

ENVIRONMENTAL QUALITY

CHAPTER 50

SOLID WASTE MANAGEMENT

Subchapter 4

License and Operation Fees

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Subchapter 4

License and Operation Fees

17.50.401 PURPOSE (1) The purpose of this subchapter is to establish solid waste management system licensing requirements and fee schedules provided for in 75-10-115 and 75-10-221, MCA. (History: 75-10-115, 75-10-221, MCA; IMP, 75-10-115, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2003 MAR p. 2857, Eff. 12/25/03.)

17.50.402 AUTHORITY (1) Authority for rules promulgated in this subchapter is provided for in 75-10-104, 75-10-105, 75-10-115, and 75-10-221, MCA, under which the board may establish and the department may collect fees for the management and regulation of solid waste disposal. These fees may include:

(a) a license application fee that reflects the cost of reviewing a new solid waste management system or substantial change to an existing facility;

(b) a flat annual license renewal fee that reflects a minimal base fee related to the fixed costs of an annual inspection and license renewal based upon the categorization of solid waste management facilities into separate classes identified by the following criteria:

(i) the quantity of solid waste received by the solid waste management facility;

(ii) the nature of the solid waste received;

(iii) the nature of the waste management occurring within the solid waste management system; and

(c) a tonnage-based fee on solid waste disposal. (History: 75-10-115, 75-10-204, 75-10-221, MCA; IMP, 75-10-115, 75-10-204, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2003 MAR p. 2857, Eff. 12/25/03.)

17.50.403 DEFINITIONS Unless the context requires otherwise, in this subchapter the following definitions apply:

(1) "Barn waste" means the bedding, waste feed, manure and other animal excretions generated from the operation of a barn or feedlot.

(2) "Board" means the Board of Environmental Review provided for in 2-15-3502, MCA.

(3) "Co-composting" means the simultaneous composting of two or more diverse waste streams.

(4) "Commercial waste" means waste generated from stores, offices, restaurants, food processing facilities, warehouses, and other non-manufacturing activities, and non-processing wastes such as office and packing waste generated at industrial facilities.

(5) "Composting" means the controlled biological decomposition of organic solid waste under aerobic conditions.

(6) "Contaminated soil" means soil, rocks, dirt, or earth that has been made impure by contact, commingling, or consolidation with organic compounds such as petroleum hydrocarbons. This definition does not include soils contaminated solely by inorganic metals, soils that meet the definition of hazardous waste under ARM Title 17, chapter 53, or regulated PCB (polychlorinated biphenyls) contaminated soils.

(7) "Department" means the Department of Environmental Quality provided for in 2-15-3501, MCA.

(8) "Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any solid waste into or onto the land so that the solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground water.

(9) "Facility" means a manufacturing, processing, or assembly establishment; a transportation terminal, or a treatment, storage, or disposal unit operated by a person at one site. This definition does not include infectious waste incinerators or other facilities that:

(a) control the generation, transportation, treatment, storage, or disposal of infectious waste, as that term is defined in 75-10-1003(4), MCA;

(b) are owned by and operated as a part of a profession, occupation, or health care facility that generates infectious waste and that is licensed by a board or department of the state; and

(c) do not control the treatment, storage, or disposal of non-infectious solid waste.

(10) "Farm waste" means waste from farms that is not household waste, hazardous waste, or barn waste. It includes, but is not limited to, cull potatoes and spoiled crops such as hay or grain.

(11) "Household hazardous waste" means products commonly used in the home that due to corrosivity, ignitability, reactivity, toxicity, or other chemical or physical properties are dangerous to human health or the environment. Household hazardous waste includes, but is not limited to, cleaning, home maintenance, automobile, personal care, and yard maintenance products.

(12) "Household waste" means any solid waste derived from households, including single and multiple residences, hotels and motels, crew quarters, campgrounds, and other public recreation and public land management facilities.

(13) "Interim closure" means the period of time from the department's receipt of the certification required in ARM 17.50.1403(10) until the department approves that certification.

