



ADMINISTRATIVE RULES OF MONTANA



17.58.344 REVIEW OF CORRECTIVE ACTION PLAN

- (1) The board staff will review each corrective action plan and establish the allowable reimbursement for each corrective action in a corrective action plan budget. If the review indicates that the fund is not being used in accordance with 75-11-313(3), MCA, the board staff will notify the board chairperson and provide an explanation of the board staff's findings. The chairperson will then review the evidence and decide whether to initiate a third-party review. If the chairperson decides to initiate a third-party review, he or she will submit a corrective action plan for review to a qualified third party of his or her choosing. The results of the third-party review will be included in the board's corrective action plan review process per 75-11-312, MCA.
- (2) Owners or operators or their representatives must solicit at least three competitive bids for subcontractor corrective action work costing over \$2500. The owner or operator must submit documentation showing that at least three bids were solicited for the corrective action. Owners and operators must be reimbursed a reasonable amount for the time to prepare, solicit, and evaluate bids.
- (3) Corrective action plans that require the removal of petroleum storage tanks, dispensers, or product piping must be shown to be the most cost effective corrective action and the costs must be approved by the board in writing before the action is performed.
- (4) Corrective action plans that require the removal, repair, or replacement of building(s), sign(s), or canopies must be shown to be the most cost effective corrective action and the costs must be approved by the board in writing before the action is performed.
- (5) Owners or operators are responsible for determining whether it is more cost effective to purchase or lease remediation equipment necessary to remediate a petroleum release. Board staff may assist owners or operators in this evaluation.
- (6) Purchased remediation equipment, when no longer required to remediate the release, may be:
 - (a) used on another site that the owner or operator owns, or for the owner's or operator's own purpose;
 - (b) donated to the state of Montana. The state will then sell the equipment as surplus property. The proceeds of the sale will return to the fund; or
 - (c) sold with the owner or operator retaining 50% of the sale price and 50% returning to the fund.

Implementing statute(s): 75-11-318, MCA

History: NEW, 2011 MAR p. 377, Eff. 3/25/11; AMD, 2024 MAR p. 329, Eff. 2/24/24.