Program Evaluation

Waste & Underground Tank Management Bureau

Montana Department of Environmental Quality

Legislative Services Division

ENVIRONMENTAL QUALITY COUNCIL

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Introduction

The Environmental Quality Council (EQC) is required to evaluate programs within the Department of Environmental Quality (DEQ) pursuant to 75-1-324, MCA. That law requires the EQC to "review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which the programs and activities are contributing to the achievement of the policy and make recommendations to the governor and the legislature with respect to the policy."

The policy reads as follows:

> The legislature, recognizing the profound impact of human activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, recognizing the critical importance of restoring and maintaining environmental quality to the overall welfare and human development, and further recognizing that governmental regulation may unnecessarily restrict the use and enjoyment of private property, declares that it is the continuing policy of the state of Montana, in cooperation with the federal government, local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which humans and nature can coexist in productive harmony, to recognize the right to use and enjoy private property free of undue government regulation, and to fulfill the social, economic, and other requirements of present and future generations of Montanans.

The council allocated 68 hours of staff time to evaluate each of four bureaus within the former Permitting and Compliance Division of the DEQ that do not deal primarily with water, which included the Waste and Underground Tank Management Bureau. That division is now called the Air, Energy, and Mining Division. The Waste and Underground Tank Management Bureau is now a part of the new Waste Management and Remediation Division.

Hazardous Materials Section

Asbestos Control Program

Asbestos is a group of naturally occurring fibrous materials regulated under federal and state air quality laws because of health hazards related to exposure. Under delegation from the Environmental Protection Agency and through the Asbestos Control Act in state law, the DEQ regulates building renovations or demolitions that involve asbestos, asbestos disposal, and other asbestos-related activities.

Permits from the department are required for any project in a building or facility in which the project will disturb more than 10 square feet of surface area or involve more than three linear feet of pipe. The regulations apply to publically accessible businesses and buildings, but not to private residences unless the building has more than four dwelling units.[1]

Before work begins, an asbestos inspection must be conducted by a person accredited by the DEQ. Accredited inspectors and other asbestos workers complete an approved training course and submit an application to the DEQ. If the inspector finds a material that contains more than 1 percent asbestos, the material must be handled by an accredited person working under a DEQ permit. If the material isn't likely to crumble, such as the case with gaskets, floor tile or roofing products, the material may not have to be removed.

The transport of regulated material that must be removed also requires a permit from the DEQ. The DEQ maintains lists of accredited asbestos inspectors and workers as well as landfills that accept asbestos.

In late March 2015, a new law took effect that increased the size of projects exempt from permitting from 3 square feet of surface area to 10 square feet. The new law also established guidelines for small projects that required a permit application be reviewed within 5 working days of receipt.[2]

From 2015 to July 2016, the agency issued 351 permits. About two small project applications per month are submitted and the agency reports those are being reviewed within 5 days.[3] An online permitting system debuted in fiscal year 2013 and more than half of applications are received online.[4]

The program conducts site visits to check on permitted activity. Since 2015, inspectors visited 243 sites. Violations can be found during inspections or through complaints to the program. Often, discovered violations are brought into compliance with agency assistance. The section recorded 250 compliance assistance efforts in the time period compared to 39 enforcement referrals.[5]

For fiscal years 2014 and 2015, site visits increased 83%. For the same period, the agency estimates 85% of permittees are in compliance with regulations.

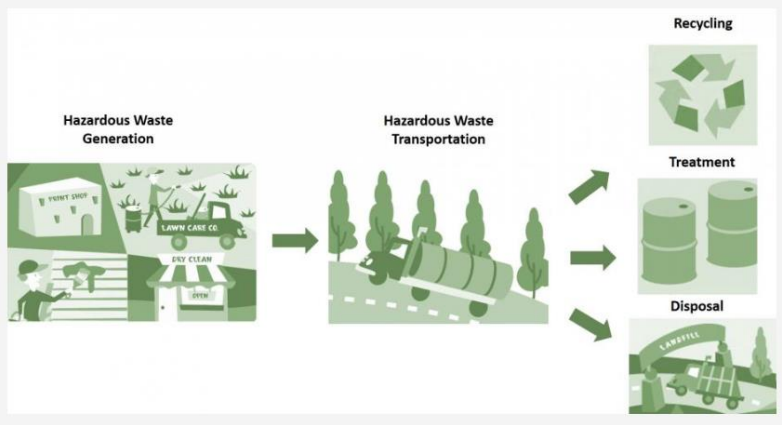
The 2015 legislation also created an advisory group to advise the department on permitting and possible updates to laws and rules. The group has met 13 times and plans three more prior to 2017. Draft recommendations include more streamlined permitting procedures, discounts for multiple accreditations, and increased compliance work. The

[1] Title 17, chapter 74, subchapter 3, ARM.
[2] House Bill 434, 2015.
[3] Asbestos Control Program, 2016 Business Plan, Midpoint Progress Report.
[4] DEQ Environmental Enforcement and Compliance Report to EQC, 2016.
[5] Ibid.

agency also intends to work with other entities that issue permits for building-related projects to make them aware of asbestos regulations.[6]

Hazardous Waste Program

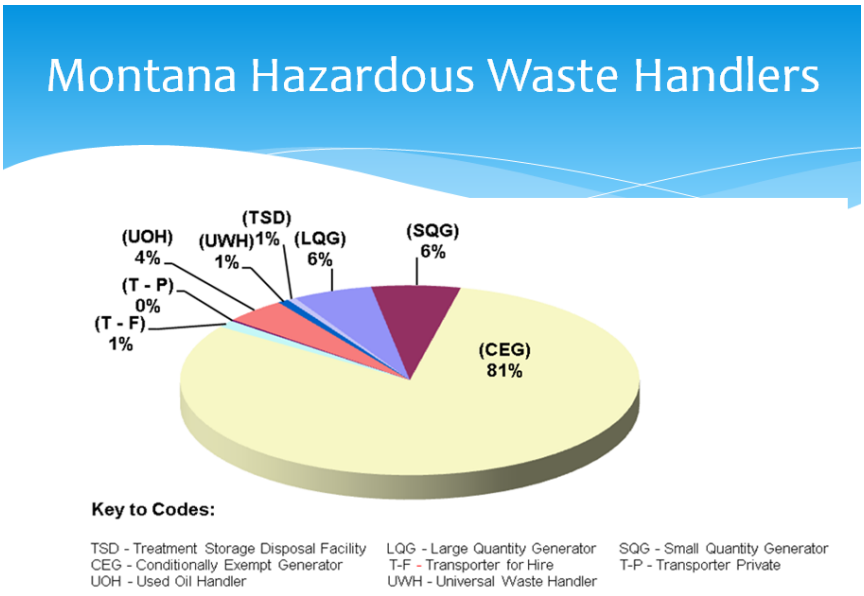
Hazardous waste laws and regulations stem from the federal Resource Conservation and Recovery Act of 1976. The act embraces a cradle-to-grave approach to waste.



