



ADMINISTRATIVE RULES OF MONTANA



17.53.113 REGISTRATION AND REGISTRATION MAINTENANCE FEES: FEE ASSESSMENT

- (1) For the purposes of this rule, "as-generated waste" means hazardous waste generated from tanks, containers, and other process units in the course of regular, ongoing commercial production, or other industrial activities. "Remediation waste" means all hazardous waste, debris, and media, including ground water, surface water, soils, and sediments, that are managed for implementing cleanup. Hazardous waste generated at, and as a result of, final closure of the entire facility is remediation waste.
- (2) Concurrent with the submittal of a registration form, a generator shall submit to the department a registration fee of \$270.
- (3) The department shall assess an annual registration maintenance fee, as provided in (4), 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 very small quantity generator, as defined in ARM 17.53.301(2), that generates hazardous waste due to an episodic event in accordance with 40 CFR 262, Subpart L.
- (4) The annual registration maintenance fee for a calendar year is \$240 plus a per-ton fee for all regulated hazardous waste generated during the previous calendar year of:
 - (a) \$15 per ton for all regulated remediation waste generated during the 2014 calendar year and each year thereafter, subject to an annual cap of \$25,000; and
 - (b) \$25 per ton for all regulated as-generated waste generated during the 2021 calendar year and each year thereafter.
- (5) The per-ton fee in (4)(a) and (b) 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.
- (6) 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.
- (7) 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).

- (8) The department shall assess a change of activity fee, as provided in (9), for any generator who notifies the department as:
 - (a) an episodic generator operating under 40 CFR 262, Subpart L;
 - (b) a large quantity generator receiving waste from a very small quantity generator consolidating hazardous waste received from a very small quantity generator in accordance with 40 CFR 262.17(f); and
 - (c) a healthcare facility, as defined in 40 CFR 266.500, notifying that it is operating under 40 CFR 266, Subpart P.
- (9) The change of activity fee is \$150 for each notification to the department provided in (8).
- (10) 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;
 - (d) conducting a treatability study; or
 - (e) notifying the department that they are a reverse distributor operating under 40 CFR 266, Subpart P.
- (11) 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.
- (12) 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 percent of the fee, plus interest on the fee computed at the interest rate established under 75-2-220(5)(a)(i), MCA.

Authorizing statute(s): 75-10-404, 75-10-405, MCA

Implementing statute(s): 75-10-405, MCA

History: 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; AMD, 2009 MAR p. 2371, Eff. 12/11/09; AMD, 2015 MAR p. 1753, Eff. 8/14/15; AMD, 2022 MAR p. 693, Eff. 5/14/22.