

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF AMENDMENT AND
17.56.101, 17.56.201, 17.56.202, )	REPEAL
17.56.301, 17.56.302, 17.56.304, )	
17.56.305, 17.56.309, 17.56.312, )	(UNDERGROUND STORAGE
17.56.401, 17.56.402, 17.56.502, )	TANKS)
17.56.503, 17.56.505, 17.56.506, )	
17.56.601, 17.56.603 17.56.604, )	
17.56.605, 17.56.607, 17.56.701, )	
17.56.702, 17.56.703, 17.56.705, )	
17.56.901, 17.56.902, 17.56.1301, )	
17.56.1303, 17.56.1304, 17.56.1305, )	
17.56.1306, 17.56.1308, 17.56.1309, )	
17.56.1401, 17.56.1402, 17.56.1403, )	
17.56.1404, 17.56.1405, 17.56.1406, )	
17.56.1407, 17.56.1408, 17.56.1409, )	
17.56.1410, 17.56.1421, 17.56.1422, )	
17.56.1502, and 17.56.1503, pertaining )	
to underground storage tanks, )	
petroleum and chemical substances, )	
and the repeal of ARM 17.56.1002, )	
17.56.1003, 17.56.1004, and )	
17.56.1005, pertaining to delegation to )	
local governments )	

TO: All Concerned Persons

1. On July 22, 2016, the Department of Environmental Quality published MAR Notice No. 17-385 regarding a notice of public hearing on the proposed amendment and repeal of the above-stated rules at page 1182, 2016 Montana Administrative Register, Issue Number 14.

2. The department has amended ARM 17.56.101, 17.56.201, 17.56.202, 17.56.301, 17.56.302, 17.56.304, 17.56.305, 17.56.309, 17.56.312, 17.56.401, 17.56.402, 17.56.502, 17.56.503, 17.56.505, 17.56.601, 17.56.603 17.56.604, 17.56.605, 17.56.607, 17.56.701, 17.56.702, 17.56.703, 17.56.705, 17.56.901, 17.56.902, 17.56.1301, 17.56.1303, 17.56.1304, 17.56.1305, 17.56.1306, 17.56.1308, 17.56.1309, 17.56.1401, 17.56.1402, 17.56.1403, 17.56.1404, 17.56.1405, 17.56.1406, 17.56.1407, 17.56.1408, 17.56.1409, 17.56.1410, 17.56.1421, 17.56.1422, 17.56.1502, and 17.56.1503, and repealed ARM 17.56.1002, 17.56.1003, 17.56.1004, and 17.56.1005 exactly as proposed.

3. The department has amended ARM 17.56.506, as proposed, but with the following change, stricken matter interlined:

17.56.506 REPORTING OF CONFIRMED RELEASES (1) Upon confirmation of a release in accordance with ARM 17.56.504, or after a release from the PST or UST system is identified in any other manner, owners and operators, any person who installs or removes an UST, or who performs subsurface investigations for the presence of regulated substances, and any person who performs a tank tightness or line tightness test pursuant to ARM 17.56.407 or 17.56.408, must report releases to the department ~~and the implementing agency~~ within the specified timeframes and in the following manner:

(a) through (b)(iii) remain as proposed.

4. The following comment was received and appears with the department's response:

COMMENT NO. 1: Throughout the rule package, the department is proposing to remove the language "the implementing agency" in all sections of the referenced rules as described in the reason section for ARM 17.56.305. In the first paragraph of ARM 17.56.506, "the implementing agency" was not stricken.

RESPONSE: The department agrees that the "the implementing agency" should be stricken from ARM 17.56.506(1) and so modifies the rule.

5. No other comments were received.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

/s/ John F. North

JOHN F. NORTH  
Rule Reviewer

BY: /s/ Tom Livers

TOM LIVERS  
Director

Certified to the Secretary of State, September 12, 2016.