

HOUSE BILL 186

Introduced by Davis

1/15	Introduced
1/15	Referred to Natural Resources
1/15	First Reading
1/15	Fiscal Note Requested
1/21	Fiscal Note Received
1/21	Fiscal Note Printed
1/23	Hearing
2/08	Tabled in Committee

1 HOUSE BILL NO. 186
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPLACE THE ANNUAL
5 UNDERGROUND STORAGE TANK REGISTRATION FEE WITH A ONE-TIME
6 FEE; AND AMENDING SECTION 75-10-405, MCA."

7
8 STATEMENT OF INTENT

9 A statement of intent is not required for this bill, but
10 the purpose of the bill is to direct the department of
11 health and environmental sciences to revise its rules to
12 change the current schedule of annual registration fees for
13 underground storage tanks to a one-time fee that is assessed
14 on tank owners and operators.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 75-10-405, MCA, is amended to read:

18 "75-10-405. Administrative rules. (1) The department
19 may adopt, amend, or repeal rules governing hazardous waste,
20 including but not limited to the following:

21 (a) identification and classification of those
22 hazardous wastes subject to regulation and those that are
23 not;

24 (b) requirements for the proper treatment, storage,
25 transportation, and disposal of hazardous waste;

1 (c) requirements for siting, design, operation,
2 maintenance, monitoring, inspection, closure, postclosure,
3 and reclamation of hazardous waste management facilities;

4 (d) requirements for the issuance, denial, renewal,
5 modification, and revocation of permits for hazardous waste
6 management facilities;

7 (e) requirements for corrective action within and
8 outside of facility boundaries and for financial assurance
9 of that corrective action;

10 (f) requirements for manifests and the manifest system
11 for tracking hazardous waste and for reporting and
12 recordkeeping by generators, transporters, and owners and
13 operators of hazardous waste management facilities;

14 (g) requirements for training of facility personnel and
15 for financial assurance of facility owners and operators and
16 for liability of guarantors providing financial assurance;

17 (h) requirements for registration of generators and
18 transporters;

19 (i) a schedule of fees for hazardous waste management
20 facility permits and registration of hazardous waste
21 generators;

22 (j) a schedule of fees to defray a portion of the costs
23 of establishing, operating, and maintaining any state
24 hazardous waste management facility authorized by 75-10-412;

25 (k) requirements for availability to the public of

1 information obtained by the department regarding facilities
2 and sites used for the treatment, storage, and disposal of
3 hazardous wastes; and

4 (1) other rules which are necessary to obtain and
5 maintain authorization under the federal program.

6 (2) The department may not adopt rules under this part
7 that are more restrictive than those promulgated by the
8 federal government under the Resource Conservation and
9 Recovery Act of 1976, as amended, except that the
10 department:

11 (a) may require the registration of transporters not
12 otherwise required to register with the state of Montana
13 pursuant to the federal Resource Conservation and Recovery
14 Act of 1976, as amended:

15 (b) may require generators and facilities to report on
16 an annual rather than on a biennial basis;

17 (c) may adopt requirements for the prevention and
18 correction of leakage from underground storage tanks,
19 including:

20 (i) reporting by owners and operators;

21 (ii) financial responsibility;

22 (iii) release detection, prevention, and corrective
23 action;

24 (iv) standards for design, construction, installation,
25 and closure;

1 (v) development of a schedule of one-time fees that may
2 be assessed on tank owners and operators for the lifetime of
3 a tank, not to exceed \$50 for a tank over 1,100 gallons and
4 not to exceed \$20 for a tank 1,100 gallons or less, per
5 tank, for tank notification and permits to defray state and
6 local costs of implementing an underground storage tank
7 program; and

8 (vi) delegation of authority and funds to local agents
9 for inspections and implementation. The delegation of
10 authority to local agents must complement and may not
11 duplicate existing authority for implementation of rules
12 adopted by the state fire marshal that relate to underground
13 storage tanks.

14 (d) may adopt regulatory requirements for hazardous
15 waste transfer facilities; and

16 (e) shall require the owner or manager of any proposed
17 commercial facility for the storage, collection, or transfer
18 of hazardous waste to conduct a public hearing, as provided
19 for in 75-10-441."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0186, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

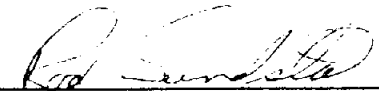
A bill specifying that the underground storage tank registration fee, the amount of which is currently prescribed in statute based on tank size, may be assessed only once during the lifetime of a tank, restricting the administrative discretion of the Department of Health and Environmental Sciences to levy the prescribed fees on an annual basis.

ASSUMPTIONS:

1. During FY92, the department would invoice owners and operators of approximately 16,295 underground storage tanks for a one-time fee based on the fee schedule prescribed in law. During FY93, the department would invoice only owners and operators of new underground storage tank installations based on the fee schedule prescribed in law.
2. Beginning in FY93, there would be 40 assessments for \$50 each on tanks with capacity greater than 1,100 gallons and 60 assessments for \$20 each on tanks with capacity less than 1,100 gallons, per year, generating revenues of \$3,200.
3. Federal requirements and state statutory obligations would remain unchanged.
4. The UST leak prevention program would be supported by general fund as the UST leak prevention account became insolvent.

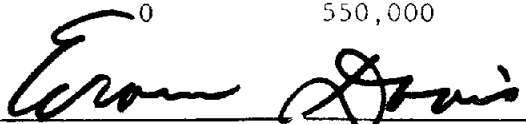
FISCAL IMPACT:

	<u>FY 92</u>			<u>FY 93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	6.75	6.75	0.00	6.75	6.75	0.00
Personnel Services	163,211	163,211	0	163,211	163,211	0
Operating Expenses	116,185	116,185	0	116,185	116,185	0
Equipment	8,000	8,000	0	8,000	8,000	0
Local Grants	<u>262,604</u>	<u>262,604</u>	<u>0</u>	<u>262,604</u>	<u>262,604</u>	<u>0</u>
Total	550,000	550,000	0	550,000	550,000	0
<u>Funding:</u>						
General Fund (01)	0	0	0	0	259,104	259,104
UST Fees (02)	<u>550,000</u>	<u>550,000</u>	<u>0</u>	<u>550,000</u>	<u>290,896</u>	<u>(259,104)</u>
Total	550,000	550,000	0	550,000	550,000	0
<u>Revenues:</u>						
UST Fees (02)	550,000	550,000	0	550,000	3,200	(546,800)


 ROD SUNDSTED, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE

1-19-91


 ERVIN DAVIS, PRIMARY SPONSOR

DATE

1-21-91

Fiscal Note for HB0186, as introduced.

HB 186

Fiscal Note Request, HB0186, as introduced.
Form BD-15
Page 2

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

In the 1995 biennium, no fund balance would exist in the UST leak prevention account, requiring the appropriation of approximately \$1.1 million in general fund.

HB 186