The state program implements federal standards and regulates the generation, management, and transportation of hazardous waste, which is defined as material that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:[7]

- cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

A hazardous waste can be solids, semi-solids or liquid. Characteristics of hazardous solid waste may include ignitability, corrosivity, reactivity, or toxicity. The EPA also lists hazardous wastes commonly generated by manufacturing and industry or are unused wastes from a commercial chemical product.[8]

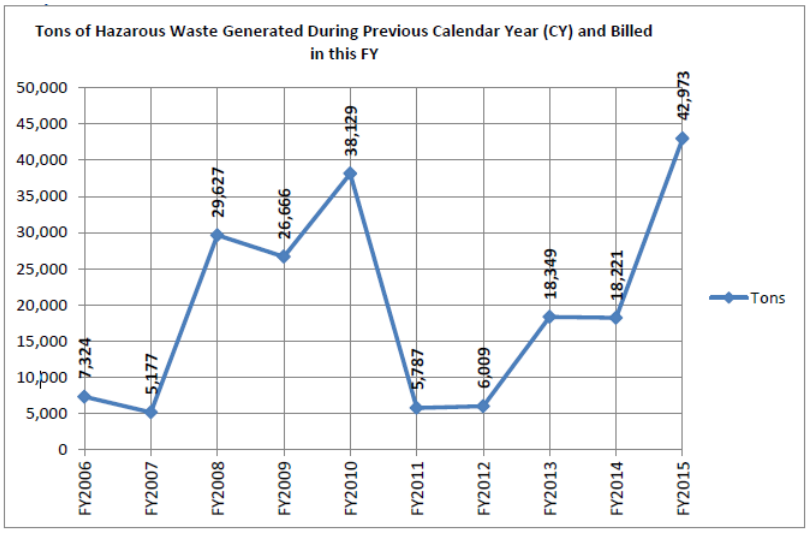


Some of the most common hazardous wastes regulated include pollution control sludge from petroleum refineries, waste solvents, heavy metals, and corrosive wastes.

Generators are responsible for the fate of the waste, be it recycling, treatment, or disposal. They must document that the waste is property identified, managed and treated prior to recycling or disposal. The amount of regulation increases with the amount of waste generated.[9]

[6] Asbestos Advisory Group, Draft Recommendations, July 15, 2016.
[7] 75-10-403, MCA.
[8] Learn the Basics of Hazardous Waste, EPA.
[9] Learn the Basics of Hazardous Waste, EPA.

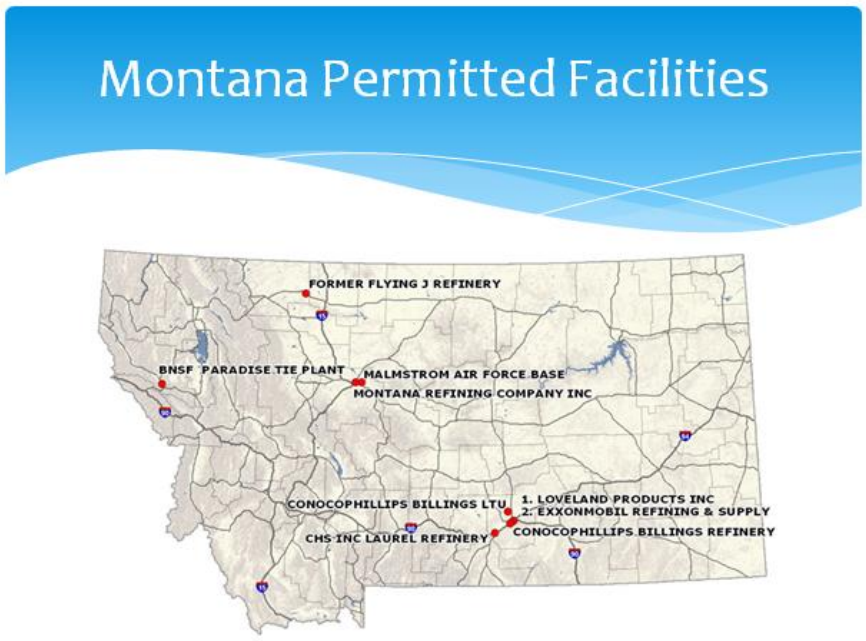
Large quantity generators produce more than 1,000 kilograms (kg) of hazardous waste a month. There are about 50 large generators, including petroleum refiners. Small generators, of which there are about 100 in the state, produce at least 100 kg a month, but less than 1,000 kg. Small generators may include auto body repair shops, retail stores, laboratories, furniture repairers, electronics shops, and commercial printers. The smallest generators, called conditionally exempt, produce less than 100 kg of waste a month. Conditionally exempt generators include many of the same businesses as small generators, but they are exempt from more detailed reporting requirements and the development of emergency plans. These generators, of which there are about 1,000, may also dispose of waste in Class II municipal landfills.



The amount of hazardous waste generated in a year can vary greatly depending the maintenance, construction, expansion, or closure of facilities. For example, petroleum refineries undertake facility wide cleaning operations every few years. Or a generator may encounter an historic spill and that cleanup is registered in a single year.

Permitting Unit

Permits are required for facilities that treat, store, or dispose of hazardous waste. Usually issued for 10-years, the permit outlines the design and operation of the facility, dictates safety standards, and requires monitoring and reporting. A permit typically requires emergency plans, financial assurance that funds exist to close the facility, and employee training. Site-specific requirements may include such things as groundwater monitoring.



When a facility closes it must be cleaned up, monitored and maintained in accordance with permit conditions.[10]

Montana has nine permitted facilities. The agency estimates that the permittees

[10] Hazardous Waste Permitting, EPA.

are nearly 100 percent compliant with regulations, or are working with DEQ staff to correct violations.[11]

Regulatory Unit

The regulatory unit oversees the storage, treatment, transport, and disposal of hazardous waste and used oil. There are no disposal facilities in Montana for waste generated by small or large facilities.[12]

Hazardous waste transporters are required to:[13]

- track shipments,
- maintain shipping records, and
- respond to spills and discharges of hazardous waste.

