



Mission: To champion a healthy environment for a thriving Montana.



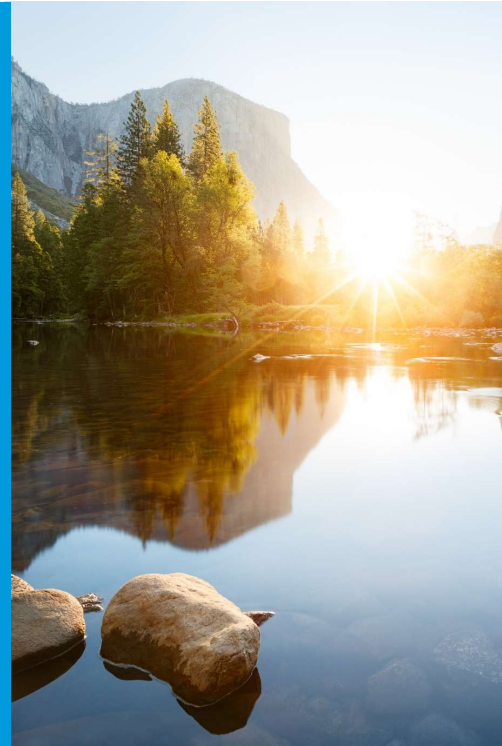


AGENDA

- 1) *Introductions*
- 1) *Background*
- 2) *Approach & Priorities*
- 3) *Third-party Work*
- 4) *Other Solutions*
- 5) *Next Steps*

Team Members

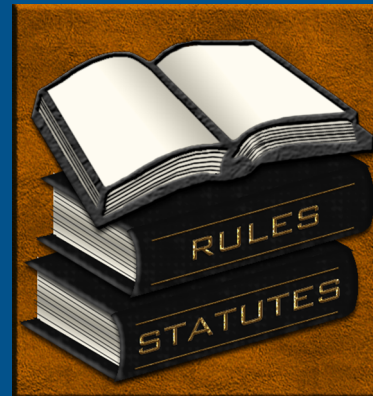
- ✓ Laura Alvey
- ✓ Sarah Christopherson
- ✓ Dan Norris
- ✓ Bob Roll
- ✓ Jessica Smith



DEQ
MONTANA

BACKGROUND

- Executive Order No. 1-2021
- Red Tape Relief Advisory Council
- Excessive/outdated/un-necessary
- Focus on farmers, ranchers, and small business owners



DEQ
MONTANA

DEQ Schedule



OUTCOME

Inventory Identified:

- ☐ Title 75 = 100 statutes with 668 parts
- ☐ Title 17 = 2,071 rule titles

DEQ Activity

- ✓ 597 Direct statutes and rules reviewed
- ✓ 335 Candidates to date
- ✓ Candidates under Governor's review = 8 statute actions, 20 rule actions, 2 circulars



Rule Chapter: 17.55

Chapter Title: CECRA REMEDIATION



[ENVIRONMENTAL QUALITY](#)

17.55 : CECRA REMEDIATION



[View as eBook](#)



[Add to Favorites](#)

Click on the Rule No. to see Rule text.
Press Ctrl-F to search by text.

Rule No.	Rule Title	Latest Version	Effective Date
Subchapter 1			
<u>Listing and Delisting Facilities for Remediation Under CECRA; Ranking Facilities on a Priority List</u>			
17.55.101	PURPOSE	REP	10/15/2010
17.55.102	DEFINITIONS		10/15/2010
	Rules 17.55.103 and 17.55.104 reserved		
17.55.105	CECRA PRIORITY LIST		4/23/1999
	Rules 17.55.106 and 17.55.107 reserved		
17.55.108	FACILITY LISTING		10/15/2010
17.55.109	INCORPORATION BY REFERENCE		6/22/2019
17.55.110	THIRD-PARTY REMEDIAL ACTIONS AT ORDER SITES		10/15/2010
17.55.111	FACILITY RANKING		10/15/2010
17.55.112	PROPER AND EXPEDITIOUS NOTICE		10/15/2010
17.55.113	FACILITY-SPECIFIC CLEANUP LEVELS AND ADDITIONAL REMEDIAL ACTIONS		10/15/2010
17.55.114	DELISTING A FACILITY ON THE CECRA PRIORITY LIST		4/23/1999
17.55.115	ORPHAN SHARE REIMBURSEMENT		10/15/2010

[Home](#) | [Search](#) | [About Us](#) | [Contact Us](#) | [Help](#) | [Disclaimer](#) | [Privacy & Security](#)

For questions regarding the content, interpretation, or application of a specific rule, please contact the agency that issued the rule.
A directory of state agencies is available online at <http://www.mt.gov/govt/agencylisting.asp>.

