



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

~~(c)(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.

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

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

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

Section 2. Effective date. [This act] is effective July 1, 2011.

- END -

I hereby certify that the within bill,
SB 0030, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE BILL NO. 30

INTRODUCED BY D. WANZENRIED

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

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.