

Disclaimer: The following rules are provided for the convenience of interested parties. While the HW Management Program has taken care with the accuracy of the rules, they are not the "official" administrative rules of the Department of Environmental Quality (Title 17). The Secretary of State, Administrative Rules Bureau, will publish the official rules in the spring of 2010. Please note that the HW fee rules were effective 12/11/09.

HAZARDOUS WASTE

17.53.113

17.53.113 REGISTRATION AND REGISTRATION MAINTENANCE FEES: FEE ASSESSMENT

(1) Concurrent with the submittal of a registration form, a generator shall submit to the department a registration fee of \$225.

(2) The department shall assess an annual registration maintenance fee, as provided in (3), for the following hazardous waste generators:

- (a) a person who generates more than 100 kilograms (220 pounds) of hazardous waste, or more than one kilogram (2.2 pounds) of acute hazardous waste, in any calendar month;
- (b) a person who accumulates more than 1,000 kilograms (2,200 pounds) of hazardous waste, or more than one kilogram (2.2 pounds) of acute hazardous waste at any time in a calendar year; and
- (c) a conditionally exempt small quantity generator, as defined in ARM 17.53.301(2), that has registered with the department and desires to remain registered.

(3) The annual registration maintenance fee for a calendar year is \$200 plus a per-ton fee for all regulated hazardous waste generated during the previous calendar year of:

- (a) \$5 per-ton for all regulated hazardous waste generated during the 2009 calendar year;
- (b) \$10 per-ton for all regulated hazardous waste generated during the 2010 calendar year;
- (c) \$15 per-ton for all regulated hazardous waste generated during the 2011 calendar year; and
- (d) \$20 per-ton for all regulated hazardous waste generated during the 2012 calendar year, and each year thereafter.

(4) The per-ton fee in (3)(a) through (d) is assessed only if the amount of regulated hazardous waste generated during the previous calendar year is equal to or greater than 1.3 tons.

(5) For purposes of determining the registration maintenance fee, any part of a ton of generated hazardous waste, greater than 1.3 tons, must be rounded up to the next tenth of a ton.

(6) Hazardous waste generators exempt from registration, pursuant to ARM 17.53.111(2), for the entire previous calendar year are not required to pay the registration or registration maintenance fees, except as provided in ARM 17.53.113(2)(c).

(7) Persons are not required to pay the registration or registration maintenance fees if they are registered only for the purpose of:

- (a) transporting hazardous waste;
- (b) handling universal waste;
- (c) handling used oil; or
- (d) conducting a treatability study.

(8) The department shall provide a written notice of the amount of the registration maintenance fee, the basis for the fee assessment, and the date the fee is due to each hazardous waste generator required to pay an annual registration maintenance fee.

(9) If a hazardous waste generator that was assessed an annual registration maintenance fee fails to pay the required fee within 60 days after the billing date, the department may impose a late payment charge of 10% of the fee, plus interest on the fee computed at the interest rate established under 75-2-220(5)(a)(i), MCA. (History: 75-10-404, 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 1315, Eff. 3/15/02; AMD, 2002 MAR p. 3397, Eff. 12/13/02; 2009 MAR p. xxxx, Eff. 12/11/09.)