

1 _____ BILL NO. _____
2 INTRODUCED BY _____
3 (Primary Sponsor)
4 BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REGISTRATION FEES FOR UNDERGROUND
6 PETROLEUM OR HAZARDOUS SUBSTANCE STORAGE TANKS; AMENDING SECTION 75-11-505, MCA;
7 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 75-11-505, MCA, is amended to read:

12 **"75-11-505. Administrative rules -- underground storage tanks -- petroleum mixing zones. (1)**

13 The department may adopt, amend, or repeal rules for the prevention and correction of leakage from
14 underground storage tanks, including:

- 15 (a) reporting by owners and operators;
- 16 (b) financial responsibility;
- 17 (c) release detection, prevention, and corrective action;
- 18 (d) procedures and standards for the issuance, nonissuance, renewal, nonrenewal, modification,
19 revocation, suspension, and enforcement of permits authorizing the operation of underground storage tanks;
- 20 (e) standards for design, construction, installation, and closure;
- 21 (f) in collaboration with stakeholders, development of a schedule of annual fees, not to exceed
22 ~~\$108~~ \$300 for a tank over 1,100 gallons and not to exceed ~~\$36~~ \$100 for a tank 1,100 gallons or less, for each
23 tank, for tank registration to defray state and local costs of implementing an underground storage tank program.
- 24 The department may prorate fees to cover periods not equal to 12 months in order to provide staggered
25 scheduling of renewal dates.
- 26 (g) a system for assessment of administrative penalties, notice, and appeals under 75-11-525; and
- 27 (h) delegation of authority and funds to local agents for inspections and implementation. The
28 delegation of authority to local agents must complement and may not duplicate existing authority for

1 implementation of rules adopted by the department of justice that relate to underground storage tanks.

2 (2) In accordance with 75-11-508, the department:

3 (a) shall adopt rules governing the inclusion of a petroleum mixing zone, as defined in 75-11-503,

4 in a corrective action plan; and

5 (b) may incorporate by reference rules adopted pursuant to 75-5-301 and 75-5-303 related to

6 mixing zones for ground water."

7

8 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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