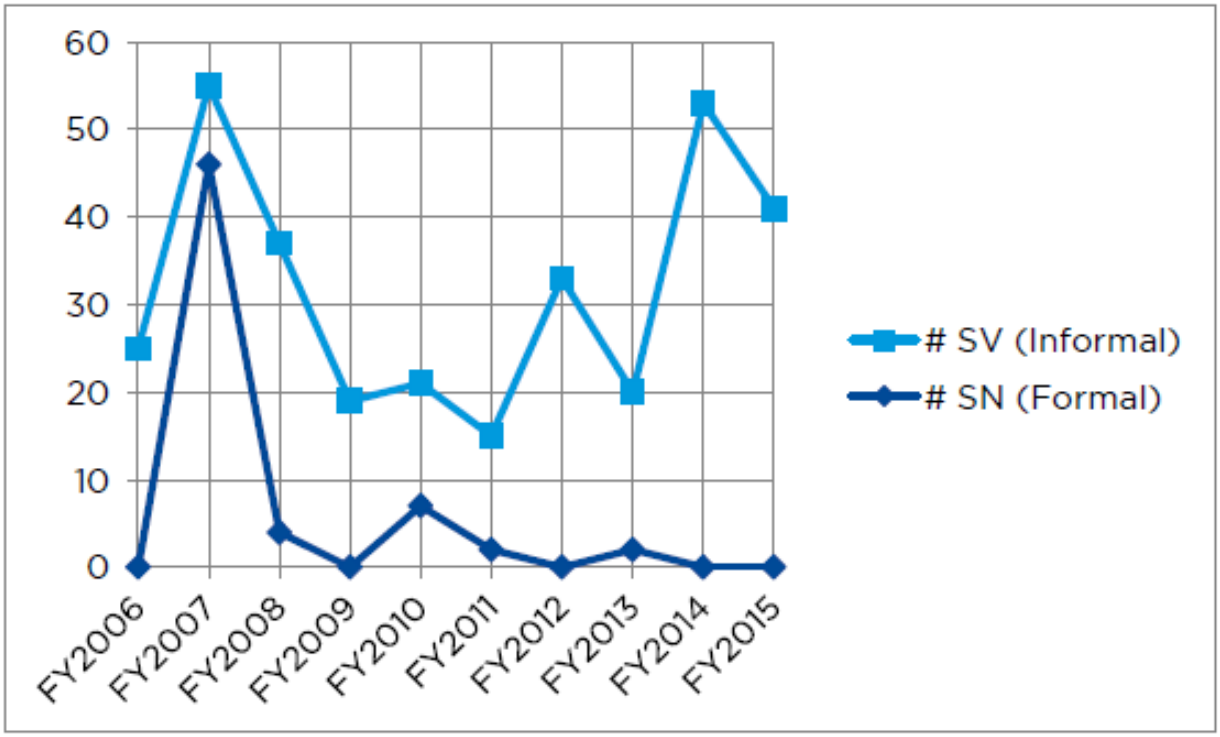
Anyone who generates more than 25 gallons of used oil a year is subject to regulation. Typical generators include repair shops, motor pools, and delivery companies. Regulations include:[14]

- Properly maintained storage containers marked "USED OIL".
- Cleanup of used oil spills or leaks.
- Must use an EPA-approved transporter except when transporting less than 55 gallons in personal or company vehicle, transporting to an aggregation site owned by the generator, or transporting under a recycling agreement.

[11] DEQ Environmental Enforcement and Compliance Report to EQC, 2016.
[12] Integrated Waste Management Plan, DEQ, 2013. Waste from conditionally exempt small quantity generators may be disposed of in Class II landfills.
[13] Hazardous Waste Transporter Guide, DEQ.
[14] Montana Used Oil Management Standards, DEQ.

Violations

Most violations handled by the agency are secondary violations, which do not pose an imminent danger to human health or the environment. For the last two fiscal years there were no reports of significant noncompliance, which does pose a danger or is the result of multiple minor violations.



Methamphetamine Cleanup Program

In 2005, the Legislature created a methamphetamine cleanup program. The legislation stated that innocent members of the public may be exposed to residue from the manufacture of methamphetamine if they inhabit a property formerly used as a meth lab and not cleaned up. The Legislature also found that cleanup in Montana was made more difficult by the lack of decontamination standards.[15]

The department maintains a public list of inhabitable properties used as clandestine meth labs. That includes any building used as a dwelling or business such as a storage facility, mobile home, or recreational vehicle. State and local law enforcement agencies are required to report to DEQ any property used as a meth lab.[16]

The owner is not required to clean up the site. However, if the building is not cleaned up to state standards by a contractor certified by the DEQ, the owner must inform subsequent occupants or purchasers in writing that clean-up work has not been done. The decontamination standard is 0.1 micrograms or less of methamphetamine per 100 square centimeters of surface material.[17]

As of mid-August, 168 properties were on the list and 29 contractors are certified to do clean-up work.

[15] House Bill 60, 2005.
[16] Title 75, chapter 10, part 13, MCA.
[17] Ibid.

Solid Waste Section

Motor Vehicle Wrecking & Recycling Program

Montana has regulated junk vehicles since 1973. Given that one guy's awesome 1974 Camaro might be another fellow's idea of junk, the Legislature defined what constitutes a junk vehicle. To qualify, a motor vehicle, including its major parts, has been discarded, ruined, or dismantled; is not lawfully licensed; and is incapable of being driven.[18]

A person may possess up to three junk vehicles before being required to obtain a license for a motor vehicle wrecking facility. However, the junk vehicles need to be shielded with fencing or other barriers so the junk vehicles cannot be seen from 6 feet above the centerline of a public road. Small accumulations of vehicles and parts being saved for repairs or maintenance as part of agricultural operations are exempt from the shielding requirements.[19]

Motor vehicle graveyards established by counties or wrecking facilities may accept junk vehicles.

Each county is required to establish a motor vehicle graveyard or contract with a licensed motor vehicle wrecking company. There are 48 county motor vehicle graveyards. County plans for junk vehicle collection and budgets must be approved by the department. Anyone may dispose of a junk vehicle in a graveyard by simply delivering the vehicle and releasing ownership. The county may sell vehicles to licensed wrecking facilities. When the number of junk vehicles in a county graveyard exceeds 200, the county must contact the state and the agency must provide for crushing and recycling.[20]

Some county graveyards were subject to theft and vandalism, so the DEQ implemented a program in which a car is taken directly to the contracted recycling facility within 72 hours of it being turned over. There are 7 counties with direct haul contracts.[21]

Money collected from the sale or recycling of junk vehicles and license fees are used to fund the programs. The state must pay each county the amount of its approved budget for running the graveyard and collecting junk vehicles.[22] The majority of funding for the state and county programs comes from the allocation of 1.48 percent of the motor vehicle tax paid by all vehicle owners.[23]

In 2015, state grants to counties totaled $1.9 million. Counties are awarded $1.40 for each registered vehicle under 8,001 pounds in the county. For counties with fewer than 5,000 such vehicles, the department may pay up to $7,500 if the county can justify the payment.[24]

Several years ago, the agency became concerned that some counties were stockpiling grant money. Some carryover was used for capital improvements to graveyards, however some may have been spent for other purposes. Agency rules don't appear to allow for carryover; saying any money not spent in the fiscal year must be returned to the state.[25] The agency now advises counties that if they want to save money for capital improvements, the DEQ can grant approval to carryover funds for that purpose. A change in rule may still be needed.

