

17.56.1303 INSTALLATION AND CLOSURE PERMIT REQUIREMENT--APPLICATION (1) No person may install or close an underground storage tank system without a permit issued by the department pursuant to ARM 17.56.1305 or 17.56.1306.

(2) Except as provided in ~~(6)~~(7):

(a) a completed application for a major installation permit must be filed by the permit applicant on a form provided by the department at least 30 days prior to the proposed date of installation; and

(b) a completed application for a minor installation or closure permit must be filed by the permit applicant on a form provided by the department at least 20 days prior to the proposed date of installation or closure.

(3) If the installation or closure is to be conducted by:

(a) a licensed installer or remover, the licensed installer or remover shall sign the permit application;

(b) an owner or operator with an on-site installation inspector, the owner or operator must sign the permit application.

(4) The department shall notify an applicant if it determines that an application is deficient. The department shall notify the applicant what information is required for the application to be considered complete. The department shall hold deficient applications pending the receipt of the required information. If the applicant fails to submit the required information within six months of receiving the department's deficiency notice, the deficient permit application expires.

(5) The department shall issue the permit within 30 days of the department's determination that: receipt of

(a) the complete permit application is complete; and

(b) the requirements of the Montana Environmental Policy Act have been met.

If the applicant fails to submit the required information within six months of receiving the department's deficiency notice, the deficient permit application expires.

~~(5)~~ (6) The permit application review fee required by ARM 17.56.1304 and any applicable inspection fee required by ARM 17.56.1309 must be received by the department within five business days of applicant's submittal of the permit application to the department. If the permit applicant accumulates more than two unpaid permit application review and/or inspection fees, the department shall suspend further permit reviews until all past due fees are paid in full.

~~(6)~~ (7) For good cause, the department may waive the 30-day requirement in (2).

History: 75-11-204, MCA; IMP, 75-11-204, 75-11-209, 75-11-212, MCA; EMERG, NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00; AMD, 2005 MAR p. 443, Eff. 4/1/05; AMD, 2016 MAR p. 1694, Eff. 9/24/16.

Reason: The department proposes to move the language from (5)(b) to (4) as this reads better and it provides a sense of clarity to the application process. Language has been proposed in (5)(b) to ensure awareness that the department must comply with the Montana Environmental Policy Act. This review process, especially in the case of a major installation permit at a newly proposed location (i.e., new UST facility), takes time for personnel to conduct. The average number of Environmental Assessments under MEPA that the UST program completes each year is around five reviews. The average time for a program review for a new facility, where the applicant knows procedures well, is 58 days. The average time for a program review for applicants unfamiliar with the process is significantly greater due to the program providing compliance assistance at each step in the process and the unfamiliarity of consulting and engineering firms with the submittal process. Applications have, at times, taken up to 30 months due to the MEPA process and delays in responses from the applicant to department requests. (6) and (7) are renumbered but remain the same.

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