

HOUSE BILL NO. 88  
INTRODUCED BY S. DICKENSON  
BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE EXCLUSION FROM COVERAGE UNDER THE MONTANA SOLID WASTE MANAGEMENT ACT FOR ELECTRIC GENERATING FACILITIES TO THE EXTENT THAT THOSE FACILITIES ARE NOT REGULATED UNDER THE MONTANA MAJOR FACILITY SITING ACT; AND AMENDING SECTION 75-10-214, MCA."

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 that person's 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 before October 1, 2008, to the drilling, production, or refining of natural gas or petroleum, or to the operation of a mine, mill, smelter, or electrolytic reduction facility.

(c) After September 30, 2008, this part does not apply to the operation of an electric generating facility to the extent that it is regulated under a certificate issued under Title 75, chapter 20.

(2) The exclusions contained in subsection (1) ~~of this section~~ do not apply to a division of land of 5 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."

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