



REGULATION 3: SOLID WASTE MANAGEMENT

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1. Purpose. The purpose of this rule is to establish standards for proper storage, handling and disposal of solid waste to protect public health, safety and the environment.

2. Authority. Authority for regulations promulgated in this rule is provided for in 50-2-116, MCA, under which a local health board may adopt rules that do not conflict with rules adopted by the Montana Department of Health and Environmental Sciences for the removal of filth that might cause disease or adversely affect public health.

3. Definitions. The following definitions shall apply in the interpretation and enforcement of this rule.

(A) "Class II landfill" means a facility licensed by the State of Montana to accept group II and group III wastes.

(B) "Class III landfill" means a facility licensed by the state of Montana to accept group III wastes only.

(C) "Clean fill" means uncontaminated soil, dirt, rock, sand, gravel, and portland cement concrete free of reinforcing steel.

(D) "Group I wastes" means hazardous waste as defined by 40 CFR 261 and ARM 16.14.503.

(E) "Group II wastes" means decomposable household and commercial wastes, or mixed solid wastes, excluding hazardous wastes. Examples include but are not limited to the following:

(a) Municipal and domestic waste such as garbage, and putrescible organic materials, paper, cardboard, cloth, glass, metal, plastics, street sweepings, yard and garden wastes, digested sewage treatment sludges, water treatment sludges, ashes, dead animals, offal, discarded appliances, vehicle parts, and properly sterilized medical wastes; and,

(b) commercial and industrial wastes such as packaging materials, containers, and any liquid or solid industrial wastes which are chemically or biologically decomposable and which are not classified or identified as hazardous waste in 40 CFR 250.1, crop residues, manure, and food waste.

(F) "Group III wastes" means untreated wood wastes and non-water soluble solids, such as brick, rock, and portland cement concrete.

(G) "Litter" means any quantity of paper, cardboard, metal, plastic, glass, or other miscellaneous solid waste which is not disposed of in a garbage container.

(H) "Person" means any individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other state, federal, or private entity, whether organized for profit or not.

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

4. Storage and Collection.

(A) Any person owning, controlling, or in possession of property from which any group II waste is generated shall maintain at all times in a place easily accessible to the garbage collector, and where it will not be offensive or a public nuisance, one or more residential or commercial garbage containers as defined in this rule.

(1) The capacity of the containers shall be adequate to hold all refuse generated between collections.

(2) All group II waste and litter accumulated on the premises shall be placed in the garbage containers and delivered by a commercial garbage collection company or by the generator to a Class II landfill or transfer station after an accumulation period of not more than seven days.

(3) Effective August 15, 1994, in all areas of Missoula County that have available commercial garbage collection services, the owner of any rental dwelling, including apartments, rental manufactured homes, duplexes, or single family rental units, shall subscribe to commercial garbage collection, transport, and disposal of all group II waste generated on the premises. Garbage collection shall occur on an interval of not more than seven days.

(4) Residential containers:

(a) shall be designed and manufactured as garbage containers and have a capacity of not less than ten or more than thirty-two gallons. No containers shall be used to hold hot ashes, or liquids. No containers shall be left out for collection which weigh more than seventy pounds; and

(b) shall have tight fitting lids and be kept covered; and

(c) shall be placed at the rear property line adjacent to the alley or on the front curb where no adequate alley exists; in some cases, if approved by the Department, another location may be designated. Residential containers may not be placed on a public street or road more than 12 hours before or eight hours after the time of collection; and,

(d) shall be equipped with racks, stakes or holders to securely hold garbage containers when they are placed outdoors so the containers cannot be spilled, tipped or overturned

by animals or wind. They must be designed and installed to facilitate cleaning around them; and

(e) shall not be recessed into the ground; and

(f) may consist of plastic bags when filled with solely grass clippings or leaves, provided that each bag is closed with a tie and does not exceed fifteen pounds.

(5) Commercial containers:

(a) shall be constructed to be mechanically dumped by the garbage collector; and

(b) shall have no restrictions as to size of the container or weight of the material placed therein; and

(c) shall be kept covered at all times; and

(d) shall be placed on a hard level surface for emptying; and

(e) shall be required of all of the following: trailer courts with three or more units, hotels, motels, retirement homes, nursing homes, hospitals, schools, establishments selling food or drink for consumption on or off the premises, and apartments or apartment complexes having three or more living units or any other establishment which in the judgement of the Department generates sufficient solid waste to warrant a commercial container.

(6) No commercial or residential containers shall be stored or set out for collection in the public right-of-way so as to impede or block public access or use or constitute a hazard or nuisance.

(7) Any solid waste container which is not watertight, has sharp or ragged edges, which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally, shall be replaced promptly by the owner or user of the container.

(8) It is the duty of the owner, agent, occupant, or lessee of property to keep garbage containers maintained by them reasonably clean and free of offensive odors.

(B) It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter or other solid waste on site before, during or after completion of the construction or demolition project.

(1) It is the duty of the owner, agent, or contractor in charge of any demolition or construction project:

(a) to have adequate containers for the disposal of litter and other solid waste generated on site; and

(b) to provide for disposal at a properly licensed solid waste facility; and

(c) to remove any litter and other solid waste which has not been containerized at the end of each working day.

(C) No person shall store or allow to be stored any solid waste on public or private land within the county where it will create a public nuisance, or be to any degree offensive or if the Department determines it may constitute a public health, environmental health or safety hazard.

(D) It is the duty of the owner, agent, occupant, or lessee of property to keep premises free of litter and other solid waste.

(E) It is unlawful to sweep or push litter or other solid waste from sidewalks and boulevards into streets.

5. Transportation.

(A) Odorous solid waste shall be completely containerized during transportation so that it will not be offensive.

(B) Solid waste must be covered, containerized, or tied to the vehicle during transportation.

(C) Solid waste shall be loaded and transported in such a manner that none of it shall fall, drop or spill upon the roadway or ground.

6. Burning Solid Waste.

No person shall burn any solid waste on public or private land within the County, unless the burning is permitted in accordance with the Missoula City-County Air Pollution Control Program regulations.

7. Burying Solid Waste.

(A) No person shall bury any solid waste on public or private land within the county, unless:

(1) the solid waste qualifies as clean fill and permission has been granted by the property owner or owners; or

(2) the solid waste is organic agricultural or silvicultural waste; and the solid waste originated on the property where it is to be buried; and the Department determines that the practice will not be offensive or endanger public or environmental health; or

(3) the site is licensed as a landfill by the DEQ.

8. Illegal Dumping.

(A) No person shall dump, store, place or leave or cause to be dumped, placed or left any solid waste upon any public or private property within the county, unless the solid waste is clean fill and permission has been granted by the property owner or owners.

(B) No person shall dump, place or leave or cause to be dumped, placed or left any solid waste in residential or commercial containers maintained for the use of other residences or establishments.

9. Hazardous Waste.

No person shall transport, store, or dispose of any Group I waste except as provided for in ARM 16.44 .