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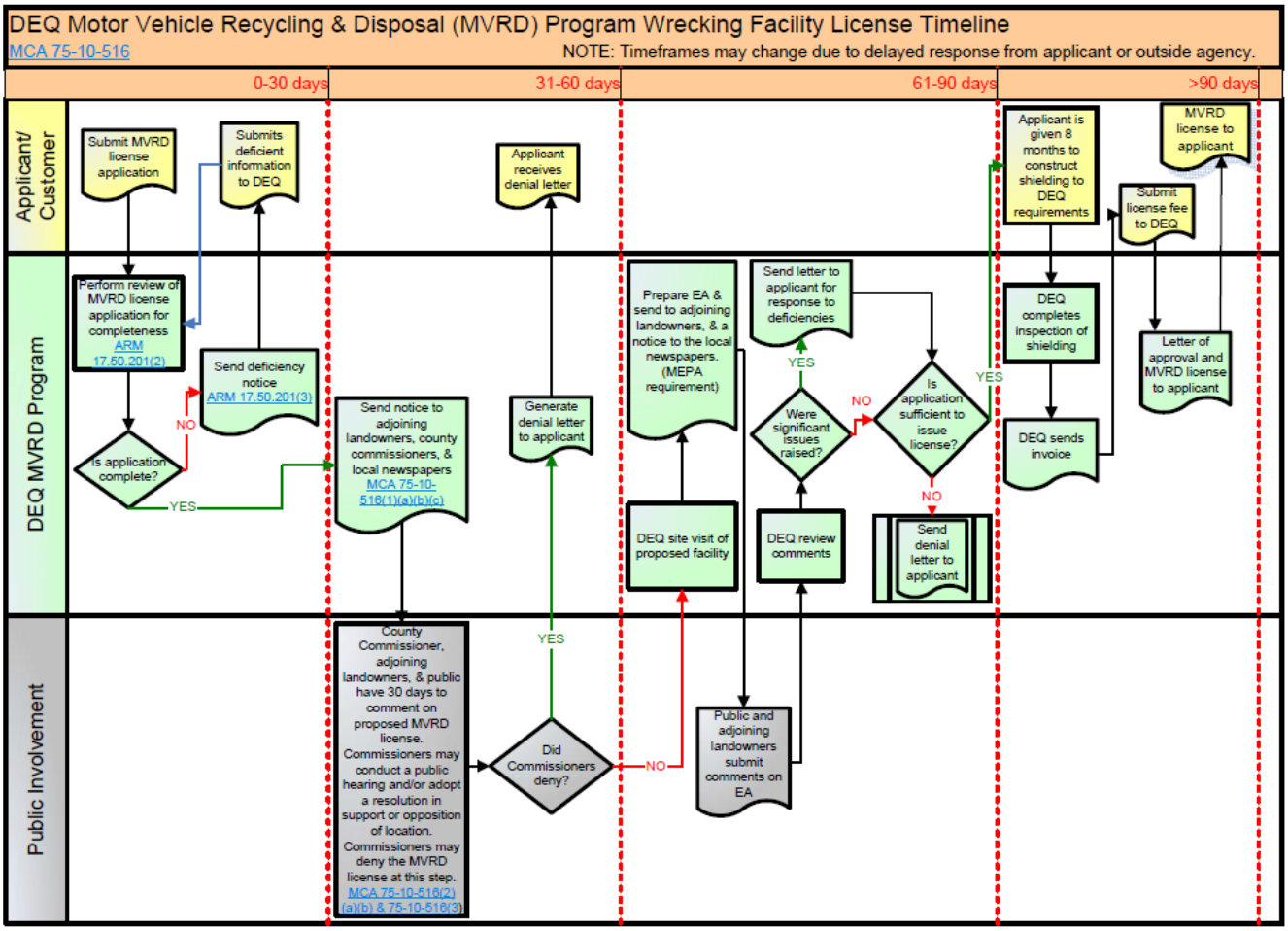
[18] Title 75, chapter 10, part 5, MCA. If a vehicle is permanently registered, but meets the other criteria, it is considered a junk vehicle.
[19] Title 75, chapter 10, part 5, MCA.
[20] Ibid.
[21] Motor Vehicle Recycling Program, 2016 Business Plan, Midpoint Progress Report.
[22] Ibid.
[23] 15-1-122, MCA.
[24] 75-10-534, MCA.
[25] 17.50.216, ARM.

A motor vehicle wrecking facility is either a business that deals with three or more vehicles a year for the purpose of dismantling the vehicle or a business that buys or sells component parts of motor vehicles. A motor vehicle license costs $100. As of last year, there were 159 wrecking facilities in Montana. Each county is responsible for annual inspections of wrecking facilities in the county.[26]

The state also performed about 200 inspections in 2015.[27]

DEQ estimates that about 90 percent of the wrecking facilities and graveyards are in compliance with regulations. In fiscal years 2014 and 2015, the program identified seven violations that took up to 15 days to correct, another seven that took up to 10 days to correct, and nine violations solved in less than 5 days.[28]



Reviewed/Updated: September 2014

[26] 17.50.207, ARM.
[27] Motor Vehicle Recycling Program, 2016 Business Plan, Midpoint Progress Report.
[28] DEQ Environmental Enforcement and Compliance Report to EQC, 2016.

Solid Waste

When it comes managing garbage, the Legislature established broad public policies, including:[29]

