

RECYCLING AND SOLID WASTE MANAGEMENT

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: There is a hierarchy to waste management, of which recycling is just one part, according to Montana's Integrated Waste Management Plan. The first consideration in waste management is source reduction, or simply taking steps to reduce waste in the first place. The next step is reuse, giving some item, like an unwanted piece of furniture, a second life. The third is recycling. Recycling is a process. It's taking a product that has been used and introducing it into the manufacturing process to produce something new. Composting is next in the pecking order, and finally landfill and incineration round out the waste management hierarchy. The hierarchy, as outlined in the waste management plan, is not based on economics, but rather is based on the long-term benefits of reducing energy and pollution.

The federal Resource Conservation and Recovery Act (RCRA) of 1976 required the Environmental Protection Agency (EPA) to adopt rules that define and prohibit open dumping and establish criteria for states to use in the regulation of solid waste disposal. Subtitle D of RCRA provides for the regulation of municipal solid waste and encourages resource recovery or recycling. State laws guiding the regulation of solid waste include the Montana Solid Waste Management Act and the Integrated Waste Management Act. (Title 75, chapter 10, parts 2 and 8, MCA) The Department of Environmental Quality (DEQ) has adopted administrative rules to implement the federal regulations contained in RCRA granting the state the primary responsibility over disposal of solid wastes. Local governments play a key role and are responsible for financing, planning, constructing, and operating solid waste management systems that comply with state and federal regulations. Private contractors, cities and towns, and counties all provide this function. Counties also can create solid waste management districts that can include cities, towns, and one or more counties. Montana law also notes the critical role of the private sector, stating, "Private industry is to be utilized to the maximum extent possible in planning, designing, managing, constructing, operating, manufacturing, and marketing functions related to solid waste management systems."

Legislative Services Division Materials:

[The Coke Can from Columbus: An Analysis of Methods for Increasing Recycling and Solid Waste Diversion in Montana](#)

[Climate Change: An Analysis of Climate Change Policy Issues in Montana](#)

Other Materials:

[Montana Integrated Waste Management Plan](#)

[Waste Reduction and Recycling](#) – Department of Environmental Quality

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2017

[House Joint Resolution No. 23](#) – (H) Died in Standing Committee -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO DETERMINE ECONOMIC FEASIBILITY AND ENVIRONMENTAL BENEFITS OF AN ALUMINUM CAN DEPOSIT PROGRAM FOR CRAFT BREWERIES IN MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 66TH LEGISLATURE.

[House Bill No. 657](#) – (H) Died in Standing Committee -- AN ACT PHASING OUT THE USE OF STYROFOAM IN FOOD-RELATED BUSINESSES; PROVIDING EXEMPTIONS; REQUIRING FEES FOR EXEMPTION APPLICATIONS; AND PROVIDING RULEMAKING AUTHORITY.

2015

[House Bill No. 154](#) – Vetoed by Governor -- AN ACT PROVIDING FOR THE TERMINATION OF INCOME TAX CREDITS; REQUIRING THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE TO REVIEW TERMINATING TAX CREDITS AND MAKE A RECOMMENDATION TO THE LEGISLATURE; PROVIDING CRITERIA FOR THE COMMITTEE TO USE WHEN REVIEWING TAX CREDITS; AND AMENDING SECTIONS 5-5-227, 15-30-2319, 15-30-2320, 15-30-2326, 15-30-2336, 15-30-2342, 15-30-2356, 15-30-2358, 15-30-2364, 15-30-2365, 15-30-2366, 15-30-2367, 15-30-2368, 15-30-2373, 15-30-2381, 15-31-125, 15-31-130, 15-31-131, 15-31-132, 15-31-133, 15-31-134, 15-31-150, 15-31-171, 15-32-109, 15-32-115, 15-32-201, 15-32-402, 15-32-503, 15-32-602, 15-32-701, 15-32-702, 15-32-703, 15-50-207, 17-6-316, AND 53-4-1103, MCA.

2013

[House Bill No. 146](#) – Chapter Number Assigned -- AN ACT PROHIBITING THE DEPARTMENT OF ENVIRONMENTAL QUALITY FROM COLLECTING ANNUAL LICENSE FEES FOR A SOLID WASTE FACILITY UNTIL THE FACILITY RECEIVES SOLID WASTE; AMENDING SECTION 75-10-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[House Bill No. 208](#) – (S) Died in Standing Committee -- AN ACT PROVIDING IMMUNITY FOR SOLID WASTE MANAGEMENT SYSTEM FACILITIES.

2011

[House Bill No. 594](#) – Chapter Number Assigned -- AN ACT REQUIRING THE DEPARTMENT OF TRANSPORTATION TO USE POSTCONSUMER RECYCLED MATERIAL IN A HIGHWAY CONSTRUCTION PROJECT WHEN THE POSTCONSUMER RECYCLED MATERIAL MEETS SPECIFICATIONS AND THE COST IS LESS THAN OR EQUAL TO THE COST OF OTHER MATERIALS.

