

HOUSE BILL NO. 47
INTRODUCED BY D. GALLIK

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE SIZE OF A TRACT OR PARCEL OF LAND THAT IS SUBJECT TO THE PERMITTING EXCLUSION FOR THE DISPOSAL OF HOUSEHOLD OR AGRICULTURAL WASTE FROM SUBDIVISIONS OF LAND OF 5 ACRES OR LESS TO TRACTS OR PARCELS OF LAND OF 160 ACRES OR LESS; AMENDING SECTION 75-10-214, MCA; AND PROVIDING AN APPLICABILITY DATE."

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. (1) (a) This part may not be construed to prohibit a person from disposing of ~~his own~~ solid waste that is generated in reasonable association with ~~his~~ that 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 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.

(2) The exclusions contained in subsection (1)(a) ~~of this section~~ do not apply to a division tract or parcel of land of ~~5~~ 160 acres or less ~~made after July 1, 1977, that falls within the definition of subdivision in Title 76, chapter 4, part 1, or the Montana Subdivision and Platting Act in Title 76, chapter 3.~~

NEW SECTION. **Section 2. Applicability.** [This act] applies to household or agricultural solid waste disposal operations conducted after October 1, 2007.

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