



ADMINISTRATIVE RULES OF MONTANA



17.58.313 APPLICABLE COPAYMENTS FOR COMMINGLED PETROLEUM STORAGE TANK RELEASES

- (1) An owner or operator of a site with more than one eligible release from separate petroleum storage tanks whose plumes have commingled shall be reimbursed for eligible costs caused by each release, as specified in 75-11-307(4)(b), MCA. The provisions of 75-11-307(4)(b), MCA, shall be applied separately to each release. If there are costs that are incurred when an ineligible release from a petroleum storage tank has commingled with an eligible release from a separate petroleum storage tank, the owner or operator may not be reimbursed without evidence establishing that it is more likely than not that the costs were caused by the eligible release.
- (2) An owner or operator of a site with more than one eligible release from the same petroleum storage tank whose plumes have commingled shall be reimbursed for eligible costs caused by each release, as specified in 75-11-307(4)(b), MCA. The provisions of 75-11-307(4)(b), MCA, shall be applied separately to each such release. If there are costs that are incurred when an ineligible release has commingled with an eligible release from the same petroleum storage tank, the owner or operator may not be reimbursed without evidence establishing that it is more likely than not that the costs were caused by the eligible release.
- (3) A person who seeks reimbursement from the fund at a rate different than that provided in 75-11-307(4)(b)(ii), MCA, must prove that it is more likely than not that no leaking petroleum storage tank at the site is eligible under that section.

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

Implementing statute(s): 75-11-307, MCA

History: NEW, 1991 MAR p. 2036, Eff. 11/1/91; TRANS, from DHES, and AMD, 1996 MAR p. 3125, Eff. 12/6/96; AMD, 1999 MAR p. 2279, Eff. 10/8/99; AMD, 2011 MAR p. 377, Eff. 3/25/11; AMD, 2021 MAR p. 1771, Eff. 12/11/21.