DEQ recommends

PETRO Board

Terry Wadsworth,
Terry Mavencamp, Marla Stremcha

The Board will examine and evaluate the competitive bidding processes other states use to accomplish release closure. It is important to recognize that the state of Montana is not in the business of determining eligibility, nor is it in the business of funding cleanups to eliminate liability by closing contaminated contaminated sites. The Board is concerned that contaminant control may be viewed by the public as only appealing to the state, while not enforcing a core of petroleum and environmental standards, including professional conduct and environmental excellence. The Board is committed toimproving its process for how improvement can be made to bring releases to closure. Implementation of this recommendation would require statute and legislative approval. The Board will work with the Board on this recommendation, as it leads this effort.

DEQ CAG

Q1 - by Mar 2022

DEQ CAG

Q2 - by Jun 2022

DEQ CAG

Q3 - by Sep 2022

DEQ CAG

Q4 - by Dec 2022

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The Board will meet with Wyoming and EPA in the first quarter 2022 to learn about their process. In Q2 2022, DEQ will work with the Board to assist with process improvements (improving and paying for planning meetings, or development needs such as necessary cost guidance/outreach/prerelease eligibility) to improve communication, transparency, and facilitate timely fund availability. DEQ agrees it would be helpful if there was clarity in statute and legislative intent for roles and responsibilities that bring an eligible petroleum release to closure.

DEQ suggests, DEQ and the Board propose language to the Montana legislature during the 2023 session. DEQ and the Board will review and refine the recommendation.

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The department is willing to meet with the Board to identify language that requires adjustment to clarify the Board's role in approving or basing reimbursement on the specific methods prescribed in approved corrective action plans for how improvement can be made to bring releases to closure. Implementation of this recommendation would likely require a statute change and is willing to work collaboratively in this process.

The Board will work with the Board to develop an overarching strategic plan of timely assessing all currently active releases, to have a cleanup remedy identified and a schedule for both the cleanup remedy and any subsequent activity. The department has and will continue to copy Board staff as recipients on letters addressed to responsible parties for each new release, appropriate, notification, and hereunder, proper notice of site plans to prepare land for investigation and remediation so that site areas can be identified for eligibility and work. DEQ will work with the Board and the legislature to assist with amendments to clarify statute to address recommendations RE2, RE3, RE11, RE12, RE13 (9.8.600).

The Board will review and analyze data related to all historic underground storage tank releases in Montana.

The Board will work with DEQ staff to develop a process by which the Board, DEQ and the Montana legislature can align to a common decision on the possible path forward. DEQ agrees it would be helpful if there was clarity in statute and legislative intent for roles and responsibilities that bring an eligible petroleum release to closure.

The Board will continue to examine and evaluate the competitive bidding processes other states use to accomplish release closure. The Board will work with DEQ staff to develop a process by which the Board, DEQ and the Montana legislature can align to a common decision on the possible path forward. DEQ agrees it would be helpful if there was clarity in statute and legislative intent for roles and responsibilities that bring an eligible petroleum release to closure.

DEQ agrees, DEQ and the Board propose language to the Montana legislature during the 2022 session. DEQ will work with the Board to assist with process improvements (improving and paying for planning meetings, or development needs such as necessary cost guidance/outreach/prerelease eligibility) to improve communication, transparency, and facilitate timely fund availability. DEQ agrees it would be helpful if there was clarity in statute and legislative intent for roles and responsibilities that bring an eligible petroleum release to closure.

DEQ agrees it would be helpful if there was clarity in statute and legislative intent for roles and responsibilities regarding what is needed in environmental protection and technical methodology or requirements of corrective action plans to bring releases to closure. The technical review and development of guidance should fully reflect environmental standards, working with professional colleagues, with specific knowledge, skills, and abilities, to oversee site plans to prepare land for investigation and remediation so that site areas can be identified for eligibility and work. DEQ agrees to work with the Board and the legislature to address recommendations RE2, RE3, RE11, RE12, RE13 (9.8.600).

The department will work with the Board to develop a process, seeking legislation if necessary, whereby remediation projects are competitively bid to bring releases to closure, in accordance with existing state procurement laws.

The department has and will continue to copy Board staff as recipients on letters addressed to responsible parties for each new release, appropriate, notification, and hereunder, proper notice of site plans to prepare land for investigation and remediation so that site areas can be identified for eligibility and work. DEQ will work with the Board and the legislature to assist with amendments to clarify statute to address recommendations RE2, RE3, RE11, RE12, RE13 (9.8.600).

The Board will work with the Board to develop an overarching strategic plan of timely assessing all currently active releases, to have a cleanup remedy identified and a schedule for both the cleanup remedy and any subsequent activity. The amount of requested cleanup should be matched with available funding. Making use of the available funding results in more timely site closures.

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DEQ CAP

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DEQ CAP

Q2 - by Jun 2022

DEQ CAP

Q3 - by Sep 2022

DEQ CAP

Q4 - by Dec 2022

MT Legislature

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