(14) "Intermediate Class II facility" means a Class II facility with a planned capacity of more than 5,000 tons per year but not more than 25,000 tons per year.

(15) "Intermediate incinerator" means an incinerator facility with a planned capacity of more than 5,000 tons per year but not more than 25,000 tons per year.

(16) "Intermediate landfarm facility" means a landfarm facility that has more than 1,600 cubic yards but less than 8,000 cubic yards of contaminated soil, from single or multiple events, undergoing treatment and accepted for treatment at the facility at any time during a calendar year.

(17) "Landfarm facility" means a solid waste management system engaged in the controlled remediation through landfarm treatment technologies of non-hazardous contaminated soil that is not subject to regulation under the underground storage tank/leaking underground storage tank statutes and rules found in Title 75, chapter 11, MCA, and ARM Title 17, chapter 56.

(18) "Large composter operation" means a composting operation that does not meet the definition of small composter operation. Co-composters and facilities that accept sewage sludge for composting are large composter operations.

(19) "Major Class II facility" means a Class II facility with a planned capacity of more than 25,000 tons per year.

(20) "Major Class III facility" means a Class III facility that disposes of 1,000 tons or more of material per year.

(21) "Major Class IV facility" means a Class IV facility with a planned capacity of 1,000 tons or more per year.

(22) "Major incinerator" means an incinerator facility with a planned capacity of more than 25,000 tons per year.

(23) "Major landfarm facility" means a landfarm facility that has 8,000 cubic yards or more of contaminated soil, from single or multiple events, undergoing treatment and accepted for treatment at the facility at any time during a calendar year.

(24) "Minor Class II facility" means a Class II facility with a planned capacity of not more than 5,000 tons per year.

(25) "Minor Class III facility" means a Class III facility that disposes of less than 1,000 tons of material per year.

(26) "Minor Class IV facility" means a Class IV facility of less than 1,000 tons per year.

(27) "Minor incinerator" means an incinerator facility with a planned capacity of not more than 5,000 tons per year.

(28) "Minor landfarm facility" means a landfarm facility that has up to 1,600 cubic yards of contaminated soil from single or multiple events either undergoing treatment or accepted for treatment at the facility.

(29) "MSW composting" means municipal solid waste composting and is the controlled degradation of municipal solid waste. This includes the composting of municipal solid waste after some form of preprocessing to remove non-compostable inorganic materials.

(30) "Municipal solid waste landfill" means any publicly or privately owned landfill or landfill unit that receives household waste or other types of waste, including commercial waste, non-hazardous sludge, and industrial solid waste. The term does not include land application units, surface impoundments, injection wells, or waste piles.

(31) "One-time household hazardous waste collection event" means a collection of household hazardous waste from the public with a frequency no greater than annually at any given location.

(32) "One-time landfarm" means a landfarm facility for remediation of less than 1,600 cubic yards of non-hazardous contaminated soil generated from a single event, regardless of the source.

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

(34) "Post-consumer recycling" means the reuse of materials generated from residential and commercial waste, excluding recycling of material from industrial processes that has not reached the consumer, such as glass broken in the manufacturing process.

(35) "Recyclables" are materials that still have useful physical or chemical properties after serving their original purpose and that can, therefore, be reused or remanufactured into additional products.

(36) "Recycling" means the process by which materials otherwise destined for disposal are collected, reprocessed or remanufactured, and reused.

(37) "Recycling facility" means a facility, generally open to the public, that handles only source-separated or presorted material for the purpose of recycling either in bulk or in container(s) with a total site capacity of more than 40 cubic yards.

(38) "Remediate" means to treat contaminated soil to the point that it no longer poses a threat to human health or the environment.

(39) "Residue" is the materials remaining after processing, incineration, composting, or recycling have been completed. Residues are usually disposed of in sanitary landfills.

(40) "Resource recovery" means the recovery of material or energy from solid waste.

(41) "Resource recovery facility" means a facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

(42) "Resource recovery system" means a solid waste management system which provides for the collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste residues.

