

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE DISPOSAL OF
5 OIL AND GAS EXPLORATION AND PRODUCTION WASTE; REVISING REQUIREMENTS FOR CERTAIN
6 SOLID WASTE FACILITIES; ESTABLISHING PERMIT AND SITING REQUIREMENTS FOR OIL AND GAS
7 WASTE DISPOSAL FACILITIES; REQUIRING MOTOR CARRIERS THAT HAUL OIL AND GAS EXPLORATION
8 AND PRODUCTION WASTE TO HAUL WASTE UNDER A TARP OR OTHER COVER; PROVIDING
9 DEFINITIONS; PROVIDING EXCEPTIONS; AMENDING SECTIONS 69-12-314, 75-10-203, AND 75-10-214,
10 MCA; AND PROVIDING AN APPLICABILITY DATE."
11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13

14 **NEW SECTION. Section 1. Oil and gas waste disposal facilities -- license requirements.** (1) Except
15 as provided in subsection (2), a license for an oil and gas waste disposal facility may not be issued, reissued,
16 renewed, or modified until the owner or operator of the facility:

17 (a) demonstrates that the facility design will prevent the physical transport of any oil and gas exploration
18 and production wastes by a 500-year flood event; and

19 (b) submits and obtains department approval of detailed plans and specifications for design, operation,
20 and monitoring at the facility to abate or prevent air and water pollution and soil contamination at and from the
21 facility. Conditions of the monitoring plans must be incorporated as a condition of the facility's permit.

22 (2) Subsection (1)(a) does not apply to an oil and gas waste disposal facility for which a license was
23 issued and at which the owner or operator stored, treated, recycled, recovered, or disposed of oil and gas
24 exploration and production wastes prior to [the effective date of this act].
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26 **NEW SECTION. Section 2. Oil and gas waste disposal facilities -- prohibitions.** (1) (a) Except as
27 provided in subsection (1)(b), an oil and gas waste disposal facility may not be located within 1,000 feet of surface
28 water, a water well as defined in 75-5-103, or inhabitable real property as defined in 75-3-602.

29 (b) Subsection (1)(a) does not apply to an oil and gas waste disposal facility for which a license was
30 issued and at which the owner or operator stored, treated, recycled, recovered, or disposed of oil and gas

1 exploration and production wastes prior to [the effective date of this act].

2 (2) The owner or operator of an oil and gas waste disposal facility may not dispose of oil and gas
3 exploration and production wastes owned by the owner or operator of the facility.

4 (3) The owner or operator of an oil and gas waste disposal facility may accept only oil and gas exploration
5 and production wastes hauled to the facility under a tarp cover or other cover that prevents the escape of wastes
6 during hauling.

7

8 **Section 3.** Section 69-12-314, MCA, is amended to read:

9 **"69-12-314. Class D motor carrier certificate.** (1) Class D carriers shall conduct operations pursuant
10 to a certificate of public convenience and necessity issued by the commission authorizing the transportation of
11 the commodities described in 69-12-301(5). Class D carriers when applying for a new or additional authority shall
12 file an application with the commission in accordance with the requirements of this chapter and the rules of the
13 commission.

14 (2) A motor carrier may not possess a Class D motor carrier certificate or operate as a Class D motor
15 carrier unless the motor carrier actually engages in the transportation of garbage on a regular basis as part of
16 the motor carrier's usual business operation.

17 (3) A motor carrier that possesses a Class D motor carrier certificate, transports garbage that includes
18 oil and gas exploration and production wastes as defined in 75-10-203, and transports those wastes to an oil and
19 gas waste disposal facility as defined in 75-10-203 shall haul the oil and gas exploration and production wastes
20 to the oil and gas waste disposal facility under a tarp cover or other cover that prevents the escape of wastes
21 during hauling."

