



ADMINISTRATIVE RULES OF MONTANA

17.50.502 DEFINITIONS

In addition to the definitions in 75-10-203, MCA, the following definitions apply to this subchapter:

- (1) "Act" means the Montana Solid Waste Management Act, 75-10-201 through 75-10-233, MCA.
- (2) "Active life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities in accordance with subchapter 14.
- (3) "Airport" means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
- (4) "Clean fill" means soil, dirt, sand, gravel, rocks, and rebar-free concrete, emplaced free of charge to the person placing the fill, in order to adjust or create topographic irregularities for agricultural or construction purposes.
- (5) "Closure" means the process by which an owner or operator of a facility closes all or part of a facility in accordance with a department-approved closure plan and all applicable closure requirements specified in subchapter 14.
- (6) "Construction and demolition waste" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures, once municipal, household, commercial, and industrial wastes have been removed.
- (7) "Container site" means a solid waste management facility, generally open to the public, for the collection of solid waste that is generated by more than one household or firm and that is collected in a refuse container with a total capacity of not more than 50 cubic yards.
- (8) "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.
- (9) "Department" means the Department of Environmental Quality provided for in 2-15-3501, MCA.
- (10) "Existing," when used in conjunction with "unit" or a type of unit, means a unit that was licensed as a solid waste management system and was receiving solid waste as of October 9, 1993.
- (11) "Facility" means property where solid waste management is occurring or has occurred. It includes all contiguous land and structures, other appurtenances, and improvements on the land used for management of solid waste.

- (12) "Floodplain" has the meaning specified in ARM 17.50.403.
- (13) "Generation" means the act or process of producing waste materials.
- (14) "Ground water" means water below the land surface in a zone of saturation.
- (15) "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA). The definition includes, but is not limited to, waste resulting from the following manufacturing or industrial processes:
 - (a) electric power generation;
 - (b) fertilizer/agricultural chemicals;
 - (c) food and related products/byproducts;
 - (d) inorganic chemicals;
 - (e) iron and steel manufacturing;
 - (f) leather and leather products;
 - (g) nonferrous metals manufacturing/foundries;
 - (h) organic chemicals;
 - (i) plastics and resins manufacturing;
 - (j) pulp and paper industry;
 - (k) rubber and miscellaneous plastic products;
 - (l) stone, glass, clay, and concrete products;
 - (m) textile manufacturing;
 - (n) transportation equipment; and
 - (o) water treatment.
- (16) "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface for agricultural purposes or for treatment and disposal. The definition does not include manure spreading operations.
- (17) "Landfill" means an area of land or an excavation where wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.
- (18) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing disposal unit.
- (19) "Leachate" means a liquid which has contacted, passed through, or emerged from solid waste and contains soluble, suspended, or miscible materials removed from the waste.
- (20) "Leachate collection system" means an engineered structure, located above a liner and below the refuse in a landfill unit, designed to collect leachate.
- (21) "Leachate removal system" means an engineered structure that allows for the removal of leachate from a landfill unit. A leachate removal system may be, but is not necessarily, used in conjunction with a leachate collection system.

- (22) "Licensed boundary" means the perimeter of the area within a solid waste management facility that the department has approved for solid waste management under ARM 17.50.513.
- (23) "Licensee" means a person who has, or persons who have, been issued a license by the department to operate a solid waste management system.
- (24) "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).
- (25) "Maximum horizontal acceleration" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90% or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.
- (26) "New," when used in conjunction with "unit" or a type of unit, means a unit that is not an existing unit.
- (27) "Operator" means the person responsible for the overall operation of a facility or part of a facility.
- (28) "Owner" means the person who owns a facility or part of a facility.
- (29) "PCB wastes" means those polychlorinated byphenyls or PCB items subject to regulation under 40 CFR Part 761.
- (30) "Person" has the meaning given in 75-10-203, MCA.
- (31) "Post-closure care" means the activities required at a landfill after the completion of closure in which all aspects of the landfill containment, extraction, control, and monitoring systems must be inspected, operated, and maintained in accordance with a department-approved post-closure plan and all applicable requirements in subchapter 14.
- (32) "RCRA" means the federal Solid Waste Disposal Act, as amended by and hereinafter referred to as the Resource Conservation and Recovery Act of 1976 and subsequent amendments, codified at 42 USC 6901 through 6992k.
- (33) "Regulated hazardous waste" means a solid waste that is a hazardous waste, as defined in 40 CFR 261.3, that is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b) or was not generated by a conditionally exempt small quantity generator as defined in 40 CFR 261.5.
- (34) "Residue" means the waste material remaining after processing, incineration, composting, recovery, or recycling have been completed. Residues are usually disposed of in landfills.
- (35) "Seismic impact zone" means an area with a 10% or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in 250 years.
- (36) "Solid waste" has the meaning given in 75-10-203, MCA.
- (37) "Solid waste management system," as defined in 75-10-203, MCA, means a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste. In addition, for the purposes of this definition, the department does not consider a container site to be a component of a solid waste management system.
- (38) "Special waste" has the meaning given in 75-10-802, MCA.

- (39) "Surface impoundment" means a facility or part of a facility that is a natural topographic depression, human made excavation, or diked area formed primarily of earthen materials (although it may be lined with human made materials), that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.
- (40) "Unit" means a discrete area of land or an excavation used for the landfilling or other disposal of solid waste.
- (41) "Waste" means useless, unwanted, or discarded materials in any physical form, i.e., solid, semi-solid, liquid, or gaseous. The term is not intended to apply to by-products or materials which have economic value and may be used by the person producing the material or sold to another person for resource recovery or use in a beneficial manner.
- (42) "Waste pile" or "pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

Authorizing statute(s): 75-10-204, MCA

Implementing statute(s): 75-10-204, MCA

History: Eff. 12/31/72; AMD, Eff. 7/5/74; AMD, 1977 MAR p. 1170, Eff. 12/24/77; AMD, 1993 MAR p. 1645, Eff. 10/9/93; AMD, 1993 MAR p. 2784, Eff. 11/25/93; TRANS, from DHES, 1995 MAR p. 2253; AMD, 1997 MAR p. 1031, Eff. 6/24/97; AMD, 2010 MAR p. 317, Eff. 2/12/10; AMD, 2017 MAR p. 285, Eff. 3/11/17.