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Ravalli County Commissioners

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Memo

DATE: August 20, 2019

TO: Interested Persons

FROM: Emily Ewart
Rule Expert & Coordinator
Waste and Underground Tank Management Bureau

SUBJECT: **EPA Proposes to finalize its Reauthorization of Montana's UST Program on August 15, 2019**

This memo is to explain that the EPA has requested approval of the Montana Department of Environmental Quality Underground Storage Tank (UST) program. EPA has published in the federal register both a Proposed Rule and a Direct Final Rule Federal Register (FR) notice on August 15, 2019. The purpose of these FR notices is to propose and then finalize the EPA's reauthorization of the state of Montana's UST Program.

Both FR notices can be reviewed and commented on by the public at <https://www.regulations.gov/document?D=EPA-R08-UST-2018-0827-0003> or going to <https://regulations.gov> and then searching for docket **EPA-R08-UST-2018-0827**.

TIMING: The Proposed Rule provides a 30-day comment period from the date of publication. Unless the EPA receives relevant adverse comment within this comment period, the rule will become effective 60-days after the publication of the Direct Final Rule.

If the EPA receives any relevant adverse comments, the EPA will publish, on or before the Direct Final Rule's effective date (60-days from publication), a notice in the FR withdrawing the Direct Final Rule and informing the public that the rule will not take effect. Subsequently, the EPA will address the public comments and republish a final authorization.

BACKGROUND: Subtitle I of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. § 6901 *et seq.*, which amended the Solid Waste Disposal Act (SWDA), revisions were effective October 13, 2015. The implementing regulations found at 40 CFR Part 280 set minimum standards for new tanks and require owners and operators of existing tanks to upgrade, replace, or close them. The UST regulations also require

owners and operators to monitor their UST systems for releases and maintain financial assurance for petroleum USTs.

In accordance with 40 CFR Part 281, a state may apply for SPA any time after the promulgation of new federal rules. In 2015, the EPA published substantial revisions to the federal UST regulations. These revisions strengthened the 1988 federal UST regulations by increasing emphasis on properly operating and maintaining UST equipment, among other things. The EPA originally authorized Montana's UST program, based on the State's November 23, 1989 regulations, on February 1, 1996 (61 FR 3599; effective March 4, 1996). Montana submitted revisions to its UST program based on the federal EPA regulatory revisions in an official authorization package dated November 13, 2018 and received by EPA on December 3, 2018.

DEQ wants to ensure adequate stakeholder participation in the proposed reauthorization of Montana's UST Program process. DEQ will continue to strive to keep interested persons informed. Please do not hesitate to contact us at 406-444-5300 or DEQWUTMBRules@mt.gov if you have any questions or concerns. Thank you for your participation and/or interest.