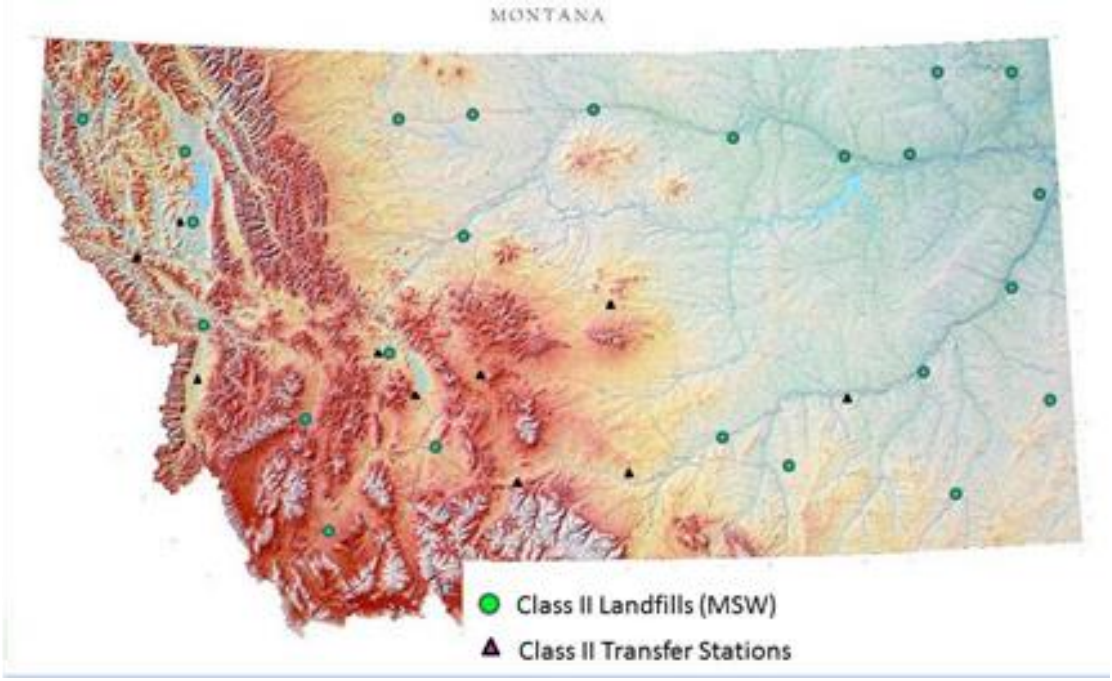
- Maximum recycling from solid waste is necessary to protect the public health, welfare, and quality of the natural environment.
- Solid waste management systems must be developed, financed, planned, designed, constructed, and operated for the benefit of the people of this state.
- Private industry is to be utilized to the maximum extent possible in planning, designing, managing, constructing, operating, manufacturing, and marketing functions related to solid waste management systems.
- Local governments shall retain primary responsibility for adequate solid waste management with the state preserving those functions necessary to ensure effective solid waste management systems throughout the state.
- Costs for the management and regulation of solid waste management systems should be charged to those persons generating solid waste in order to encourage the reduction of the solid waste stream.
- Encouragement and support should be given to individuals and municipalities to separate solid waste at its source in order to maximize the value of those wastes for reuse.
- The state shall provide technical advisory assistance to local governments and other affected persons in the planning, developing, financing, and implementation of solid waste management systems.
- Actions and activities performed or carried out by persons and their contractors in accordance with this part must be in conformity with the state solid waste management and resource recovery plan.
- When licensing a solid waste management system, the department shall consult with units of local government that have jurisdiction over the area encompassing the proposed system.

Solid waste is defined as any waste that may or may not become putrid, including household garbage; ashes; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. It does not include sewage, industrial wastewater effluents, mining wastes, or forest debris.[30]

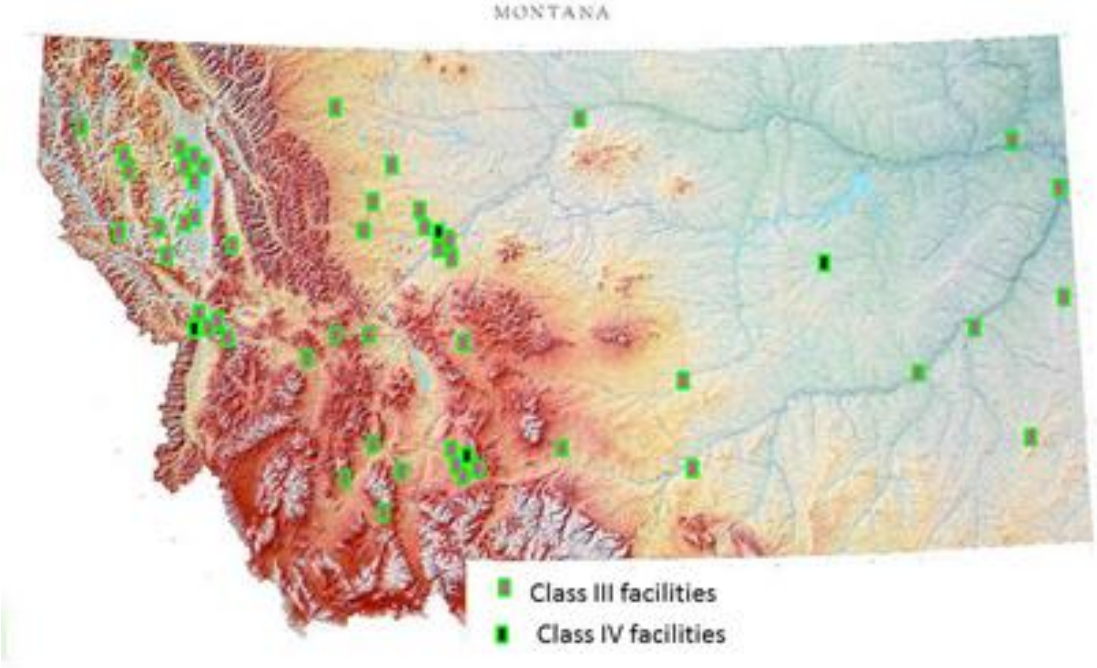
Solid waste is further classified for management purposes by group based on physical and chemical characteristics and potential for environmental degradation and posing a hazard to public health. Disposal facilities are classified by their ability to handle the different groups of waste. The facilities may involve ponds, pits, lagoons, land spreading areas, impoundments, or landfills. Landfill types are: [31]

[29] 75-10-102, MCA.
[30] 75-10-103, MCA.
[31] Title 17, chapter 50, subchapter 5, ARM.

- Class II facilities may accept everything except hazardous waste, including household garbage, wood waste, concrete, demolition materials, and asphalt. This includes most municipal landfills.



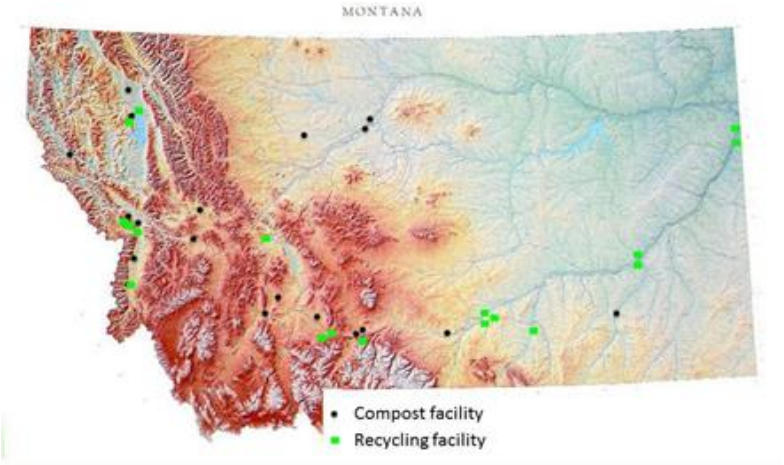
- Class III facilities can accept wood waste and non-water-soluable solids that are largely inert and pose little environmental threat. Examples include concrete, brush, unpainted and untreated lumber, and tires.



