

SENATE BILL NO. 46

INTRODUCED BY J. ESP

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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

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

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

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

- (a) reporting by owners and operators;
 - (b) financial responsibility;
 - (c) release detection, prevention, and corrective action;
 - (d) procedures and standards for the issuance, nonissuance, renewal, nonrenewal, modification, revocation, suspension, and enforcement of permits authorizing the operation of underground storage tanks;
 - (e) standards for design, construction, installation, and closure;
 - (f) in collaboration with stakeholders, development of a schedule of annual fees, not to exceed ~~\$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 tank, for tank registration to defray state and local costs of implementing an underground storage tank program.
- The department may prorate fees to cover periods not equal to 12 months in order to provide staggered scheduling of renewal dates.
- (g) a system for assessment of administrative penalties, notice, and appeals under 75-11-525; and
 - (h) delegation of authority and funds to local agents for inspections and implementation. The 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."

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

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