



**MONTANA  
ADMINISTRATIVE  
REGISTER**



**PETROLEUM TANK RELEASE COMPENSATION BOARD**

---

**NOTICE OF PROPOSED RULEMAKING**

**MAR NOTICE NO. 2025-195.1**

**Summary**

Amendment of rules pertaining to Senate Bill 315 (2025) and Red Tape Relief Initiative

---

**Hearing Date and Time**

Monday, August 18, 2025, at 3:00 p.m.

**Hearing Information**

The board will hold a public hearing in the Bitterroot Conference Room at 1221 Cedar Street, Helena, Montana

**Virtual Hearing Information**

Zoom Meeting

<https://mt-gov.zoom.us/j/88987156844?pwd=zQy7xWaC8lIV2b9LlpGwK7VpY96awC.1>

Meeting ID: 889 8715 6844

Password: 049439

Dial by Telephone

+1 646 558 8656

Meeting ID: 889 8715 6844

Password: 049439

Join by SIP

88987156844@zoomcrc.com

Join by H.323 (Polycom)  
162.255.37.11##88987156844

## Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, August 22, 2025, at 5:00 p.m.

---

## Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, August 11, 2025, at 5:00 p.m.

---

## Contact

Garnet Pirre  
(406) 444-9713  
gpirre@mt.gov

---

## Rulemaking Actions

### AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

#### 17.58.201 MODEL RULES

- (1) The board adopts and incorporates by reference the Attorney General's Organizational and Procedural Rules, ARM 1.3.201, 1.3.202, 1.3.211 through 1.3.224, and 1.3.226 through 1.3.233, and the Secretary of State's Model Rules of Practice, ARM 1.4.101 through 1.4.109 and 44.17.101, ~~Organizational and Procedural Rules, ARM 1.3.101, 1.3.102, 1.3.301, 1.3.302, 1.3.304, 1.3.305, 1.3.307 through 1.3.309, 1.3.311 through 1.3.313,~~ including the sample forms that follow the Attorney General's model rules and the Secretary of State's online template forms referenced in ARM 1.3.301 and found at [www.armtemplates.com/](http://www.armtemplates.com/), depicting standard boilerplate language for model forms related to rulemaking.

- (2) The Attorney General's Organizational and Procedural Rules and the Secretary of State's Organizational and Procedural Rules referenced in (1) may be found online at [rules.mt.gov](http://rules.mt.gov) ~~<http://www.mtrules.org/>~~.

**Authorizing statute(s):** 2-4-201, MCA

**Implementing statute(s):** 2-4-201, MCA

### **Reasonable Necessity Statement**

The board proposes to amend this rule in order to incorporate the Montana Secretary of State's amended rules adopted in MAR Notice No 44-2-275, Issue 12, on June 21, 2024.

### **17.58.311 DEFINITIONS**

Unless the context clearly indicates otherwise, the following definitions, in addition to those in 75-11-302, MCA, apply throughout this chapter:

(1) and (2) remain the same.

~~(3) "Automobile," for purposes of reimbursing eligible costs, means a light vehicle as defined at 61-1-139, MCA.~~

(4) through (31) remain the same but are renumbered (3) through (30).

**Authorizing statute(s):** 75-11-318, MCA

**Implementing statute(s):** 75-11-318, MCA

### **Reasonable Necessity Statement**

The definition of "automobile" at 61-1-139, MCA was repealed in 2005. This proposed amendment is part of the Red Tape Relief Initiative.

### **17.58.336 REVIEW AND DETERMINATION OF CLAIMS FOR REIMBURSEMENT**

(1) through (8) remain the same.

