

SENATE BILL NO. 30

INTRODUCED BY D. WANZENRIED

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE COLLECTION REQUIREMENTS UNDER THE STATE SUPERFUND LAWS; REQUIRING LIABLE PARTIES TO PAY INTEREST IF MONTHLY BILLS FOR REMEDIAL ACTION COSTS ARE NOT PAID WITHIN 30 DAYS; AMENDING SECTION 75-10-722, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 75-10-722, MCA, is amended to read:

"75-10-722. Payment of state costs and penalties. (1) The department shall keep a record of the state's remedial action costs.

(2) Based on this record, the department may require a person liable under 75-10-715 to pay the amount of the state's remedial action costs, including interest and, if applicable, penalties under 75-10-715(3).

(3) If the state's remedial action costs and penalties are not paid by the liable person to the department ~~within 60 days~~ after receipt of notice that the costs and penalties are due, the department ~~shall~~ may bring an action in the name of the state to recover the amount owed plus reasonable legal expenses.

(4) If the department provides a notice that the state's remedial action costs are due, the department shall assess and collect interest on the unpaid amount at the rate provided for in 25-9-205:

(a) after 30 days of receipt of the notice if the notice covers costs incurred during a time period that is 1 month or less;

~~(a)~~(b) after 60 days of receipt of the notice if ~~the notice covers costs incurred during a time period that is one-quarter of a year~~ more than 1 month and not more than 3 months or less;

~~(b)~~(c) after 90 days of receipt of the notice if the notice covers costs incurred during a time period that is more than ~~one-quarter of a year~~ 3 months and ~~less than or equal to one-half of a year~~ not more than 6 months;
and

~~(e)~~(d) after 120 days of receipt of the notice if the notice covers costs incurred during a time period that is more than ~~one-half of a year~~ 6 months.

1 (5) An action to recover remedial action costs and interest may be brought under this section at any time
2 after any remedial action costs and interest have been incurred, and the court may enter a declaratory judgment
3 on liability for remedial action costs and interest that is binding on any subsequent action or actions to recover
4 further remedial action costs and interest. The court may disallow costs or damages only if the person liable under
5 75-10-715 can show on the record that the costs are not reasonable and are not consistent with this part. The
6 court may disallow the associated interest if it determines, based on the record, that the liable person can show
7 that the costs are not reasonable.

8 (6) An initial action brought under 75-10-715(4) or a contribution action for costs incurred under this part
9 must be commenced within 6 years after initiation of physical onsite construction of the final permanent remedy.

10 (7) Remedial action costs, interest, and any penalties recovered by the state under 75-10-715 must be
11 deposited into the environmental quality protection fund established in 75-10-704."

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13 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2011.

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