

SENATE BILL 355

Introduced by T. Beck

2/12	Introduced
2/12	Referred to Natural Resources
2/12	First Reading
2/12	Fiscal Note Requested
2/18	Fiscal Note Received
2/19	Fiscal Note Printed
2/20	Hearing
2/21	Committee Report--Bill Passed as Amended
2/23	2nd Reading Passed
2/25	3rd Reading Passed
	Transmitted to House
3/04	First Reading
3/04	Referred to Natural Resources
3/22	Hearing
4/02	Tabled in Committee

1 *Senate* BILL NO. *355*  
 2 INTRODUCED BY *T. Bush*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT  
 5 INSPECTION OF CERTAIN UNDERGROUND STORAGE TANK INSTALLATIONS  
 6 AND CLOSURES IS NOT NECESSARY; AUTHORIZING THE DEPARTMENT OF  
 7 HEALTH AND ENVIRONMENTAL SCIENCES TO WAIVE INSPECTION FEES;  
 8 AMENDING SECTIONS 75-11-209, 75-11-213, AND 75-11-217, MCA;  
 9 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 **Section 1.** Section 75-11-209, MCA, is amended to read:

13 \*75-11-209. Permits -- requirement for licensed  
 14 installer -- exemption. (1) An owner or operator of an  
 15 underground storage tank may not install or close, or cause  
 16 to be installed or closed, an underground storage tank  
 17 without a permit issued by the department as provided in  
 18 75-11-212.

19 (2) In addition to obtaining a permit, an owner or  
 20 operator shall obtain the services of a licensed installer  
 21 for the installation or closure of an underground storage  
 22 tank unless the installation or closure is:

23 (a) inspected by a department inspector or a designated  
 24 local inspector as provided in 75-11-213; or

25 (b) exempt from the requirement for an inspection and a

1 licensed installer, as provided in 75-11-217."

2 **Section 2.** Section 75-11-213, MCA, is amended to read:

3 \*75-11-213. Inspection of installations and closures --  
 4 fee. (1) After being issued a permit, an owner or operator  
 5 may obtain an inspection by the department in lieu of  
 6 obtaining the services of a licensed installer. The owner or  
 7 operator shall provide timely notice to the department of  
 8 the date and location of the underground storage tank  
 9 installation or closure and shall establish with the  
 10 department the time when an inspection may be conducted.

11 (2) An owner or operator may conduct an installation or  
 12 closure under this section only if an inspector is present.

13 (3) An inspection fee must be paid by the owner or  
 14 operator to the department to cover the costs associated  
 15 with an inspection, unless the department waives the fee as  
 16 authorized by 75-11-217. The inspection is not considered  
 17 complete until the owner or operator pays the fee.

18 (4) Department officials or local government officers,  
 19 such as local health officers, sanitarians, local fire  
 20 chiefs, or other persons designated or hired by the  
 21 department, shall conduct inspections on behalf of the  
 22 department.

23 (5) The department shall pay the person conducting an  
 24 inspection on the department's behalf, as provided in  
 25 subsection (4), from the underground storage tank license



1 and permit account established in 75-11-227 up to 80% of any  
 2 fee collected by the department for the inspection. When an  
 3 inspection is conducted by an officer of a county or city,  
 4 the payment must be made by the department to the  
 5 appropriate county or city treasurer. A county or city shall  
 6 use payments received under this section only for costs  
 7 incurred in conducting inspections under this section.

8 (6) A copy of an installation inspection report must be  
 9 kept on file by the owner or operator for as long as the  
 10 department may require by rule. A copy of a closure  
 11 inspection report must be kept by the owner or operator for  
 12 3 years after the date of closure.

13 (7) The department may enter and inspect the premises  
 14 or any appurtenant property of an owner or operator at any  
 15 time to ensure compliance with laws or rules pertaining to  
 16 underground storage tanks."