- Class IV facilities may accept the materials allowed in a Class III facility in addition to materials from construction or demolition and asphalt.

Licenses are issued for municipal solid waste landfills, composting operations, transfer stations, land farms for contaminated soils, recycling facilities, and collection events for hazardous and electronic waste. There are 142 licensed facilities, including:

- 69 Landfills
  - 32 Class II landfills
  - 34 Class III landfills
  - 4 Tire monofills
  - 3 Class IV landfills
- 13 Burn Sites
- 20 Composters
  - 4 large composters
  - 9 small composters
  - 14 roadkill composters
- 4 soil treatment facilities and land farms
- 24 recycling facilities
  - 2 electronic waste collection facilities
  - 22 recyclers
- 12 transfer stations



The DEQ implements federal standards for Class II landfills that set minimum criteria for location, operation, design, groundwater monitoring, corrective action, closure and post-closure care, and financial assurance. The number of landfills in Montana has declined over the years. In 1979 there were 87 Class II landfills in Montana. Today there are 29 landfills that meet standards for liners, leachate collection, methane monitoring and other criteria. [32] DEQ attributes the decline to implementation of federal regulations for Class II landfills and the streamlining of the siting, construction, and operation of all solid waste management facilities.

The average remaining life of the existing Class II landfills is estimated at about 43 years.[33]

In fiscal years 2014 and 2015, there were 15 major violations at eight licensed facilities and 24 minor violations at 15 licensed facilities. Most violations are the result of inadequate covering of landfills, which can lead to wind-blown litter.

The program does site visits as part of permitting and once a facility is licensed conducts inspections. The program set a goal conducting 90 inspections in 2016 and reached that number by July. [34]

Recycling and Materials Management Program

In 1991, the Legislature passed the Integrated Waste Management Act, the aim of which is to reduce the amount of waste going into landfills or incinerated through reduction, reuse, recycling, and composting. Goals are set in statute and calculated by reports submitted by licensed solid waste entities and a voluntary survey sent to other recyclers.

[32] Integrated Waste Management Plan, DEQ, 2013.
[33] Ibid.
[34] Solid Waste and Septic Tank Pumper Programs, 2016 Business Plan, Midpoint Progress Report.

Exceedance of the goals is attributed to community recycling programs and diversion of large volume wastes, such as textiles, electronic scraps, and construction or demolition materials. The goals for recycling and composting and the achievements are: [35]

- 17% of the state's solid waste by 2008. The rate was 19.6%.
- 19% of the state's solid waste by 2011. The rate was 19.4%.
- 22% of the state's solid waste by 2015. The rate was 22%.

As part of the reduction goals, the law requires the department to update a solid waste management and resource recovery plan every five years. The last update was adopted in 2013. Stakeholders said increased diversion is made difficult because the public doesn't know the basics of recycling, recyclers have little interest in less valuable items, adequate storage is a problem, and transportation to market can be expensive. Also, municipal leaders often do not consider the value of conserved landfill space when faced with the costs of recycling programs. The stakeholders recommended more education, demands from consumers for items that can be reused or recycled, and more partnerships to improve economies of scale. Legislation could also be considered to provide loans or tax incentives or bans on landfilling of certain commodities such as electronic waste.

In response, the agency vowed to increase education, consider legislation, and focus on items that are often landfilled instead of recycled or reused, including electronic waste; textiles, carpet, and mattresses; and construction and demolition material. It is likely that in preparation of the 2018 update the stakeholders and the agency would discuss new recycling and composting targets.

The law requires that each state agency, the legislature, and the university system prepare a waste reduction plan and submit it to the DEQ with updates every 5 years.[36].

Statute also requires the department of administration to write purchasing specifications for paper, plastic, glass, and other items with a goal of reducing the purchase of paper products without any recycled material to less than 5%. The department of administration has a waste reduction and recycling plan and reports that the goal of 95% recycled paper products is achieved.

The DEQ and the Department of Administration are charged with establishing a joint recycling market development task force to assist with purchasing specifications, develop mechanisms for state government to establish markets for recycled materials, and recommend content for a program on reducing waste and recycling in the workplace.[37] The task force disbanded after the 2013 development of the State Solid Waste Management and Resource Recovery Plan. However the agencies have plans to reestablish the task force.

Infectious Waste

Infectious waste, mostly generated by health care facilities, includes cultures and stocks of infectious agents and associated biologicals; and human pathological waste, including tissues, organs, and body parts removed during surgery or an autopsy. Infectious waste must be separated from ordinary waste at the point of origin and stored until the waste is rendered noninfectious in separate, distinct containers with biohazard warning labels. Needles, scalpels, or other waste that may cause cuts or punctures must be stored in rigid, puncture-resistant containers.[38]

[35] Executive Summary, State Solid Waste Management and Resource Recovery Plan, Integrated Waste Management Plan, 2013.
[36] 75-10-805, MCA.
[37] 75-10-806, MCA.
[38] Title 75, chapter 10, part 10, MCA.

Infectious waste is rendered noninfectious by steam or chemical sterilization or incineration. Montana has two medical waste incinerators regulated by DEQ as solid waste facilities and for air quality. There also is a commercial steam sterilization facility that treats infections waste from Montana and other states.[39]

Once treated, the waste may be disposed of in a Class II landfill.

Septic Pumper Program

Anyone whose business is the cleaning of cesspools, septic tanks, portable toilets, privies, grease traps, car wash sumps, and other treatment works, or anyone who disposes of septage from treatment works must be licensed by DEQ. The exception is a person who removes septage from their own property using their own equipment or a licensed septic pumper and disposes of the septage on their own property in accordance with laws and rules.[40]