[House Bill No. 147](#) – (H) Died in Standing Committee -- AN ACT REQUIRING SOLID WASTE MANAGEMENT FACILITIES LICENSED PRIMARILY AS WASTE TIRE DISPOSAL SITES PRIOR TO JULY 1, 1997, TO PROVIDE FINANCIAL ASSURANCE TO GUARANTEE THE PROPER MANAGEMENT AND DISPOSAL OF WASTE TIRES; AND AMENDING SECTION 6, CHAPTER 373, LAWS OF 1997.

[Senate Bill No. 14](#) – (S) Died in Standing Committee -- AN ACT REVISING DEFINED TERMS FOR LAWS GOVERNING MOTOR VEHICLE RECYCLING AND DISPOSAL; AND AMENDING SECTION 75-10-501, MCA.

[Senate Bill No. 236](#) – Chapter Number Assigned -- AN ACT REVISING THE SOLID WASTE MANAGEMENT LAWS RELATED TO POWERS AND DUTIES OF LOCAL GOVERNMENTS; CLARIFYING A LOCAL GOVERNMENT'S AUTHORITY TO CONTROL THE DISPOSITION OF SOLID WASTE GENERATED WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT; AMENDING SECTION 75-10-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2009

[House Bill No. 21](#) – Chapter Number Assigned -- AN ACT REPEALING THE TERMINATION DATE FOR CREDIT AGAINST AIR QUALITY PERMITTING FEES FOR CERTAIN USES OF POSTCONSUMER GLASS IN RECYCLED MATERIAL; REPEALING THE TERMINATION DATE FOR THE TAX CREDIT FOR INVESTMENT IN PROPERTY USED TO COLLECT OR PROCESS RECLAIMABLE MATERIALS; REPEALING THE TERMINATION DATE FOR THE TAX DEDUCTION FOR THE PURCHASE OF RECYCLED MATERIALS; AMENDING SECTIONS 75-2-225 AND 75-2-226, MCA; REPEALING SECTION 9, CHAPTER 712, LAWS OF 1991, SECTIONS 4 AND 5, CHAPTER 542, LAWS OF 1995, SECTION 1, CHAPTER 411, LAWS OF 1997, SECTIONS 4, 5, 6, AND 7, CHAPTER 398, LAWS OF 2001, SECTION 8, CHAPTER 516, LAWS OF 2001, SECTIONS 3 AND 5, CHAPTER 129, LAWS OF 2005, AND SECTIONS 1, 2, 3, 4, 5, 6, 7, AND 8, CHAPTER 569, LAWS OF 2005; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 35](#) – (H) Died in Standing Committee -- AN ACT ESTABLISHING A REVOLVING LOAN PROGRAM TO FINANCE MACHINERY AND EQUIPMENT USED FOR RECYCLING; PROVIDING THAT MOTOR VEHICLE RECYCLING AND DISPOSAL PROGRAM FUNDS BE DEPOSITED IN A REVOLVING LOAN ACCOUNT; GRANTING RULEMAKING AUTHORITY; ESTABLISHING OUTCOME MEASURES; AMENDING SECTION 75-10-532, MCA; AND PROVIDING AN EFFECTIVE DATE.

House Bill No. 454 – (H) Died in Standing Committee -- AN ACT PROHIBITING THE MANUFACTURE, DISTRIBUTION, AND SALE OF CERTAIN PRODUCTS THAT CONTAIN BISPHENOL A; DEFINING TERMS; REQUIRING NOTIFICATION; REQUIRING A MANUFACTURER TO RECALL AND REIMBURSE

RETAILERS OR PURCHASERS FOR PROHIBITED PRODUCTS SOLD OR DISTRIBUTED ON OR AFTER JULY 1, 2010; ESTABLISHING CIVIL PENALTIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 560](#) – (H) Died in Standing Committee -- AN ACT ENCOURAGING THE SALVAGING OF RECYCLABLE AND REUSABLE MATERIALS AT LANDFILLS; REQUIRING ENTITIES TO REPORT SALVAGING PROGRAMS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; REQUIRING THE DEPARTMENT TO REPORT TO THE ENVIRONMENTAL QUALITY COUNCIL; AND AMENDING SECTIONS 75-10-204, 75-10-802, 75-10-804, AND 8 75-10-807, MCA.

[Senate Joint Resolution No. 28](#) – Filed with Secretary of State -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EVALUATE METHODS FOR INCREASING RECYCLING AND SOLID WASTE RECOVERY WITHIN THE STATE OF MONTANA.

[Senate Bill No. 424](#) – Chapter Number Assigned -- AN ACT ESTABLISHING THE MERCURY-ADDED THERMOSTAT COLLECTION ACT; BANNING MERCURY-ADDED THERMOSTAT SALES AND INSTALLATION; REQUIRING COLLECTION AND RECYCLING OF MERCURY-ADDED THERMOSTATS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.