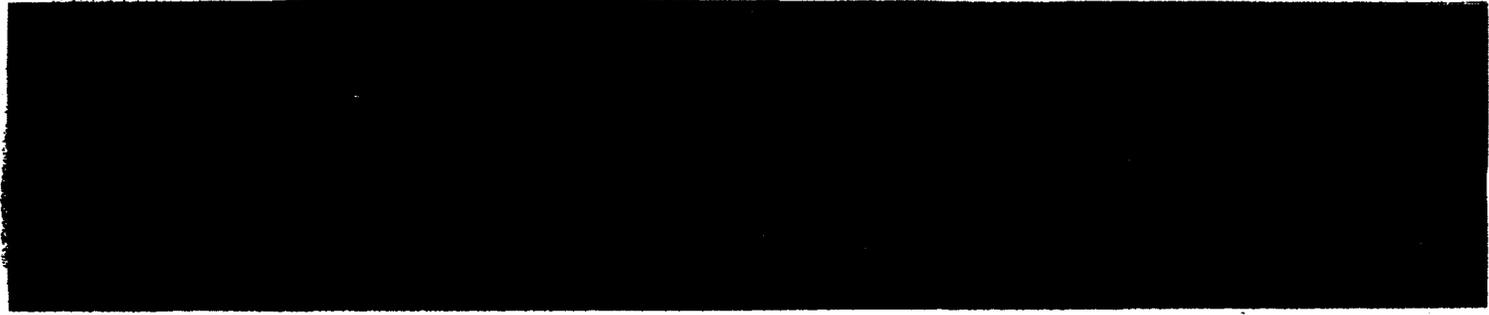
**CHAPTER NO. 373**

[SB 332]

**AN ACT REQUIRING SOLID WASTE MANAGEMENT FACILITIES LICENSED PRIMARILY AS WASTE TIRE DISPOSAL SITES TO PROVIDE FINANCIAL ASSURANCE TO GUARANTEE THE PROPER MANAGEMENT AND DISPOSAL OF WASTE TIRES; REQUIRING A STUDY OF ISSUES REGARDING WASTE TIRES; AMENDING SECTIONS 75-10-203 AND 75-10-204, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.**

**STATEMENT OF INTENT**

A statement of intent is required for this bill because it authorizes the department of environmental quality to adopt additional rules requiring that solid waste management systems that are licensed primarily for the management and disposal of waste tires provide financial assurance sufficient to cover the cost of transport, treatment, and disposal of the waste tires if the facility is not capable



of proper management. It is the intent that the amount of financial assurance be adjusted as necessary if there are changing operational circumstances at the licensed facility and in the waste tire market. It is not the intent of the legislature to require licensing or financial assurance of retail facilities that store reusable tires for the purposes of recapping, retreading, or reuse as tires.

*Be it enacted by the Legislature of the State of Montana:*

**Section 1.** Section 75-10-203, MCA, is amended to read:

**"75-10-203. Definitions.** Unless the context requires otherwise, in this part, the following definitions apply:

(1) "Board" means the board of environmental review provided for in 2-15-3502.

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

(3) "Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any solid waste into or onto the land so that the solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground water.

(4) "Household hazardous waste" means products commonly used in the home that due to corrosivity, ignitability, reactivity, toxicity, or other chemical or physical properties are dangerous to human health or the environment. Household hazardous waste includes but is not limited to cleaning, home maintenance, automobile, personal care, and yard maintenance products.

(5) "Household waste" means any solid waste derived from households, including single and multiple residences, hotels, and motels, crew quarters, and campgrounds and other public recreation and public land management facilities.

(6) (a) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit that receives household waste or other types of waste, including commercial waste, nonhazardous sludge, and industrial solid waste.

(b) The term does not include land application units, surface impoundments, injection wells, or waste piles.

(7) "Person" means an individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

(8) "Resource recovery" means the recovery of material or energy from solid waste.

(9) "Resource recovery facility" means a facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

(10) "Resource recovery system" means a solid waste management system that provides for the collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste residues.

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(11) (a) "Solid waste" means all putrescible and nonputrescible wastes, including but not limited to garbage; rubbish; refuse; ashes; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials.

(b) Solid waste does not mean municipal sewage, industrial wastewater effluents, mining wastes regulated under the mining and reclamation laws administered by the department of environmental quality, slash and forest debris regulated under laws administered by the department of natural resources and conservation, or marketable byproducts.

(12) "Solid waste management system" means a system that controls the storage, treatment, recycling, recovery, or disposal of solid waste. For the purposes of this definition, a container site, as defined in 75-10-103, is not a component of a solid waste management system.

(13) "Storage" means the actual or intended containment of wastes, either on a temporary basis or for a period of years.

(14) "Transport" means the movement of wastes from the point of generation to any intermediate points and finally to the point of ultimate storage or disposal.

(15) "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize the waste or so as to render it safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

(16) "Waste tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect."

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) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are considered;

(5) requirements relating to ground water monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in 75-10-207 must submit to the department to

enable the department to prepare the priority compliance list authorized by 75-10-207(3);

(b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting;

(6) fees related to the review of solid waste management system license applications;

(7) the renewal of solid waste management system licenses and related fees;

(8) a quarterly fee based on the justifiable direct and indirect costs to the state of administering Title 75, chapter 10, parts 1 and 2, for solid waste generated outside Montana and disposed of or incinerated within Montana;

(9) requirements to maintain financial assurance payable to the state of Montana with a surety satisfactory to the department in an amount sufficient to provide for waste tire treatment, removal, transportation, disposal, fire suppression, or other measures necessary to protect the environment and the health, safety, and welfare of the public;

(10) any other factors relating to the sanitary disposal or management of solid wastes."