(43) "Reuse" is the use of a product more than once in its same form for the same purpose; e.g., a soft drink bottle is reused when it is returned to the bottling company for refilling.

(44) "Small composter operation" means a composting operation that:

(a) has less than two acres of active working area;

(b) accepts less than 10,000 cubic yards annually; and

(c) produces less than 1,000 tons of compost annually; and either:

(i) accepts primarily yard waste, with a maximum of 25% barn or farm waste, by weight; or

(ii) accepts primarily farm or barn waste generated on-site.

(45) "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. "Solid waste" does not mean municipal sewage, industrial wastewater effluents, mining wastes regulated under the mining and reclamation laws administered by the department, slash and forest debris regulated under laws administered by the department, or marketable byproducts.

(46) "Solid waste management system" means a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste. Such a system may be composed of one or more solid waste management facilities. This term does not include hazardous waste management systems.

(47) "Source reduction" is the design, manufacture, acquisition, and reuse of materials so as to minimize the quantity and/or toxicity of waste produced. Source reduction prevents waste either by redesigning products or by otherwise changing societal patterns of consumption, use, and waste generation.

(48) "Source separation" is the segregation of specific materials at the point of generation for separate collection. Residences source separate recyclables as part of a curbside recycling program.

(49) "Substantial change" means any change in the operation, ownership, or siting of a facility in which review by the department takes more than 24 hours.

(50) "Storage" means the actual or intended containment of wastes, either on a temporary basis or for a period of years.

(51) "Transfer station" means a solid waste management facility that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles (public, commercial, or private) and placed in other transportation units for movement to another solid waste management facility.

(52) "Transport" means the movement of wastes from the point of generation to any intermediate points and finally to the point of ultimate storage or disposal.

(53) "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize the waste or so as to render it safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

(54) "Yard waste" means leaves, grass clippings, prunings, and other natural organic matter discarded from yards, gardens, parks, etc. (History: 75-10-106, 75-10-115, 75-10-204, 75-10-221, MCA; IMP, 75-10-115, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2003 MAR p. 2857, Eff. 12/25/03; AMD, 2010 MAR p. 1799, Eff. 8/13/10.)

17.50.404 APPLICABILITY (1) Except as provided in 75-10-214, MCA, this subchapter applies to any person disposing of solid waste or operating or maintaining a solid waste management system involved in the storage, treatment, recycling, recovery, or disposal of solid waste. (History: 75-10-115, 75-10-204, 75-10-221, MCA; IMP, 75-10-115, 75-10-204, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; TRANS, from DHES, 1995 MAR p. 2253.)

Rules 17.50.405 through 17.50.409 reserved

17.50.410 ANNUAL OPERATING LICENSE REQUIRED (1) Except as provided in 75-10-214, MCA, no person may dispose of solid waste or operate or maintain a solid waste management system after July 1, 1991, without an operating license from the department. The license period is July 1 through June 30.

(a) When an applicant for a license to operate a solid waste management system submits to the department the license application required by ARM 17.50.508, the department will determine the applicable fee specified in Table 3 and send an invoice to the applicant within seven working days after receipt of the application. The department shall begin processing the application upon receipt of the invoiced amount.

(b) A licensee shall file an annual report with the department by April 1 of each year. The report must be filed on a form provided by the department.

(c) The department shall mail invoices for license renewal fees to licensees by June 15 of each year. The department shall calculate and assess license renewal fees in accordance with Table 1, "Solid Waste Fees." A solid waste management facility that does not fit into one of the categories listed in Table 1 must be assessed fees no greater than major Class II landfill facilities. A licensee shall pay the assessed fee by July 31 of each year, but may submit the fees to the department quarterly, with the first payment due on or before July 31 of each year, and subsequent quarterly payments due on October 31, January 31, and April 30. Failure to submit payments when due subjects the licensee to the provisions of 75-10-116, MCA.

(d) The solid waste fee specified in Table 1 is prorated by quarter for the year in which a license is originally issued.