22

23 **Section 4.** Section 75-10-203, MCA, is amended to read:

24 **"75-10-203. Definitions.** Unless the context requires otherwise, in this part, the following definitions
25 apply:

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

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

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

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

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

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

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

13 (7) "Oil and gas exploration and production wastes" means wastes uniquely associated with and intrinsic
14 to oil and gas exploration, development, or production operations, including primary field operations. For natural
15 gas, primary field operations include production-related activities at or near the wellhead and at the gas plant prior
16 to transport of the natural gas from the gas plant to market, regardless of whether the gas plant is at or near the
17 wellhead. In addition, uniquely associated wastes derived from the production stream along gas plant feeder
18 pipelines are considered exploration and production wastes, even if a change of custody in the natural gas has
19 occurred between the wellhead and the gas plant. In addition, wastes uniquely associated with the operations
20 to recover natural gas from underground storage fields are considered to be oil and gas exploration and
21 production wastes.

22 (8) "Oil and gas waste disposal facility" means a solid waste management facility that treats, stores, or
23 disposes of oil and gas exploration and production wastes.

24 ~~(7)~~(9) "Person" means an individual, firm, partnership, company, association, corporation, city, town,
25 local governmental entity, or any other governmental or private entity, whether organized for profit or not.

26 ~~(8)~~(10) "Resource recovery" means the recovery of material or energy from solid waste.

27 ~~(9)~~(11) "Resource recovery facility" means a facility at which solid waste is processed for the purpose
28 of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

29 ~~(10)~~(12) "Resource recovery system" means a solid waste management system that provides for the
30 collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste residues.

1 ~~(11)~~(13) (a) "Solid waste" means all putrescible and nonputrescible wastes, including but not limited to
2 garbage; rubbish; refuse; ashes; sludge from sewage treatment plants, water supply treatment plants, or air
3 pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and
4 industrial appliances; and wood products or wood byproducts and inert materials.

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

9 ~~(12)~~(14) "Solid waste management system" means a system that controls the storage, treatment,
10 recycling, recovery, or disposal of solid waste. For the purposes of this definition, a container site, as defined in
11 75-10-103, is not a component of a solid waste management system.

12 ~~(13)~~(15) "Storage" means the actual or intended containment of wastes, either on a temporary basis or
13 for a period of years.

14 ~~(14)~~(16) "Transport" means the movement of wastes from the point of generation to any intermediate
15 points and finally to the point of ultimate storage or disposal.

16 ~~(15)~~(17) "Treatment" means a method, technique, or process, including neutralization, designed to
17 change the physical, chemical, or biological character or composition of any solid waste so as to neutralize the
18 waste or so as to render it safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

19 ~~(16)~~(18) "Waste tire" means a tire that is no longer suitable for its original intended purpose because of
20 wear, damage, or defect."

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22 **Section 5.** Section 75-10-214, MCA, is amended to read:

23 **"75-10-214. Exclusions -- exceptions to exclusions.** (1) (a) This part may not be construed to prohibit
24 a person from disposing of the person's own solid waste that is generated in reasonable association with the
25 person's household or agricultural operations upon land owned or leased by that person or covered by easement
26 or permit as long as the disposal does not create a nuisance or public health hazard or violate the laws governing
27 the disposal of hazardous or deleterious substances.

28 (b) Except as provided in 75-10-204(8), this part does not apply to the operation of an electric generating
29 facility, to the drilling for, production of, or refining of natural gas or petroleum, or to the operation of a mine, mill,
30 smelter, or electrolytic reduction facility. The drilling for, production of, or refining of natural gas or petroleum does

1 not include the operation of an oil and gas waste disposal facility.

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

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6 NEW SECTION. Section 6. Notification to tribal governments. The secretary of state shall send a
7 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
8 Chippewa tribe.

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10 NEW SECTION. Section 7. Codification instruction. [Sections 1 and 2] are intended to be codified
11 as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to
12 [sections 1 and 2].

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14 NEW SECTION. Section 8. Saving clause. [This act] does not affect rights and duties that matured,
15 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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17 NEW SECTION. Section 9. Applicability. (1) Except as provided in subsection (2), [this act] applies
18 to licenses issued, reissued, renewed, or modified on or after [the effective date of this act].

19 (2) [This act] does not apply to the initial renewal of a license for which the department of environmental
20 quality received a renewal application prior to [the effective date of this act].

21 - END -