

HOUSE BILL 845

Introduced by Brooke, et al.

2/14	Introduced
2/14	Referred to Natural Resources
2/14	First Reading
2/14	Fiscal Note Requested
2/18	Fiscal Note Received
2/19	Fiscal Note Printed
2/22	Hearing
2/22	Fiscal Note Printed
2/25	Rereferred to Appropriations
3/06	Revised Fiscal Note Requested
3/08	Revised Fiscal Note Received
3/08	Revised Fiscal Note Printed
3/20	Hearing
3/23	Tabled in Committee

1 HOUSE BILL NO. 845
 2 INTRODUCED BY Bruce Brantley
 3 CR/L. B. Brantley, Kadas, Hammy, ...
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING UNDERGROUND
 5 STORAGE TANKS AND UNDERGROUND PIPES, AS DEFINED IN SECTION
 6 75-10-403(17)(A), MCA, TO HAVE DOUBLE WALLS; AMENDING
 7 SECTION 75-10-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 8 DATE AND AN APPLICABILITY DATE."
 9

10 WHEREAS, the 1989 Legislature found that underground
 11 storage tanks and underground pipes connected to underground
 12 and aboveground storage tanks must be regulated in order to
 13 protect public health and safety, the health of living
 14 organisms, and the environment; and

15 WHEREAS, the Department of Health and Environmental
 16 Sciences adopted rules in 1989 that include design and
 17 construction requirements for underground storage tanks and
 18 underground pipes; and

19 WHEREAS, the underground storage tank design and
 20 construction rules adopted by the department are not
 21 adequate to protect public health and safety, the health of
 22 living organisms, and the environment; and

23 WHEREAS, double-walled construction of underground
 24 storage tanks and underground pipes is necessary to prevent
 25 releases of regulated substances to the environment over the

1 operational life of an underground storage tank system and
 2 to appropriately contain regulated substances that are
 3 released until the substances can be detected and removed.
 4

5 STATEMENT OF INTENT

6 A statement of intent is required for this bill to
 7 provide guidance to the department of health and
 8 environmental sciences concerning the adoption of rules to
 9 require that underground storage tanks and underground pipes
 10 as defined in 75-10-403(17)(a) must be designed and
 11 constructed with double walls. Double-walled construction is
 12 necessary to adequately prevent releases of regulated
 13 substances to the environment during the operational life of
 14 an underground storage tank system and to properly contain
 15 regulated substances that are released until the substances
 16 can be detected and removed. The department is directed to
 17 adopt rules that specify the types of materials or
 18 combinations of materials that must be used to appropriately
 19 construct double-walled tanks and the necessary design,
 20 construction, and installation techniques.
 21

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

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

24 "75-10-405. Administrative rules. (1) The department
 25 may adopt, amend, or repeal rules governing hazardous waste,



1 including but not limited to the following:

2 (a) identification and classification of those
3 hazardous wastes subject to regulation and those that are
4 not;

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

7 (c) requirements for siting, design, operation,
8 maintenance, monitoring, inspection, closure, postclosure,
9 and reclamation of hazardous waste management facilities;

10 (d) requirements for the issuance, denial, renewal,
11 modification, and revocation of permits for hazardous waste
12 management facilities;

13 (e) requirements for corrective action within and
14 outside of facility boundaries and for financial assurance
15 of that corrective action;

16 (f) requirements for manifests and the manifest system
17 for tracking hazardous waste and for reporting and
18 recordkeeping by generators, transporters, and owners and
19 operators of hazardous waste management facilities;

20 (g) requirements for training of facility personnel and
21 for financial assurance of facility owners and operators and
22 for liability of guarantors providing financial assurance;

23 (h) requirements for registration of generators and
24 transporters;

25 (i) a schedule of fees for hazardous waste management

1 facility permits and registration of hazardous waste
2 generators;

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

6 (k) requirements for availability to the public of
7 information obtained by the department regarding facilities
8 and sites used for the treatment, storage, and disposal of
9 hazardous wastes; and

10 (l) other rules which are necessary to obtain and
11 maintain authorization under the federal program.

12 (2) The department may not adopt rules under this part
13 that are more restrictive than those promulgated by the
14 federal government under the Resource Conservation and
15 Recovery Act of 1976, as amended, except that the
16 department:

17 (a) may require the registration of transporters not
18 otherwise required to register with the state of Montana
19 pursuant to the federal Resource Conservation and Recovery
20 Act of 1976, as amended;

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

23 (c) except as provided in subsection (2)(f), may adopt
24 requirements for the prevention and correction of leakage
25 from underground storage tanks, including:

