



ADMINISTRATIVE RULES OF MONTANA



17.56.102 APPLICABILITY

- (1) Except as otherwise provided in (2) through (6), this chapter applies to all owners and operators of UST systems and to all owners and operators of petroleum storage tanks who seek or intend to seek reimbursement from the Montana Petroleum Tank Release Cleanup Fund. An UST system listed in (4) or (5) must comply with ARM 17.56.104.
- (2) This chapter does not apply to the following UST systems:
 - (a) any UST system holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances; and
 - (b) any wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act.
- (3) Subchapters 2, 3, 4, 7, 8, 9, 10, 13, 14, and 15 do not apply to any of the following types of PSTs and UST systems:
 - (a) equipment or machinery that contains regulated substances for operation purposes such as hydraulic lift tanks and electrical equipment tanks;
 - (b) any UST system that contains a de minimis concentration of regulated substances;
 - (c) any emergency spill or overflow containment UST system that is expeditiously emptied after use;
 - (d) a storage tank that is situated in an underground area such as a basement, cellar, mine draft, shaft, or tunnel;
 - (e) an aboveground storage tank with a capacity less than 30,000 gallons;
 - (f) aboveground pipes associated with tanks under (3)(d) or (e); or
 - (g) oil/water separators.
- (4) Subchapters 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, and 15 do not apply to any of the following types of UST systems:
 - (a) wastewater treatment tank systems;
 - (b) any UST system containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 USC 2011 and following); and
 - (c) any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A.

- (5) Subchapters 2, 3, 4, 8, and 15 do not apply to any UST system whose capacity is 110 gallons or less.
- (6) Subchapter 8 does not apply to any of the following types of UST systems:
 - (a) farm or residential tank of 1100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
 - (b) tank used for storing heating oil for consumptive use on the premises where stored; and
 - (c) underground pipes connected to an aboveground storage tank.

Authorizing statute(s): 75-11-319, 75-11-505, MCA

Implementing statute(s): 75-11-319, 75-11-505, MCA

History: NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2003 MAR p. 1079, Eff. 5/23/03; AMD, 2006 MAR p. 913, Eff. 4/7/06; AMD, 2007 MAR p. 1189, Eff. 8/24/07; AMD, 2010 MAR p. 1888, Eff. 8/27/10; AMD, 2011 MAR p. 145, Eff. 2/11/11; AMD, 2018 MAR p. 1954, Eff. 10/6/18.