(2) The department shall mail renewal application forms to licensees by February 1 of each year. Application for renewal of a solid waste management system license must be submitted to the department by April 1 of each year. Licensees who are required to apply for license renewal and to pay fees under this subchapter, and who fail to submit the appropriate fees within the specified time are subject to the provisions of 75-10-116, MCA.

(3) Upon payment of the transfer fee shown in Table 2, "License Transfer Fee," the department will issue a new operating license to a person acquiring rights of ownership, possession, or operation of a licensed solid waste management system. Any solid waste management facility that does not fit into one of the categories listed in Table 2 shall be assessed transfer fees no greater than major Class II landfill facilities. Department approvals on operating plans are not transferable prior to licensing.

(4) License fees will end when the department declares the facility "closed." The license fee will be prorated on a quarterly basis by the department for the year of closure.

(5) Except for prorated fees when the department declares a facility "closed," license fees are not refundable.

(6) The department shall license the following free of charge:

(a) persons conducting one-time household hazardous waste collection events;

(b) small composter operations; and

(c) recycling facilities that accept waste from more than one source.

(7) Once a facility is in interim closure, the duty of its owner or operator to pay license fees is suspended. If the department determines, pursuant to ARM 17.50.1403(10), not to approve certification of closure, the owner or operator shall pay to the department the suspended fees. An owner or operator of a facility for which the department has determined not to approve certification of closure shall, after the owner or operator believes that closure has been completed in compliance with the closure plan, submit a new certification under ARM 17.50.1403(10). The facility is then again in interim closure, pending reinspection and approval of closure certification by the department.

TABLE 1. SOLID WASTE FEES

<u>FACILITY</u>	<u>ANNUAL LICENSE FEE</u>	<u>DISPOSAL FEE/TON</u>
Major Class II facility	\$4,200	\$0.40
Intermediate Class II facility	\$3,600	\$0.40
Minor Class II facility	\$3,000	\$0.40
Major Class III facility	\$1,200	\$0.40
Minor Class III facility	\$ 600	\$0.40
Major Class IV facility	\$1,200	\$0.40
Minor Class IV facility	\$ 600	\$0.40
Major incinerator	\$4,200	\$0.40
Intermediate incinerator	\$3,600	\$0.40
Minor incinerator	\$3,000	\$0.40
Major landfarm facility	\$1,800	\$0.40
Intermediate landfarm facility	\$1,200	\$0.40
Minor landfarm facility	\$ 600	\$0.40
One-time landfarm	\$ 0	\$0.00
Transfer station (\geq 10,000 tons/yr)	\$1,260	\$0.00
Transfer station ($<$ 10,000 tons/yr)	\$ 480	\$0.00
Large composter operation	\$1,800	\$0.00
Small composter operation	\$ 0	\$0.00

TABLE 2. LICENSE TRANSFER FEE

<u>FACILITY</u>	<u>TRANSFER FEE</u>
Major Class II facility	\$600
Intermediate Class II facility	\$480
Minor Class II facility	\$360
Major Class III facility	\$240
Minor Class III facility	\$180
Major Class IV facility	\$240
Minor Class IV facility	\$180
Major incinerator	\$600
Intermediate incinerator	\$480
Minor incinerator	\$360
Major landfarm facility	\$600
Intermediate landfarm facility	\$480
Minor landfarm facility	\$360
One-time landfarm	\$ 0
Transfer station ($\geq 10,000$ tons/yr)	\$480
Transfer station ($< 10,000$ tons/yr)	\$300
Large composter operation	\$480
Small composter operation	\$ 0