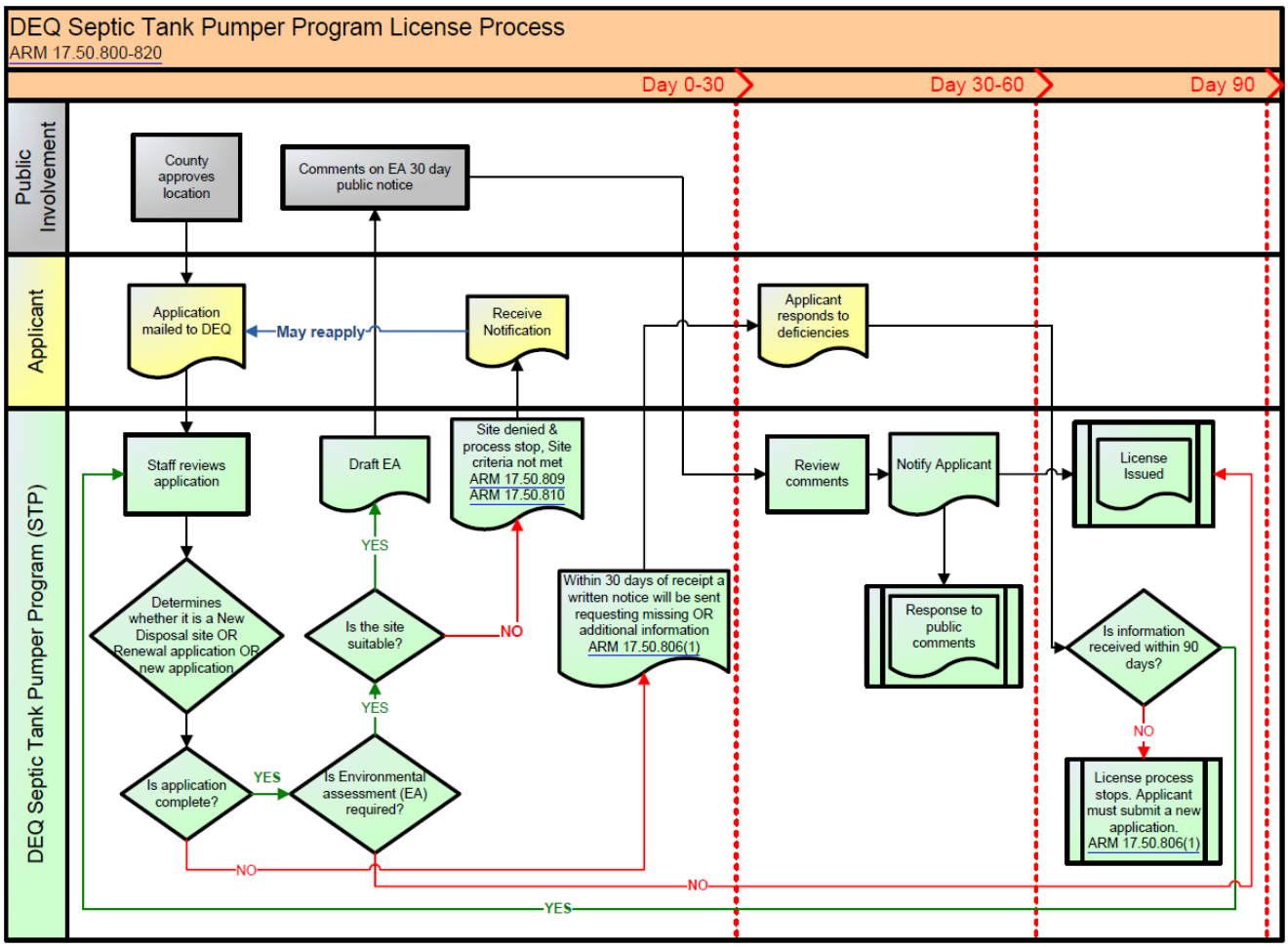
Information is required on disposal sites and vehicles to be used in the operation. Disposal sites must be approved by both the DEQ and the county health officer. Vehicles are inspected by county health officers for leaks and proper spreading and screening equipment.

The license and annual renewal is $300. There are 159 licensed septage pumpers. Disposal sites may include Class II municipal landfills, a permitted wastewater facility, a septage processor or composter, or a land application site. Land application is the most common disposal method. There are 149 licensed land application sites.

Land disposal can improve the structure of soil and fertilize crops and other vegetation. A number of rules guide where septage may be applied to land. Land application is not allowed:[41]

- without permission of the landowner;
- on surface slopes of more than 6% or injected underground on slopes greater than 12%;`
- within 150 feet of surface water, including ephemeral or intermittent drainages and wetlands. A greater distance may be required if slope or other factors increase likelihood of runoff;
- within 100 feet of any state, federal, county or city maintained highway or road;
- within 100 feet of a drinking water supply source, though greater distance may be required to prevent contamination;
- on agricultural land, forest land, pasture land, or range land at a rate greater than the agronomic rate of the site for nitrogen on an annual basis;
- on land where a threatened or endangered species or its designated critical habitat is likely to be adversely affected.

[39] Integrated Waste Management Plan, DEQ, 2013.
[40] 75-10-1210, MCA.
[41] 17.50.809, ARM.



Each pumper must keep disposal records and submit them to DEQ twice a year. Disposal at a wastewater site requires records for type and volume of materials and dates of disposal. For land application, the records include the:[42]

- type and volume of each material deposited at each disposal location;
- number of acres to which pumpings are applied;
- date and time of each application;
- nitrogen requirement for the crop or other vegetation grown on each site;
- rate at which the different kinds of pumpings are deposited at each site in gallons per acre during a year;
- vector attraction and pathogen reduction method used for each volume of pumpings applied and the pH of the material 30 minutes after alkali addition, if that method is chosen for pathogen and vector attraction reduction.

To encourage compliance, the department publishes educational materials for pumpers and counties and conducts annual training for pumpers and county health officers. The agency also provided staff to the Septic Pumper Advisory Committee. However the committee has not met since 2011 due to a lack of interest among the septic pumpers.

[42] 17.50.813, ARM.

