

HOUSE BILL NO. 408
INTRODUCED BY B. WISEMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF TIRES, SLAG, OR HAZARDOUS WASTE IN HEATERS, BOILERS, FURNACES, KILNS, OR INCINERATORS EXCEPT FOR THE PURPOSE OF DESTROYING THE MATERIAL; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

WHEREAS, when tires and other hazardous wastes are burned to produce energy, hazardous constituents are released in the air and can create toxic compounds; and

WHEREAS, burning tires or hazardous waste for energy generation negatively impacts the human and physical environment, including public health, safety, and welfare and property values.

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

NEW SECTION. **Section 1. Prohibition on use of tires, slag, or hazardous waste in heaters, boilers, furnaces, kilns, or incinerators.** A person may not introduce tires, hazardous waste, or slag produced from ferrous or nonferrous smelting into a heater, boiler, furnace, kiln, or incinerator, except an incinerator that is used solely for the disposal of the material.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 75, chapter 2, and the provisions of Title 75, chapter 2, apply to [section 1].

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to the introduction of tires, hazardous waste, or slag after [the effective date of this act] at a facility for which a permit was issued before January 1, 2007, pursuant to 75-2-211 unless, before January 1, 2007, the permit expressly allowed the facility to burn the tires, hazardous waste, or slag.

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