TABLE 3. APPLICATION REVIEW FEE SCHEDULE

<u>FACILITY</u>	<u>REVIEW FEE</u>
Major Class II facility	\$12,000
Intermediate Class II facility	\$ 9,000
Minor Class II facility	\$ 6,000
Major Class III facility	\$ 3,600
Minor Class III facility	\$ 2,400
Major Class IV facility	\$ 3,600
Minor Class IV facility	\$ 2,400
Major incinerator	\$12,000
Intermediate incinerator	\$ 9,000
Minor incinerator	\$ 600
Major landfarm facility	\$ 3,600
Intermediate landfarm facility	\$ 2,400
Minor landfarm facility	\$ 1,200
One-time landfarm (≥ 800 cubic yds)	\$ 500
One-time landfarm (< 800 cubic yds)	\$ 200
Transfer station ($\geq 10,000$ tons/yr)	\$ 8,400
Transfer station ($< 10,000$ tons/yr)	\$ 4,800
Large composter operation	\$ 3,600
Small composter operation	\$ 0

(History: 75-10-106, 75-10-115, 75-10-204, 75-10-221, MCA; IMP, 75-10-115, 75-10-204, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2003 MAR p. 2857, Eff. 12/25/03; AMD, 2004 MAR p. 1949, Eff. 8/20/04; AMD, 2010 MAR p. 1799, Eff. 8/13/10.)

17.50.411 DISPOSAL FEE (1) Except as provided for in 75-10-214, MCA, and in fee Tables 1, 2, and 3 of ARM 17.50.410, any person licensed to dispose of or incinerate solid waste shall submit to the department an annual fee of \$0.40 per ton of solid waste incinerated or disposed of at the licensed facility during the previous calendar year. This fee must be submitted to the department in addition to the flat annual license renewal fees and is subject to the schedule in Table 1 of ARM 17.50.410.

(2) The department shall calculate the fee by using one of the following methods:

(a) actual weight of waste managed as reported in the annual report required by ARM 17.50.410; or

(b) estimated weight based upon the volume of waste managed as reported in the annual report required by ARM 17.50.410.

(3) For the purpose of estimating weight based upon the volume of waste managed, the following formulas apply:

(a) one cubic yard of loose refuse (residential or commercial) equals 300 pounds; and

(b) one cubic yard of compacted refuse (packer truck) received at the facility equals 700 pounds.

(c) The average tire weighs 20 pounds.

(4) In addition to the tonnage-based fee specified in (1), any person licensed to dispose of or incinerate solid waste shall submit to the department a quarterly fee of \$0.27 per ton of solid waste generated outside Montana and disposed of or incinerated within Montana. All facilities that accept wastes from outside Montana for the purpose of incineration or disposal must weigh the wastes accepted at that facility to accurately determine the volume accepted.

(5) Each facility receiving waste generated outside Montana must record the weights of all out-of-state waste received and such records must be placed in the operating record and must be reported to the department in the annual report specified in ARM 17.50.412. (History: 75-10-115, 75-10-204, 75-10-221, MCA; IMP, 75-10-115, 75-10-118, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; AMD, 1993 MAR p. 1931, Eff. 8/13/93; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2003 MAR p. 2857, Eff. 12/25/03.)

17.50.412 ANNUAL REPORTING, CONSOLIDATED OPERATIONS, LICENSE CLASSIFICATIONS (1) Any person owning or operating a facility that manages solid waste shall submit to the department by April 1 of each year, on a form provided by the department, the following information:

- (a) service areas and population of those areas;
- (b) total tonnage of solid waste received and disposed of during the previous year. Facilities that do not operate scales and that measure the volume of waste received and disposed of will use the following conversions to determine tonnage:
 - (i) loose refuse (residential and commercial) equals 300 pounds per cubic yard;
 - (ii) compacted refuse (packer truck) equals 700 pounds per cubic yard.
- (c) for a landfarm facility, a report summarizing the total volume in cubic yards of contaminated soils accepted for treatment and under treatment during the previous year as demonstrated by compilation of waste acceptance forms, bills of lading, or trip tickets;
- (d) for a large or small composter facility, a report summarizing:
 - (i) the kinds of materials accepted;
 - (ii) the total volume in cubic yards of material accepted; and
 - (iii) the tons of compost produced.
- (e) for facilities licensed primarily for the storage, treatment, processing, or disposal of waste tires, the kind and number of tires received by the facility and the number of tires processed, treated, disposed of, or removed from the facility during the previous year.

