

SENATE BILL NO. 70

INTRODUCED BY E. WALKER

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING DUAL REGULATION OF CERTAIN UNDERGROUND PIPING AT A PETROLEUM REFINERY THAT IS SUBJECT TO A HAZARDOUS WASTE CORRECTIVE ACTION ORDER; AMENDING SECTION 75-11-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 75-11-503, MCA, is amended to read:

**"75-11-503. Definitions.** Unless the context requires otherwise, in this part, the following definitions apply:

(1) "Board" means the board of environmental review provided for in 2-15-3502.

(2) "Department" means the department of environmental quality provided for in 2-15-3501.

(3) "Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any regulated substance into or onto the land or water so that the regulated substance or any constituent of the regulated substance may enter the environment or be emitted into the air or discharged into any waters, including ground water.

(4) "Person" means the United States, an individual, firm, trust, estate, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

(5) "Petroleum mixing zone" means an area where water quality standards for petroleum and petroleum constituents may be exceeded subject to the conditions of 75-11-508 and consistent with rules adopted under 75-11-318, 75-11-319, and 75-11-505.

(6) "Regulated substance":

(a) means:

(i) a hazardous substance as defined in 75-10-602; or

(ii) petroleum, including crude oil or any fraction of crude oil, that is liquid at standard conditions of

1 temperature and pressure (60 degrees F and 14.7 pounds per square inch absolute);

2 (b) does not include a substance regulated as a hazardous waste under Title 75, chapter 10, part 4.

3 (7) "Storage" means the actual or intended containment of regulated substances, either on a temporary  
4 basis or for a period of years.

5 (8) "Underground storage tank" or "tank":

6 (a) means, except as provided in subsections (8)(b)(i) through ~~(8)(b)(xi)~~ (8)(b)(xii):

7 (i) any one or a combination of tanks used to contain a regulated substance, the volume of which is 10%  
8 or more beneath the surface of the ground;

9 (ii) any underground pipes used to contain or transport a regulated substance and connected to a storage  
10 tank, whether the storage tank is entirely above ground, partially above ground, or entirely under ground; and

11 (iii) ancillary equipment designed to prevent, detect, or contain a release from an underground storage  
12 tank;

13 (b) does not include:

14 (i) a farm or residential tank that was installed as of April 27, 1995, that has a capacity of 1,100 gallons  
15 or less and that is used for storing motor fuel for noncommercial purposes;

16 (ii) a farm or residential tank that was installed as of April 27, 1995, that has a capacity of 1,100 gallons  
17 or less and that is used for storing heating oil for consumptive use on the premises where it is stored;

18 (iii) farm or residential underground pipes that were installed as of April 27, 1995, and that are used to  
19 contain or to transport motor fuels for noncommercial purposes or heating oil for consumptive use on the  
20 premises where it is stored from an aboveground storage tank with a capacity of 1,100 gallons or less;

21 (iv) a septic tank;

22 (v) a pipeline facility, including gathering lines, regulated under:

23 (A) the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1671, et seq.;

24 (B) the Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. 2001, et seq.; or

25 (C) state law comparable to the provisions of law referred to in subsection (8)(b)(v)(A) or (8)(b)(v)(B);  
26 if the facility is intrastate;

27 (vi) a surface impoundment, pit, pond, or lagoon;

28 (vii) a storm water or wastewater collection system;

29 (viii) a flow-through process tank;

30 (ix) a liquid trap or associated gathering lines directly related to oil or gas production and gathering

1 operations;

2 (x) a storage tank situated in an underground area, such as a basement, cellar, mine, draft, shaft, or  
3 tunnel, if the storage tank is situated upon or above the surface of the floor;

4 (xi) any pipe connected to a tank described in subsections (8)(b)(i) through (8)(b)(ix); or

5 (xii) underground pipes connected to an aboveground storage tank at a petroleum refinery that is subject  
6 to:

7 (A) facilitywide corrective action permit provisions under 75-10-406 or the federal Resource Conservation  
8 and Recovery Act of 1976, 42 U.S.C. 6901 through 6987, as amended; or

9 (B) a facilitywide corrective action order under 75-10-425 or the federal Resource Conservation and  
10 Recovery Act of 1976, 42 U.S.C. 6901 through 6987, as amended."

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12 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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