17 **Section 3.** Section 75-11-217, MCA, is amended to read:

18 "75-11-217. **Exemption.** The owner or operator of a farm  
 19 or residential tank with a capacity of 1,100 gallons or less  
 20 that is used for storing motor fuel for noncommercial  
 21 purposes or a tank used for storing heating oil for  
 22 consumptive use on the premises where stored shall obtain a  
 23 permit for the installation or closure of the tank but. The  
 24 owner or operator is not required to obtain the services of  
 25 a licensed installer but must have the installation or

1 closure inspected unless an inspection is not required by  
 2 the department. When an inspection is required by the  
 3 department, the department may waive the inspection fee  
 4 provided for in 75-11-213."

5 NEW SECTION. **Section 4.** 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 SB0355, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

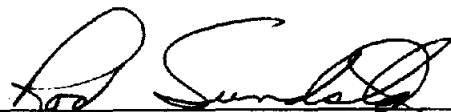
A bill clarifying that the Department of Health and Environmental Sciences may waive the requirement for the inspection of certain underground storage tank installations and closures when appropriate information indicates that health and environmental concerns have been satisfactorily addressed and are minimal, and authorizing the Department of Health and Environmental Sciences to wave inspection fees.


ASSUMPTIONS:

1. Approximately 500 underground tanks would be installed or removed per year. Approximately 300 of those tanks would require inspection because they would be farm and residential underground storage tanks with a capacity of 1,100 gallons or less used for the storage of motor fuels for non-commercial purposes and heating oil tanks with a capacity of 1,100 gallons or less used to store heating oil for consumptive use on the premises where stored.
2. Rather than reimbursing local contract inspectors at an hourly rate of \$25.00 per hour for the time it takes to complete an inspection, the department would pay existing Local Governmental Unit (LGU) inspectors an amount not to exceed \$50.00 for each tank site for which the Underground Storage Tank Program requests an inspection. The annual workplans for LGUs would be modified to provide resources for this inspection activity.
3. In those areas of the state where local government agencies have not requested designation, the department would utilize its staff to complete the required inspections as part of its compliance monitoring program element. Such inspections would be scheduled in the most timely and expedient manner possible.
4. The department would fund the payment of necessary inspections from the application review fees.

FISCAL IMPACT:

see next page

  
ROD SUNDSTED, BUDGET DIRECTOR      2-16-91  
Office of Budget and Program Planning      DATE

  
TOM BECK, PRIMARY SPONSOR      2/19/91  
DATE

Fiscal Note for SB0355, as introduced.

SB 355

Fiscal Note Request, SB0355, as introduced.

Form BD-15

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FISCAL IMPACT:

Department of Health and Environmental Sciences:

	<u>FY92</u>			<u>FY93</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	0.25	0.25	0.00	0.25	0.25	0.00
Personal Services	9,189	9,189	0	9,168	9,168	0
Operating Expenses	12,099	12,099	0	12,114	12,114	0
Grants	<u>6,400</u>	<u>30,500</u>	<u>24,100</u>	<u>6,400</u>	<u>30,500</u>	<u>24,100</u>
Total	27,688	51,788	24,100	27,682	51,782	24,100
<u>Funding:</u>						
UST License Fees (02)	27,688	51,788	24,100	27,682	51,782	24,100

Revenues:

	<u>FY92</u>			<u>FY93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Installer Licenses	500	500	0	500	500	0
License Renewal	5,000	5,000	0	5,000	5,000	0
Permit Fees	20,500	20,500	0	20,500	20,500	0
Inspection Fees	<u>60,000</u>	<u>24,000</u>	<u>(36,000)</u>	<u>60,000</u>	<u>24,000</u>	<u>(36,000)</u>
Total (02)	86,000	50,000	(36,000)	86,000	50,000	(36,000)

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Potential reimbursements to local contract inspectors would be reduced by \$15,000 per year.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

As a result of the proposed law, the Underground Storage Tank Program may have to review and adjust permit application review and inspection fees periodically to reflect program costs.

SB 355

APPROVED BY COMM. ON  
NATURAL RESOURCES

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2 INTRODUCED BY T. BECK

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