For questions about the organization of the ARM or this web site, contact sosarm@mt.gov.

SSU Rules

11 active rules

ARM
15.55.101
through
17.55.115

Montana Code Annotated 2021

TITLE 75. ENVIRONMENTAL PROTECTION
CHAPTER 10. WASTE AND LITTER CONTROL

Part 7. Remedial Action Upon Release of Hazardous Substance

75-10-701 Definitions
75-10-702 Rulemaking authority
75-10-703 Actions -- general provisions
75-10-704 Environmental quality protection fund
75-10-705 Short title
75-10-706 Purpose -- intent
75-10-707 Information gathering and access
75-10-708 through 75-10-710 reserved
75-10-711 Remedial action -- orders -- penalties -- judicial proceedings
75-10-712 Emergency action
75-10-713 Public notice of remedial action, administrative order, or consent decree -- comments -- meeting -- response
75-10-714 Administrative penalties
75-10-715 Liability -- reimbursement and penalties -- proceedings -- defenses and exclusions
75-10-716 Definitions
75-10-717 Recovery of costs
75-10-718 Liability of remedial action contractor
75-10-719 Settlement -- bar to contribution liability
75-10-720 Condemnation -- creation of state lien
75-10-721 Degree of cleanup required -- permit exemption -- financial assurance
75-10-722 Payment of state costs and penalties
75-10-723 Agreements and administrative orders on consent to perform remedial action
75-10-724 Private right of action
75-10-725 Immunity of fire agency and employees for hazardous or deleterious substance cleanup
75-10-726 Citizens suit
75-10-727 Institutional controls
75-10-728 Remedial action costs
75-10-729 Restoration damages
75-10-730 Short title
75-10-731 Purpose -- legislative declaration
75-10-732 Eligibility
75-10-733 Voluntary cleanup plan and reimbursement of remedial action costs
75-10-734 Voluntary cleanup plans -- requirements
75-10-735 Public participation
75-10-736 Approval of voluntary cleanup plan -- time limits -- content of notice -- expiration of approval
75-10-737 Voluntary action to preclude remedial action by department
75-10-738 Closure
75-10-739 through 75-10-741 reserved
75-10-742 Short title
75-10-743 Orphan share state special revenue account -- reimbursement of claims -- payment of department costs
75-10-744 Eligibility -- statute of limitations
75-10-745 Allocation of liability -- process initiation
75-10-746 Emergency actions -- remedial action requirements -- designation of lead person -- enforcement
75-10-747 Discovery
75-10-748 Preallocation negotiations
75-10-749 Allocator selection -- payment of fees
75-10-750 Allocating liability
75-10-751 Appeal of allocator's decision
75-10-752 Repealed
75-10-753 through 75-10-755 reserved
75-10-756 Prohibition of covenant not to sue -- exceptions
75-10-757 Civil penalty

SSU Statutes

47 active statutes

MCA 75-10-
701 through
75-10-757

DEQ
MONTANA



Review

DEQ regulatory reform

- Excessive
- Outdated
- Unnecessary
- Feedback from stakeholders



High priority items

*Controlled Allocation
of Liability Act
Third-party Work*

ARM 17.55.110

Third-party work plans



Background



Evaluation



Reform
proposal

Background

- Promoted by lobbyists, so companies could obtain investigation results.
- Only on order sites
- DEQ oversight costs are billed to PLPs.





