

ENVIRONMENTAL QUALITY

CHAPTER 56

UNDERGROUND STORAGE TANKS
PETROLEUM AND CHEMICAL SUBSTANCES

Subchapter 9

Notification

- | | | |
|------|-----------|-----------------------------------|
| Rule | 17.56.901 | Interim Notification Requirements |
| | 17.56.902 | Notification Requirements |
| | 17.56.903 | Change in Ownership |

Subchapter 9

Notification

17.56.901 INTERIM NOTIFICATION REQUIREMENTS (1) On or before May 8, 1986, each owner of an underground storage tank currently in use shall submit, in the form prescribed in (9), a notice of the existence of such tank to the department.

(2) On or before May 8, 1986, each owner of an underground storage tank taken out of operation after January 1, 1974 (unless the owner knows that such tank has been removed from the ground) shall submit, in the form prescribed in (9), a notice of the existence of such tank to the department.

(3) Any owner who brings an underground storage tank into use after May 8, 1986, shall, within 30 days of bringing such tank into use, submit, in the form prescribed in (9), a notice of the existence of such tank to the department.

(4) Owners required to submit notices to the department under (1) through (3) shall provide the required notice for each underground storage tank they own. Owners may provide notice of several tanks using one notification form, but owners who own tanks located at more than one place of operation shall file a separate notification form for each separate place of operation.

(5) Notices required to be submitted under (1) through (3) must provide all of the information indicated on the prescribed form described in (9) for each tank for which notice must be given.

(6) Any person who deposits regulated substances from December 9, 1985 through May 9, 1987, in an underground storage tank shall make reasonable efforts to notify the owner or operator of such tank of the owner's obligations under (1) through (3).

(7) Beginning 30 days after the department issues new tank performance standards pursuant to 75-10-405, MCA, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of such tank of the owner's notification obligations under (1) through (3).

(8) Sections (1) through (3) do not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(9) The form which must be used for notice submitted to the department under this rule is department form, "Notification for Underground Storage Tanks, DEQ form 1 (May, 2010)," or "Notification for Underground Storage Tanks, DEQ form 2 (May, 2010)."

(10) The department adopts and incorporates by reference the forms "Notification for Underground Storage Tanks, DEQ form 1 (May, 2010)" and "Notification for Underground Storage Tanks, DEQ form 2 (May, 2010)," which asks for information including, but not limited to, ownership, location, age, material of construction, capacity, use, and internal and external construction. Copies of these forms may be obtained from the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1986 MAR p. 669, Eff. 4/25/86; TRANS, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2007 MAR p. 1189, Eff. 8/24/07; AMD, 2010 MAR p. 1888, Eff. 8/27/10.)

17.56.902 NOTIFICATION REQUIREMENTS (1) An owner who brings an underground storage tank system into use after May 8, 1986, shall within 30 days of bringing such tank into use, submit a notice of existence of such tank system to the department in the form prescribed by the department.

Note: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the state in accordance with the Hazardous and Solid Waste Amendments of 1984, Pub.L. 98-616, on a form published by EPA on November 8, 1985 (50 FR 46602) unless notice was given pursuant to section 103(c) of CERCLA. Owners and operators who have not complied with the notification requirements may use portions I through VI of the notification form prescribed by the department.

(2) Owners required to submit a notice under (1) shall provide a notice to the department for each tank they own. Owners may provide notice for several tanks using one notification form, but owners who own tanks located at more than one place of operation shall file a separate notification form for each separate place of operation.

(3) Notice required to be submitted under (1) must provide all of the information in sections I through VI of the prescribed form for each tank for which notice must be given. Notices for tanks installed after December 22, 1988, must also provide all of the information in section VII of the prescribed form for each tank for which notice must be given.

(4) Owners and operators of new or modified UST systems shall provide in the notification form:

(a) a certification that the owner or operator has complied with the financial responsibility requirements under subchapter 8; and

(b) the following information:

(i) the location of each tank system;

(ii) ownership of each tank system;

(iii) status of each tank system;

(iv) the date of each tank system installation;

(v) the estimated total capacity of each tank system;
(vi) tank and piping material;
(vii) the substance currently or last stored in each tank system; and
(viii) any other information required in the notification form necessary to ensure tanks can be adequately identified for regulatory purposes.

(5) Owners and operators of new or modified UST systems shall ensure that, upon completion of all work and testing performed pursuant to the installation permit, the licensed installer or department inspector completes a certification of compliance in accordance with the requirements in ARM 17.56.201(1)(e).

(6) Beginning October 24, 1988, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of the tank of the owner's notification obligations under (1). The form prescribed by the department shall be used to comply with this requirement.

(7) Owners and operators of existing or new UST systems shall notify the department when any of the information submitted on the form has changed, such as upgrading or repairing new or existing tanks or pipes, or change of owner, or contact person, or meeting the requirements specified in ARM 17.56.202 or subchapter 8. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2003 MAR p. 1079, Eff. 5/23/03; AMD, 2010 MAR p. 1888, Eff. 8/27/10.)

17.56.903 CHANGE IN OWNERSHIP (1) The purchaser of an UST system shall provide written notification to the department within 30 days after any sale.

(2) The purchaser shall also provide the information required by ARM 17.56.902(7).

(3) Until notification of a new owner, or other responsible party, has been received by the department in accordance with this rule, annual tank registration fees will continue to be assessed to the owner, or other responsible party, of record with the department. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 2003 MAR p. 2759, Eff. 12/12/03; AMD, 2006 MAR p. 913, Eff. 4/7/06.)

