

DEPARTMENT OF ENVIRONMENTAL QUALITY

Exhibit No. 1
Date 3.3.05
Bill No. HB 78

HB78, introduced by C. Harris
By request of the Environmental Quality Council
Also proposed by the Department of Environment Quality
2005 Montana Legislature

FACT SHEET

REVISE PERMITTING OF UNDERGROUND STORAGE TANKS

Provisions:

- Amends §75-11-509, MCA to eliminate the requirement that prior to issuing or renewing a permit to operate an underground storage tank, the Department of Environmental Quality shall make a determination of full compliance or issue a compliance order.

Implementation:

- The Department of Environmental Quality, Waste & Underground Tank Management Bureau, Underground Storage Tank Section will administer regulatory changes associated with this legislation.

Advantages and Disadvantages:

- Full compliance without recognition of violation significance is not a reasonable standard to apply to the regulated community. This legislation would allow the department to respond with an enforcement action commensurate with severity of the violation.
- Major and Moderate Violations will still receive Compliance Orders.
- Minor Violations will be addressed through compliance assistance mechanisms before resorting to enforcement.
- Current law does not allow the department time to gather all relevant facts before initiating enforcement. Timelines are driven by the fact that a facility needs a new Operating Permit to continue business and the department can only issue one if formal enforcement is initiated. This legislation will allow the department to prepare better enforcement actions.
- Eliminates mandatory enforcement for noncompliance and allows discretion to prioritize formal enforcement for threats to human health and the environment.
- Does not eliminate or reduce regulatory compliance requirements.

DEPARTMENT CONTACT: Ed Thamke, 444-6748