(9) Claims for preventative costs subject to the provisions of [Senate Bill 315, Section 1 (2025)], must be reimbursed according to the following:

- (a) Facilities that are eligible to submit claims for preventative costs are those that are actively dispensing petroleum and fall under the regulatory authority of and compliance with the Department of Environmental Quality's Underground Storage Tank Program. Facility types that are excluded from applying for preventative costs are those identified in 75-11-308(2)(a) through (d), MCA.
- (b) The first claim for preventative costs will only be considered 1,000 days after an actively dispensing facility's most recent tri-annual mandatory compliance inspection. The owner or operator that incurred the preventative costs may submit one consolidated claim, not exceeding \$2,000 in claimed costs, to the board in a form and manner approved by the board.
- (c) After the first claim is submitted under (a), subsequent claims will be submitted in 1,000-day intervals, in a consolidated claim not exceeding \$2,000.
- (d) Each preventative costs claim submitted for reimbursement will require proof of payment of the costs by the owner or operator that incurred those costs, and appropriate receipts of all costs for which reimbursement is sought.
- (e) Each preventative costs claim received as outlined in (b) and (c) will be brought before the board at their regularly scheduled board meetings, for ratification of costs and will not be subject to disputes. Only fully documented claims submitted in the form and manner approved by the board will be considered for ratification of payments made.
- (f) The board will consider preventative costs claims if they are submitted within the timing outlined in [Senate Bill 315, Section 1 (2025)] are for costs incurred after the effective date of [Senate Bill 315, Section 1 (2025)], are submitted on the form approved by the board, and contain the required documentation to support the requested reimbursement for preventative costs.

**Authorizing statute(s):** 75-11-318, MCA

**Implementing statute(s):** 75-11-309, MCA; [Senate Bill 315, Section 1 (2025)]

### **Reasonable Necessity Statement**

The proposed added language is in response to SB 315. This will support the requirement to initiate rulemaking to implement this new section.

### **17.58.342 OTHER CHARGES ALLOWED OR DISALLOWED**

- (1) The following costs incurred in implementing a corrective action plan are presumed to be reasonably incurred:
  - (a) through (i) remain the same.
  - (j) sampling fees at ~~\$10~~ \$20 per sample, which includes ice, cooler, packing, and office-related handling charges.
- (2) through (4) remain the same.

**Authorizing statute(s):** 75-11-318, MCA

**Implementing statute(s):** 75-11-318, MCA

#### **Reasonable Necessity Statement**

The proposed change in allowed sampling fees has been calculated through analysis by the board of the rising costs covered by that fee.

#### **17.58.343 REVIEW AND DETERMINATION OF THIRD-PARTY DAMAGE COSTS**

- (1) remains the same.
- ~~(2) The board may delegate to the director of the Department of Environmental Quality authority to process and order reimbursement of specified categories of claims upon receipt and review. The director of the Department of Environmental Quality shall report the number of such claims and the amounts obligated or expended at the next meeting of the board.~~
- (3) through (5) remain the same but are renumbered (2) through (4).

**Authorizing statute(s):** 75-11-318, MCA

**Implementing statute(s):** 75-11-309, MCA

#### **Reasonable Necessity Statement**

The proposed change follows the organizational structure of the Petroleum Tank Release Compensation Board's authority as an agency attached to the Department of Environmental Quality administratively.

## **Small Business Impact**

The Petroleum Tank Release Compensation Board (PTRCB) has determined that the class or group of businesses that will be affected by this proposed rulemaking are those businesses that have underground petroleum storage tanks located at actively dispensing petroleum facilities. PTRCB does not believe the proposed rulemaking will have a significant and direct impact on small businesses. The proposed rule changes are limited to \$2,000 every three years per facility for coverage of specific preventative activities undertaken by the responsible parties/businesses with underground petroleum storage tanks at actively dispensing facilities upon claim submission. There is also an increase in allowed fees for sampling from \$10 per sample to \$20 per sample, and this increase will potentially affect the consulting community but cumulative costs and number of persons affected are not known because it is dependent on the sampling fees being submitted in claims to PTRCB. PTRCB has completed a small business impact analysis, which is available upon request.

---

## **Bill Sponsor Notification**

The bill sponsor contact requirements apply. The bill sponsor was contacted by email on May 22, 2025.

---

## **Interested Persons**

Per ARM 17.58.301, access to an interested parties e-mail list is on the board's website. Any person may add their name and e-mail address to the board's interested parties e-mail list at <https://deq.mt.gov/cleanupandrec/Programs/ptrcb>.

---

## **Rule Reviewer**

Garnet Pirre

## **Approval**

John Monahan, Presiding Officer