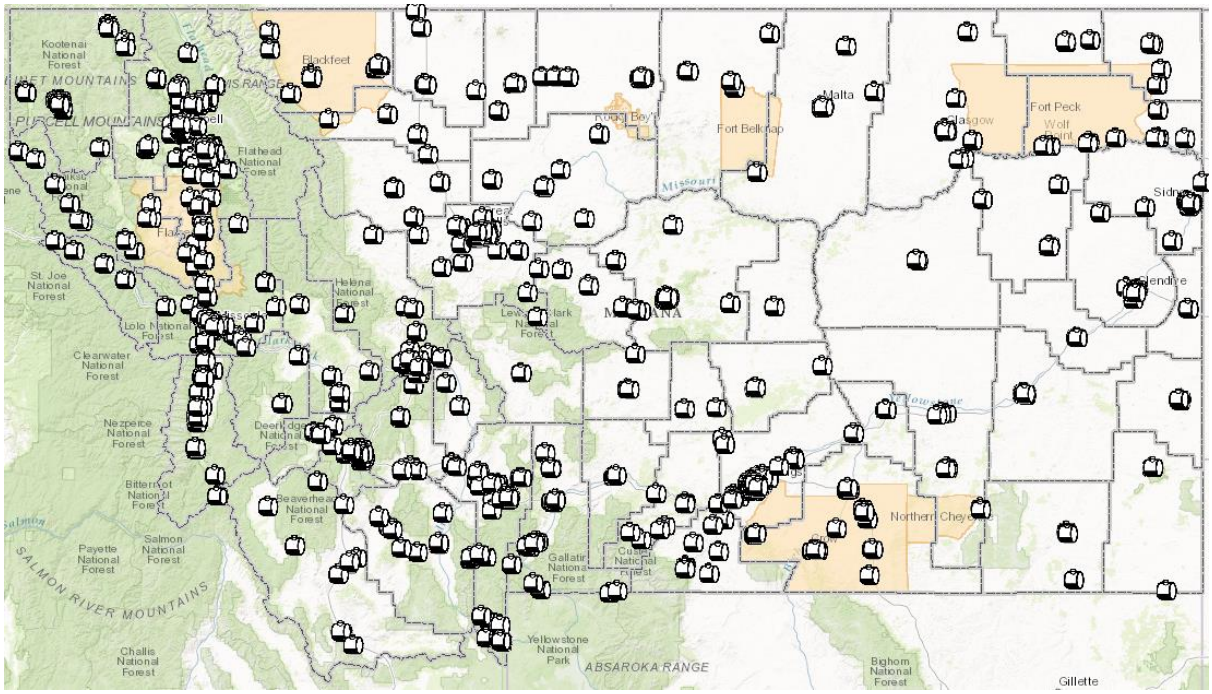
DEQ estimates that 98% of the regulated community is in compliance. The Enforcement Division sent four violation letters in fiscal years 2014-2015 for pumping without a license or disposal at an unapproved site.[43]

For calendar year 2016, the DEQ aims to conduct 50 inspections. As of June, 45 were complete.[44]

Underground Storage Tank Section

The primary focus of this section's work is the prevention of underground storage tank leaks. DEQ regulates the installation, operation, and closure of underground storage tanks as well as addressing leaks. Underground storage tanks are mostly used for petroleum products, but may also contain hazardous substances such as methanol.

There are 3,502 tanks in Montana at 1,264 facilities. The department maintains an online list of facilities with operating permits and their status. There is also an online list of tanks that are not permitted to be filled.



Licenses are required for anyone who installs underground storage tanks, those who inspect the installation, operation, and closure of underground storage tanks, and those who conduct oversight inspections to verify compliance reports submitted by inspectors. Inspectors must demonstrate competency and experience of underground storage tank systems and pass a written exam.[45]

There are 53 installers, 12 people licensed to do removals only, and 32 compliance inspectors. The department maintains a list of licensees.

In fiscal years 2014-2015, 118 of 121 licensees were in compliance with the laws. The agency attributes the high compliance rate to annual trainings, continuing education opportunities, and regular oversight of inspectors.[46]

[43] Ibid.
[44] Solid Waste and Septic Tank Pumper Programs, 2016 Business Plan, Midpoint Progress Report.
[45] 75-11-214, MCA.
[46] DEQ Environmental Enforcement and Compliance Report to EQC, 2016.

An application for a permit to install or close an underground storage tank requires details about the location, construction, and contents of the system as well as the name of the licensed person performing the installation or closure.[47]

In 1999, the Legislature passed House Bill 158 that required that all existing underground tanks be inspected by January 1, 2002, and at least once every three years after that. Permits for new tanks are issued for three years and renewal is contingent upon an inspection report.[48]

An owner or operator of an underground storage tank who becomes aware of a leak or evidence of a leak shall immediately notify the DEQ. The department may take legal action and issue cleanup orders.[49]

The department is proposing a rewrite of underground storage tank rules to comply with new federal regulations and clean up outdated or unclear language. The department also proposes to repeal rules allowing the DEQ to delegate underground storage tank oversight to local governments on behalf of the department. With the advent of the third-party inspection program, the DEQ said the local government program is no longer needed; however it will continue to work with local governments on underground storage tank issues.[50]

[47] 75-11-212, MCA.
[48] 75-11-509, MCA.
[49] Title 75, chapter 11, part 5, MCA.
[50] Proposed Amendment and Repeal of ARM related to underground storage tanks.

Financial Overview

Major funding sources for the programs in the bureau include fees from the regulated community and federal money for the implementation of federal law. The bureau has 34 full time equivalent employees.

		FY15 Budget	FY15 Expenditure	FY16 Budget	FY16 Expenditures
61000	Personal Services	2,401,664	2,316,967	2,757,283	2,283,349
62000	Operating	1,108,990	910,880	891,206	994,721
63000	Equipment	0	0		10,047
66000	Grants to Counties	1,428,843	642,407	1,768,843	1,794,933
68000	Transfers-out (NRIS)	5,335	6,334	5,335	1,653
	Totals:	**4,944,832**	**3,876,588**	**5,422,667**	**5,084,703**
Asbestos, Methamphetamine, & Hazardous Waste Programs					
Fund 01100	General Fund	206,254	206,294	136,254	134,794
Fund 02070	HW CERCLA	210,870	208,655	421,492	425,361
Fund 02202	Asbestos Fees	201,308	160,906	276,446	217,490
Fund 02421	HW Generator Fees	305,318	299,281	245,415	130,260
Fund 03262	PPG 75%	367,283	357,468	452,099	385,690
Fund 03973	Brownfields grant	17,430	15,463	32,550	24,972
Fund 08166	Rhodia Settlement	45,000	30,760	0	295
	Totals:	**1,353,463**	**1,278,827**	**1,564,256**	**1,318,862**
Junk Vehicle, Recycling, Septic Pumper & Solid Waste Programs					
Fund 01100	General Fund	161,298	161,104	205,712	202,956
Fund 02157	Solid Waste Fees	697,430	631,480	758,930	698,068
Fund 02845	Junk Vehicle	1,842,378	1,102,049	2,191,083	2,190,828
Fund 02954	Septic Fees	68,968	21,003	69,961	51,956
		$2,770,074	**$1,915,636**	**$3,225,686**	**$3,143,808**
Underground Storage Tank Leak Prevention & Construction Permitting Programs					
Fund 02075	Tank Registration Fees	204,945	94,681	86,166	83,382
Fund 02054	License & Permit Fees	50,143	26,408	75,752	70,104
Fund 02070	HW CERCLA Grant Match	27,652	27,375	0	0
Fund 02075	Tank Fees - Grant Match	113,900	112,927	117,702	115,465
Fund 03028	UST Grant - 75%	424,655	420,734	353,105	353,082
		$821,295	**$682,125**	**$632,725**	**$622,033**
	Totals:	**$4,944,832**	**$3,876,588**	**$5,422,667**	**$5,084,703**

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