**Section 3. Waste tire disposal sites -- financial assurance required.**

(1) A solid waste management system licensed pursuant to 75-10-221 for the sole or primary purpose of storage, treatment, processing, or disposal of waste tires is required to provide and maintain financial assurance in accordance with rules of the department.

(2) Financial assurance required by this section must be sufficient to cover the cost of proper management of the waste tires stored at the facility, including but not limited to waste tire treatment, removal, transportation, disposal, fire suppression, or other measures necessary to protect the environment and the health, safety, and welfare of the public. The licensee may elect to provide financial assurance by any one method or a combination of methods satisfactory to the department, including but not limited to insurance, a guarantee, performance, or other surety bond, a letter of credit, qualification as a self-insurer, or other demonstration of financial capability.

(3) The department may require the owner or operator of the facility to modify the terms and conditions of financial assurance provided for the purposes of this section to adjust for changing circumstances at the facility, including but not limited to the number of waste tires accumulated without processing or disposal, availability of alternative waste tire markets, the financial viability of the facility operation, and the estimated costs of waste tire treatment, processing, transportation, and disposal alternatives.

**Section 4. Waste tire study.** (1) The environmental quality council shall study the issues associated with managing, processing, treating, transporting, and disposing of waste tires.

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(2) The environmental quality council shall report the results of the study, including any recommendations for legislation, to the legislature no later than October 1, 1998.

**Section 5. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 3].

**Section 6. Applicability.** (1) [This act] applies to a facility that initially applied for or received a solid waste management system license pursuant to Title 75, chapter 10, part 2, after July 1, 1997.

(2) [This act] does not apply to a facility that was licensed pursuant to Title 75, chapter 10, part 2, prior to July 1, 1997.

**Section 7. Effective date.** [This act] is effective July 1, 1997.

Approved April 23, 1997

## CHAPTER NO. 374

[SB 379]

AN ACT GENERALLY REVISING CONSUMER LOAN LAWS; SPECIFYING THAT, WITH RESPECT TO LOANS ON WHICH CHARGES ARE MADE ON AN ADD-ON BASIS, THE INSTALLMENT CONTRACTED FOR MAY NOT BE SUBSTANTIALLY LARGER THAN ANY PRECEDING INSTALLMENT; SPECIFYING THAT, WITH RESPECT TO LOANS ON WHICH CHARGES ARE MADE ON AN ADD-ON BASIS, THE MINIMUM MONTHLY PAYMENTS MUST BE MADE IN AN AMOUNT THAT WOULD RESULT IN THE FULL REPAYMENT OF THE INITIAL LOAN ADVANCE, EXCLUSIVE OF ANY CHARGES, WITHIN A STATUTORILY-SPECIFIED MAXIMUM TERM; SETTING A 30-DAY LIMIT FOR CERTAIN CONSUMER LOAN LICENSEES TO RETURN TO CERTAIN BORROWERS A RELEASE OF THE MORTGAGE OR A REQUEST FOR RECONVEYANCE OF THE DEED OF TRUST OR TRUST INDENTURE ON REAL PROPERTY TAKEN AS SECURITY FOR A LOAN; AND AMENDING SECTIONS 32-5-102, 32-5-103, 32-5-203, 32-5-302, 32-5-307, 32-5-503, AND 32-5-505, MCA.

*Be it enacted by the Legislature of the State of Montana:*

**Section 1.** Section 32-5-102, MCA, is amended to read:

**"32-5-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) (a) "Consumer loan" means credit offered or extended to an individual primarily for personal, family, or household purposes, including loans for personal, family, or household purposes that are secured by a mortgage, deed of trust, trust indenture, or other security interest in real estate.

(b) Consumer loans do not include loan transactions that are governed by 12 U.S.C. 1735f-7a, but a consumer loan business may engage in transactions that are governed by 12 U.S.C. 1735f-7a.

**76-5-206. Powers and duties of department relative to obstructions.** (1) When an obstruction to a designated floodway established under 76-5-202 through 76-5-205 has been created by fallen trees, silt, debris, wreckage, unanchored automobile bodies, and like matter, the department may, in its discretion, remove the obstruction, in which case the cost of removal must be borne by the department.

(2) When, after investigation, notice, and hearing, an order has been issued by the department to the owner of an obstruction not exempt under 76-5-401 through 76-5-404 for its removal or repair and the order is not complied with within a reasonable time as may be prescribed or if the owner cannot be found or determined, the department may make the removal or repairs or cause the removal or repairs to be made. The cost of the removal or repairs must be borne by the owner and are recoverable in the same manner as debts are recoverable by law.

**76-5-207. Floodway obstruction removal fund.** The state treasurer shall establish the floodway obstruction removal fund and credit to the fund for the removal of obstructions as provided in 76-5-206(1) such money specifically appropriated by the legislature. The department may allocate money from the floodway obstruction removal fund for purposes provided in 76-5-206(1).

DATE 1/12/11  
 HB 147

Tire Only Facilities				
Facility Name	Location	County	Service Area	Owner
Rasmussen Tire	Kalispell	Flathead	Flathead & Lincoln Counties	Dennis Rasmussen
Tire Depot, Inc.	Polson	Lake County	Montana and Washington	Vern Reum
Tires For Reclamation	Laurel	Yellowstone County	Yellowstone, Stillwater, Custer, Fergus, Big Horn, and Carbon counties, Sheridan Wyoming	Jay A. Craig
Enviro-Tire, Inc.	Lone Pine	Sanders County	Montana and Washington	Enviro-Tire, Inc. (Tom Allen and Lynn Tripp)