

<b>DEQ: KPT - Yale Oil - Reliance Refinery Site Cleanup</b>		<b>Agency/Program #:</b> 5301-40-I2
		<b>Division:</b> Remediation
		<b>Program:</b> State Superfund
<b>Agency Name:</b>	Department of Environmental Quality	
<b>Agency Contact:</b>	Sandi Olsen	841-5001
<b>LFC Contact:</b>	Representative Ripley, Representative Erickson	
<b>LFD Liaison:</b>	Barbara Smith	444-5347
<b>OBPP Liaison:</b>	Eileen Rose	444-1338

**Program or Project Description:**

Appropriation, Expenditure and Source					Approp & Expenditure numbers are as of October 31, 2007
Fund Name:	2008		2009		
	Approp.	Expended	Approp.	Expended	
General Fund					
State Special					
Federal Funds					
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	

**Goal(s):**

**Performance Measures :**

2009 Biennium Significant Milestones:	Completion Dates	
	Target	Actual
1		
2		
3		
4		
5		

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**Performance Report:**

See attached report

**LFD Narrative:****EXECUTIVE CHANGES:**

- Changes to goals/initiatives: No. This was an initiative added by the workgroup, this is the first time LFD staff has reviewed the information.
- Change to performance measures: No. Submitted generic performance measures, with the associated timelines in the milestones.

**LFD ASSESSMENT:**

- Goal is measureable within the biennium: Yes. If any remedial action is done, the executive can claim progress towards the goal.
- Progress towards Goal: **On-Track**. The narrative provides information that the project is on track as compared to the milestones and not the performance measure.

**APPROPRIATION ISSUES:**

- Appropriation/Expenditures provided: No
- Other appropriation issues: Yes.

**OPTIONS:**

The legislature may wish to request the performance measures be improved by adding timelines/targets that are now in the milestones. The legislature may wish to add a performance measure regarding when the "dirt-work" of remediation will begin and/or end.



Version	Date	Author
5301-40-12-CO-1	12/7/07	Smith

Change Description
LFD Narrative Added



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Goals/Objectives

**Agency Contact:** Sandi Olsen/Terry Lazure | **Phone Number:** 541-5001/2855 |  
**Agency Name:** Department Of Environmental Quality (DEQ) |  
**Division:** Remediation |  
**Program (identify and briefly describe):** SRS - Site Response Section - Protect human health and the environment from contamination at state superfund sites. |

### **List a single goal and brief description:**

- Conduct Remedial Action activities at the Kalispell Pole and Timber / Reliance Refinery / Yale Oil CECRA (state superfund) facilities
- Under CECRA (state superfund), a Proposed Plan outlining the department's preferred remedial alternative with a preliminary cost estimate must be released for public comment, prior to DEQ's determination in a Record of Decision (ROD) of the appropriate actions to cleanup contamination to levels that appropriately protect human health and the environment. Once the ROD is completed, typically the DEQ enters into negotiations with Potentially Liable Parties (PLPs) to design and implement the cleanup. However, litigation that addresses these facilities is ongoing and a Montana court may ultimately order PLPs to do the cleanup. |

### **Describe the performance measures related to this goal:**

Complete the Proposed Plan, solicit public comment and complete a Record of Decision, with responses to comments, for the above facilities. If settlement discussions are not successful, request the court to order cleanup. |

### **List significant milestones and target dates to be completed in the 2009 Biennium:**

- Early 2008 -- Complete Proposed Plan
- Winter 2008 - Comment Period on Proposed Plan
- Spring 2008 - Complete Responsiveness Summary and ROD
- Spring/Summer 2008 - Initiate settlement discussions with PLPs or request court order for design and implementation of on-the-ground site cleanup
- Summer 2008 - Identify design and implementation (cleanup) schedule or impediments to setting schedule |

### **Describe the current status of the measurements related to the goal:**

- Utilizing information from the Remedial Investigation and Feasibility Study (RI/FS) completed pursuant to SB489 (2007 Biennium) and CECRA (state superfund), the proposed plan should be completed at or about the time of the next LFC meeting. This is a major step forward, possible only because of the supplemental funding provided under SB489. A 30-day public comment period will begin with the publication of the Proposed Plan.
- With the completion of the RI/FS and proposed plan, public comment, and record of decision (the superfund equivalent of the MEPA process) the PLPs can initiate final design. The proposed plan will be out by early 2008 and the record of decision should be complete mid spring, before the end

of the fiscal year. That is the end of the “study.” Final design is the engineering needed to make the adopted plan work on the ground.

- The CECRA program is designed to allow the PLPs to do the work. Once the ROD is completed by the agency, the PLPs are key process drivers. DEQ will meet with the PLPs to develop an implementation plan and schedule. At that point we can identify additional milestone dates including the projected dates of actual on-the-ground cleanup.
- There will likely be multiple activities going on as a part of cleanup and some can be started sooner than others. Those that are a continuation of interim actions are already underway. An interim action can be adopted as is or tweaked as a part of the ROD and final design to optimize the action for the site. |