



# Montana Legislative Services Division

## Legal Services Office

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**TO:** Environmental Quality Council  
**FROM:** Helen Thigpen  
**DATE:** June 23, 2011  
**RE:** Legislative Administrative Rule Review Report

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Pursuant to 75-1-324 and 5-5-215, MCA, the Environmental Quality Council is responsible for reviewing administrative rules within its jurisdiction. Staff for the Environmental Quality Council has prepared this report for informational purposes only. This report does not represent any action or opinion of the Environmental Quality Council and does not preclude additional action that may be taken by the Environmental Quality Council pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:**

17-325

**AGENCY/BOARD:**

Department of Environmental Quality

**RULE CLASSIFICATION:** (e.g. substantive/interpretative/emergency/temporary)

Substantive

**SUBJECT:**

Underground Storage Tanks

**NOTICE DESCRIPTION:** (e.g. proposal notice/adoption notice)

Notice of public hearing on proposed amendment and adoption (Underground Storage Tanks)

**SUMMARY OF RULE(S):**

DEQ is proposing to amend and adopt rules with respect to underground storage tanks (USTs). DEQ is proposing to eliminate the need for certain operating tags (not the need for an operating permit). DEQ is proposing (New Rule I) to replace the old tags with a new permanent nonexpiring tag for recordkeeping purposes. The nonexpiring tag would be issued after the issuance of a new operating permit. The tag would have to be visibly affixed by the owner or operator to each tank's fill pipe.

DEQ states that it does not have the resources to continue the issuance and renewal of operating tags. For tank identification and recordkeeping purposes the department is proposing to implement the use of a "permanent nonexpiring tag."

DEQ is also proposing New Rule II, which addresses delivery prohibitions. Instead of a tag, DEQ would issue a certificate that clearly identifies the ineligible UST. A certificate is an example provided in the EPA's guidance document regarding delivery prohibitions. The certificate would have to be conspicuously displayed at the facility until the UST is reclassified as eligible for delivery, deposit, or acceptance of product.

**NOTES:** (e.g. hearing dates)

A hearing is scheduled for July 15, 2011, 9:30 a.m., Department of Environmental Quality, Room 35, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

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