

SENATE BILL 245

Introduced by Nathe

1/31	Introduced
2/01	Referred to Natural Resources
2/01	First Reading
2/08	Hearing
2/14	Committee Report--Bill Not Passed
2/14	Adverse Committee Report Adopted

1 *Senate* BILL NO. *245*  
2 INTRODUCED BY *NATHAN*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM  
5 UNDERGROUND STORAGE TANK REGULATION THOSE TANKS USED FOR  
6 STORING HEATING FUEL FOR CONSUMPTIVE USE ON THE PREMISES  
7 WHERE STORED; AND AMENDING SECTIONS 75-10-403 AND 75-11-217,  
8 MCA."  
9

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

11 **Section 1.** Section 75-10-403, MCA, is amended to read:

12 **"75-10-403. Definitions.** Unless the context requires  
13 otherwise, in this part the following definitions apply:

14 (1) "Board" means the board of health and environmental  
15 sciences provided for in 2-15-2104.

16 (2) "Department" means the department of health and  
17 environmental sciences provided for in Title 2, chapter 15,  
18 part 21.

19 (3) "Dispose" or "disposal" means the discharge,  
20 injection, deposit, dumping, spilling, leaking, or placing  
21 of any regulated substance or hazardous waste into or onto  
22 the land or water so that the regulated substance, hazardous  
23 waste, or any constituent of the regulated substance or  
24 hazardous waste may enter the environment or be emitted into  
25 the air or discharged into any waters, including ground

1 water.

2 (4) "Facility" or "hazardous waste management facility"  
3 means all contiguous land and structures, other  
4 appurtenances, and improvements on the land used for  
5 treating, storing, or disposing of hazardous waste. A  
6 facility may consist of several treatment, storage, or  
7 disposal operational units.

8 (5) "Generation" means the act or process of producing  
9 waste material.

10 (6) "Generator" means any person, by site, whose act or  
11 process produces hazardous waste or whose act first causes a  
12 hazardous waste to become subject to regulation under this  
13 part.

14 (7) (a) "Hazardous waste" means a waste or combination  
15 of wastes that, because of its quantity, concentration, or  
16 physical, chemical, or infectious characteristics, may:

17 (i) cause or significantly contribute to an increase in  
18 mortality or an increase in serious irreversible or  
19 incapacitating reversible illness; or

20 (ii) pose a substantial present or potential hazard to  
21 human health or the environment when improperly treated,  
22 stored, transported, or disposed of or otherwise managed.

23 (b) Hazardous wastes do not include those substances  
24 governed by Title 82, chapter 4, part 2.

25 (8) "Hazardous waste management" means the management



1 of the collection, source separation, storage,  
2 transportation, processing, treatment, recovery, and  
3 disposal of hazardous wastes.

4 (9) "Hazardous waste transfer facility" means any land,  
5 structure, or improvement, including loading docks, parking  
6 areas, holding sites, and other similar areas, used for the  
7 transfer and temporary storage of hazardous wastes and where  
8 shipments of hazardous waste are temporarily held for a  
9 period of 10 days or less during the normal course of  
10 transportation up to but not including the point of ultimate  
11 treatment, storage, or disposal.

12 (10) "Manifest" means the shipping document originated  
13 and signed by the generator and which is used to identify  
14 the hazardous waste, its quantity, origin, and destination  
15 during its transportation.

16 (11) "Person" means the United States, an individual,  
17 firm, trust, estate, partnership, company, association,  
18 corporation, city, town, local governmental entity, or any  
19 other governmental or private entity, whether organized for  
20 profit or not.

21 (12) "Regulated substance":

22 (a) means:

23 (i) a hazardous substance as defined in 75-10-602; or  
24 (ii) petroleum, including crude oil or any fraction  
25 thereof, which is liquid at standard conditions of

1 temperature and pressure (60 degrees F and 14.7 pounds per  
2 square inch absolute);

3 (b) does not include a substance regulated as a  
4 hazardous waste under this part.

5 (13) "Storage" means the actual or intended containment  
6 of regulated substances, hazardous wastes, or both, either  
7 on a temporary basis or for a period of years.

8 (14) "Transportation" means the movement of hazardous  
9 wastes from the point of generation to any intermediate  
10 points and finally to the point of ultimate storage or  
11 disposal.

12 (15) "Transporter" means a person engaged in the offsite  
13 transportation of hazardous waste by air, rail, highway, or  
14 water.

15 (16) "Treatment" means a method, technique, or process,  
16 including neutralization, designed to change the physical,  
17 chemical, or biological character or composition of any  
18 hazardous waste so as to neutralize the waste or so as to  
19 render it nonhazardous, safer for transportation, amenable  
20 for recovery, amenable for storage, or reduced in volume.

21 (17) "Underground storage tank":

22 (a) means, except as provided in subsections (17)(b)(i)  
23 through ~~(17)(b)(viii)~~ (17)(b)(ix):

24 (i) any one or combination of tanks used to contain a  
25 regulated substance, the volume of which is 10% or more

1 beneath the surface of the ground; and

2 (ii) any underground pipes used to contain or transport

3 a regulated substance and connected to a storage tank,

4 whether the storage tank is entirely above ground, partially

5 above ground, or entirely underground;

6 (b) does not include:

7 (i) a septic tank;

8 (ii) a pipeline facility (including gathering lines)

9 regulated under:

10 (A) the Natural Gas Pipeline Safety Act of 1968 (49

11 U.S.C. 1671, et seq.);

12 (B) the Hazardous Liquid Pipeline Safety Act of 1979

13 (49 U.S.C. 2001, et seq.); or

14 (C) state law comparable to the provisions of law

15 referred to in subsection (17)(b)(ii)(A) or (17)(b)(ii)(B),

16 if the facility is intrastate;

17 (iii) a surface impoundment, pit, pond, or lagoon;

18 (iv) a storm water or wastewater collection system;

19 (v) a flow-through process tank;

20 (vi) a liquid trap or associated gathering lines

21 directly related to oil or gas production and gathering

22 operations;

23 (vii) a storage tank situated in an underground area,

24 such as a basement, cellar, mine, draft, shaft, or tunnel,

25 if the storage tank is situated upon or above the surface of

1 the floor; or

2 (viii) any pipe connected to a tank described in

3 subsections (17)(b)(i) through (17)(b)(vi); or

4 (ix) tanks used for storing heating fuel for consumptive

5 use on the premises where stored."

6 **Section 2.** Section 75-11-217, MCA, is amended to read:

7 "75-11-217. Exemption. The owner or operator of a farm

8 or residential tank with a capacity of 1,100 gallons or less

9 that is used for storing motor fuel for noncommercial

10 purposes ~~or--a--tank--used--for--storing--heating--oil--for~~

11 ~~consumptive-use-on-the-premises-where-stored~~ shall obtain a

12 permit for the installation or closure of the tank but is

13 not required to obtain the services of a licensed

14 installer."

-End-