(2) The department may not assess additional fees for composting, household hazardous waste collection, or landfarm operations conducted at a licensed facility that disposes of Group II wastes through landfilling if those operations are:

- (a) conducted on the same site as the landfill; and
- (b) included in the facility's approved plan of operation.

(3) Fees for the following special categories of Class IV units and facilities are as follows:

(a) for a Class IV unit at a Class II facility there is no additional fee. However the design and operation of the Class IV unit must be included in the facility's design and operation plan and the disposal fee per ton applies to wastes placed in the Class IV unit.

(b) for a Class III facility that applies to upgrade to Class IV, the application review fee is 50% of the respective fee specified for the appropriate Class IV facility in Table 3 of ARM 17.50.410. (History: 75-10-115, 75-10-204, 75-10-221, MCA; IMP, 75-10-115, 75-10-204, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; TRANS, from DHES, 1995 MAR p. 2253; AMD, 1997 MAR p. 1031, Eff. 6/24/97; AMD, 2003 MAR p. 2857, Eff. 12/25/03.)

Rules 17.50.413 and 17.50.414 reserved

17.50.415 APPLICATION REVIEW FEES--INITIAL LICENSE OR SUBSTANTIAL CHANGE TO AN EXISTING FACILITY (1) Application for an initial license for a solid waste management system or substantial change to an existing solid waste management system may be submitted at any time during the license base year. Licenses issued during the base year shall expire at the end of that license base year. The applicant for initial licensing of a facility shall submit the appropriate fees as shown in Table 3, "Application Review Fee Schedule" of ARM 17.50.410. Any solid waste management system that does not fit into one of the categories shall be assessed fees no greater than major Class II landfill facilities.

(2) Application for substantial change to an existing solid waste management system shall be subject to the fee schedule established for review of new or substantially changed applications contained in Table 3, "Application Review Fee Schedule." (History: 75-10-115, 75-10-204, MCA; IMP, 75-10-115, 75-10-204, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.416 CONSOLIDATION OF LICENSES; FEES FOR CONSOLIDATED LICENSES (1) More than one solid waste management facility may be licensed as a part of the same solid waste management system, subject to the following limitations:

(a) No more than one landfill may be consolidated under one solid waste management system license;

(b) No more than one incinerator may be consolidated under one solid waste management system license;

(c) A landfill and an incinerator may not be consolidated under the same license;

(d) All solid waste management facilities consolidated under one solid waste management system license must manage the same or primarily the same solid waste stream;

(e) All solid waste management facilities consolidated under the same solid waste management system license must be owned or operated by the same person; and

(f) All solid waste management facilities consolidated under the same solid waste management system license must be included in the solid waste management system's approved plan of operation.

(2) The limitations provided in (1)(a), (b), and (c) do not apply to facilities co-located at a single site or at contiguous sites.

(3) Except as otherwise provided in ARM 17.50.412(4) and in (4), solid waste management systems containing more than one solid waste management facility shall be subject to fees equal to the sum of the following:

(a) the applicable fees calculated in accordance with Tables 1, 2, and 3 of ARM 17.50.410 for the facility which the department, after consultation with the applicant or licensee, determines to be the major facility included under the license; and

(b) one-half of the applicable fees calculated in accordance with Tables 1, 2, and 3 of ARM 17.50.410 for all other facilities consolidated under the same license.

(4) The department may not assess the per-ton disposal fee of Table 1, ARM 17.50.410, for the landfill disposal of incinerator residues where the incinerator facility and the landfill facility are both under a solid waste management system license held by a single person and the per-ton fee is assessed for all of the solid wastes received for treatment by the incinerator facility. (History: 75-10-115, 75-10-204, MCA; IMP, 75-10-115, 75-10-204, 75-10-221, MCA; NEW, 1992 MAR p. 1377, Eff. 6/26/92; TRANS, from DHES, 1995 MAR p. 2253; AMD, 2003 MAR p. 2857, Eff. 12/25/03.)