Evaluation

Stakeholders

- PLPs
- Third-party entity
- Local governments
- Property owners
- DEQ

Evaluation

Issues

- Only on order sites
- Within Facility boundaries
- Work plan is excessive





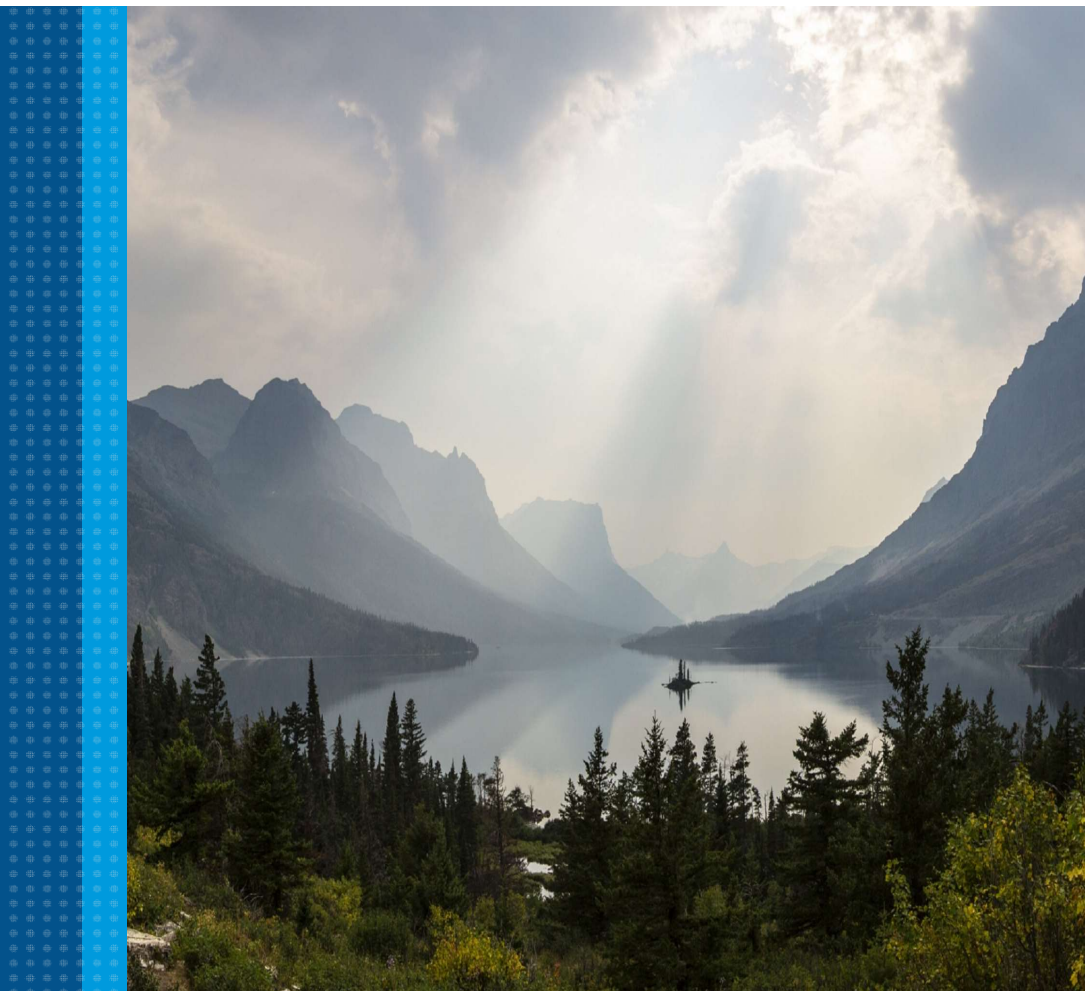
Reform

Possible Solutions

1. Repeal
2. All CECRA sites
3. Checklist
4. Work Plan template
5. Integrated system

Reform Proposal

Repeal the rule
and its
associated
portion of the
statute.



Other Solutions

Based on
Stakeholder
identified problems
or concerns



CECRA/VCRA

- Continuity and knowledge transfer for VCRA project officers and associated costs.
 - TREADS database
 - Site Checklists
 - EQulS
 - File Memos



CECRA/VCRA/CALA

- Transparency in reporting site progress and schedules for remediation sites
 - Annual report to EQC
 - Online GIS system
 - Site Updates – with schedules
 - VCRA Submittal Updates



CALA

- Identify/report CALA orphan share reimbursement obligations, shortfalls/backlog and ensure obligations met
 - Annual report to EQC
 - Review of reimbursement claims
 - Payment of allowed costs



Risk Assessment

- DEQ risk assessment approach is conservative and sometimes an impediment
 - Balanced approach
 - General use of EPA guidance
 - Big picture considerations
 - Improving guidance



CECRA/VCRA/CALA

- VCRA footprint versus facility
- Need utility exemption for maintenance of infrastructure within CECRA sites



NEXT STEPS



Continue
Stakeholder
Involvement



Executive
Planning
Process



2023
Legislative
Session &
Rulemaking

DEQ
MONTANA

Opportunity for Feedback



DEQ
MONTANA

Regulatory Reform Contacts:

Denise Martin

demartin@mt.gov

406.444.6578

Moriah Bucy

mbucy@mt.gov

406.444.6366