- 1 (i) reporting by owners and operators;
- 2 (ii) financial responsibility;
- 3 (iii) release detection, prevention, and corrective
- 4 action;
- 5 (iv) standards for design, construction, installation,
- 6 and closure;
- 7 (v) development of a schedule of fees, not to exceed
- 8 \$50 for a tank over 1,100 gallons and not to exceed \$20 for
- 9 a tank 1,100 gallons or less, per tank, for tank
- 10 notification and permits to defray state and local costs of
- 11 implementing an underground storage tank program; and
- 12 (vi) delegation of authority and funds to local agents
- 13 for inspections and implementation. The delegation of
- 14 authority to local agents must complement and may not
- 15 duplicate existing authority for implementation of rules
- 16 adopted by the state fire marshal that relate to underground
- 17 storage tanks.
- 18 (d) may adopt regulatory requirements for hazardous
- 19 waste transfer facilities; and
- 20 (e) shall require the owner or manager of any proposed
- 21 commercial facility for the storage, collection, or transfer
- 22 of hazardous waste to conduct a public hearing, as provided
- 23 for in 75-10-441; and
- 24 (f) shall require underground storage tanks and
- 25 underground pipes, as defined in 75-10-403(17)(a), to have

1 double walls."

2 NEW SECTION. Section 2. Applicability. [This act]

3 applies to underground storage tanks and underground pipes

4 installed after December 31, 1991.

5 NEW SECTION. Section 3. Effective date. [This act] is

6 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0845, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill requiring underground storage tanks and underground pipes, as defined in section 75-10-403(17)(A), MCA, to have double walls.

FISCAL IMPACT:


None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local governments installing underground storage tanks after December 31, 1991, would be required to meet the double-wall specifications provided for in HB0845.



ROD SUNDSTED, BUDGET DIRECTOR 2-18-91 DATE
Office of Budget and Program Planning



VIVIAN M. BROOKE, PRIMARY SPONSOR 2/19/91 DATE
Fiscal Note for HB0845, as introduced **HB 845**

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0845, as introduced amended.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring underground storage tanks and underground pipes, as defined in section 75-10-403(17)(A), MCA, to have double walls.

ASSUMPTIONS:

1. The cost difference between single and double-walled tanks is approximately \$1,700.
2. The cost difference in monitoring devices for single versus double-walled tanks is approximately \$3,000.
3. In appropriations subcommittee action to date, the Department of Highways has been budgeted to test 113 underground storage tanks in each year of the biennium and to replace defective tanks. The department estimates that 29 tanks would be replaced each year and that installation would not be complete until after the effective date.

FISCAL IMPACT:

Department of Highways:


	FY92			FY93		
	<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>						
Operating Expenses	1,109,800	1,246,100	136,300	1,109,800	1,246,100	136,300
<u>Funding:</u>						
State Special Revenue	1,109,800	1,246,100	136,300	1,109,800	1,246,100	136,300

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local governments installing underground storage tanks after December 31, 1991, would be required to meet the double-wall specifications provided for in HB0845.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

Costs for state agencies maintaining underground storage tanks would be increased as existing tanks fail and must be replaced or additional tanks are installed.

 2-21-91

ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

DATE

VIVIAN M. BROOKE, PRIMARY SPONSOR

DATE

Fiscal Note for HB0845, as introduced amended

AMENDED

HB 845

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0845, third reading.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill requiring underground storage tanks and underground pipes, as defined in section 75-10-403(17)(A), MCA, located in environmentally sensitive areas, to have double walls.

ASSUMPTIONS:

1. The cost difference between single and double-walled construction specifications for underground storage tanks is approximately \$7,550. The average cost differential for component elements are as follows: tanks \$3,500; monitoring devices \$3,000; and piping \$1,050.
2. In appropriations subcommittee action to date, the Department of Highways has been budgeted to test 113 underground storage tanks in each year of the biennium and to replace defective tanks. The department estimates that 29 tanks would be replaced each year and that installation would not be complete until after the effective date.
3. The number of defective department tanks located in environmentally sensitive areas is unknown at this time.

FISCAL IMPACT:

Department of Highways:


The number of department tanks located in environmentally sensitive areas is unknown at this time and subject to the definition of "environmentally sensitive areas" under DHES rulemaking. To the extent that there are tanks located in environmentally sensitive areas, the number of such tanks found to be defective is inestimable. If all 29 tanks projected by the department to be defective were also to be located in environmentally sensitive areas, the additional replacement costs would be \$218,950 per year.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local governments installing underground storage tanks in environmentally sensitive areas after December 31, 1991, would be required to meet the double-wall specifications provided for in HB0845.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

Costs for state agencies maintaining underground storage tanks in environmentally sensitive areas would be increased as existing tanks are replaced or additional tanks are installed.


ROD SUNDSTED, BUDGET DIRECTOR 3-7-91 DATE
Office of Budget and Program Planning

VIVIAN M. BROOKE, PRIMARY SPONSOR DATE

Fiscal Note for HB0845, third reading.

HB 845
3rd Reading