

ENVIRONMENTAL QUALITY

CHAPTER 53

HAZARDOUS WASTE

Sub-Chapter 3

Definitions

Rule 17.53.301 Definitions

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Definitions

17.53.301 DEFINITIONS (1) Except where inconsistent with the definitions in (2), the definitions in 40 CFR 260 through 40 CFR 270 are hereby adopted and incorporated by reference.

(2) In this chapter, the following terms shall have the meanings or interpretations shown below:

(a) The "act or RCRA" definition at 40 CFR 260.10 is excluded from the incorporation by reference at (1). "Act" has the meaning given to it at ARM 17.53.107(1)(a).

(b) "Board" means the board of environmental review provided for in 2-15-3502, MCA.

(c) "Calendar year" means a year beginning on January 1 and ending on December 31.

(d) "Commercial transfer facility" means a transfer facility owned or operated by a commercial for-hire transporter and in which the major purpose of the commercial transfer facility is the collection, storage, and transfer of hazardous wastes; that is, over 50% of the materials moved through the commercial transfer facility are hazardous wastes, or greater than 100 tons of materials moved through the commercial transfer facility per year are hazardous wastes. The term "commercial for-hire transporter" refers to a transporter who conducts transportation activity on a commercial basis, as opposed to a transporter that is the same business entity as the generator.

(e) "Conditionally exempt small quantity generator" or "conditionally exempt generator" means a generator of hazardous waste who generates, in a calendar month, no more than 100 kilograms (220 pounds) of hazardous waste, no more than one kilogram (2.2 pounds) of acute hazardous waste, or no more than 100 kilograms (220 pounds) of any residue or contaminated soil, waste, or other debris resulting from the clean up of a spill, into or on any land or water, of acute hazardous waste.

(f) "Department" means the Montana department of environmental quality provided for in 2-15-3501, MCA.

(g) In the "existing tank system or existing component" definition at 40 CFR 260.10, the installation commencement date is July 14, 1986, for HSWA tanks, and June 7, 1989, for non-HSWA tanks.

(h) "HSWA" means Hazardous and Solid Waste Amendments of 1984.

(i) "HSWA drip pad" means a drip pad associated with F032 waste.

(j) "HSWA tank" means:

(i) a tank owned or operated by a generator of less than 1000 kg (2200 pounds) of hazardous waste per calendar month;

(ii) a new underground tank; or

(iii) an existing underground tank that cannot be entered for inspection.

(k) "Major HWM facility" means any HWM facility or activity classified as such by the department, in consultation with the EPA.

(l) "New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste:

(i) for which installation commenced after July 14, 1986, for HSWA tanks, as defined in (2)(h), and June 7, 1989, for non-HSWA tanks, as defined in (2)(n); or

(ii) for the purposes of 40 CFR 264.193(g)(2) and 40 CFR 265.193(g)(2), for which construction commenced after January 12, 1987, for HSWA tanks and March 15, 1991, for non-HSWA tanks.

(m) "Non-HSWA drip pad" means a drip pad associated with F034 or F035 waste.

(n) "Non-HSWA tank" means all tanks except:

(i) a tank owned or operated by a generator of less than 1000 kg (2200 pounds) of hazardous waste per calendar month;

(ii) a new underground tank; and

(iii) an existing underground tank that cannot be entered for inspection.

(o) "RCRA" when used prior to numbered citations, e.g., "RCRA §3008" means the Resource Conservation and Recovery Act. "RCRA" alone, without a numbered citation, has the same meaning as "act" as defined in ARM 17.53.107(1)(a).

(p) "Registration" means notification by a hazardous waste generator through the use of a registration form provided by the department.

(q) "Registration year" means a calendar year for which generator registration is required and for which a registration fee is assessed. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 789, Eff. 3/15/02; AMD, 2002 MAR p. 3397, Eff. 12/13/02; AMD, 2005 MAR p. 442, Eff. 4/1/05.)

