

# Petroleum Tank Release Compensation Board (PTRCB)

September 27, 2023  
Environmental Quality Council Meeting  
Room 317 – State Capitol Building  
4:00 pm

# Program Overview

- The PTRCB is tasked with the management of the Petroleum Tank Release Cleanup Fund
  - Protection of public health, safety and the environment,
  - Provision of adequate financial resources and effective procedures for reimbursement of corrective action (work plans) and third-party damages,
  - Assistance to certain tank owner and operators in meeting state and federal financial requirements, and
  - Provide tank owner with incentives to improve petroleum storage tank facilities in order to minimize accidental releases.

Legislatively Promulgated, (§75-11-301(6))



# PTRCB Organizational Chart



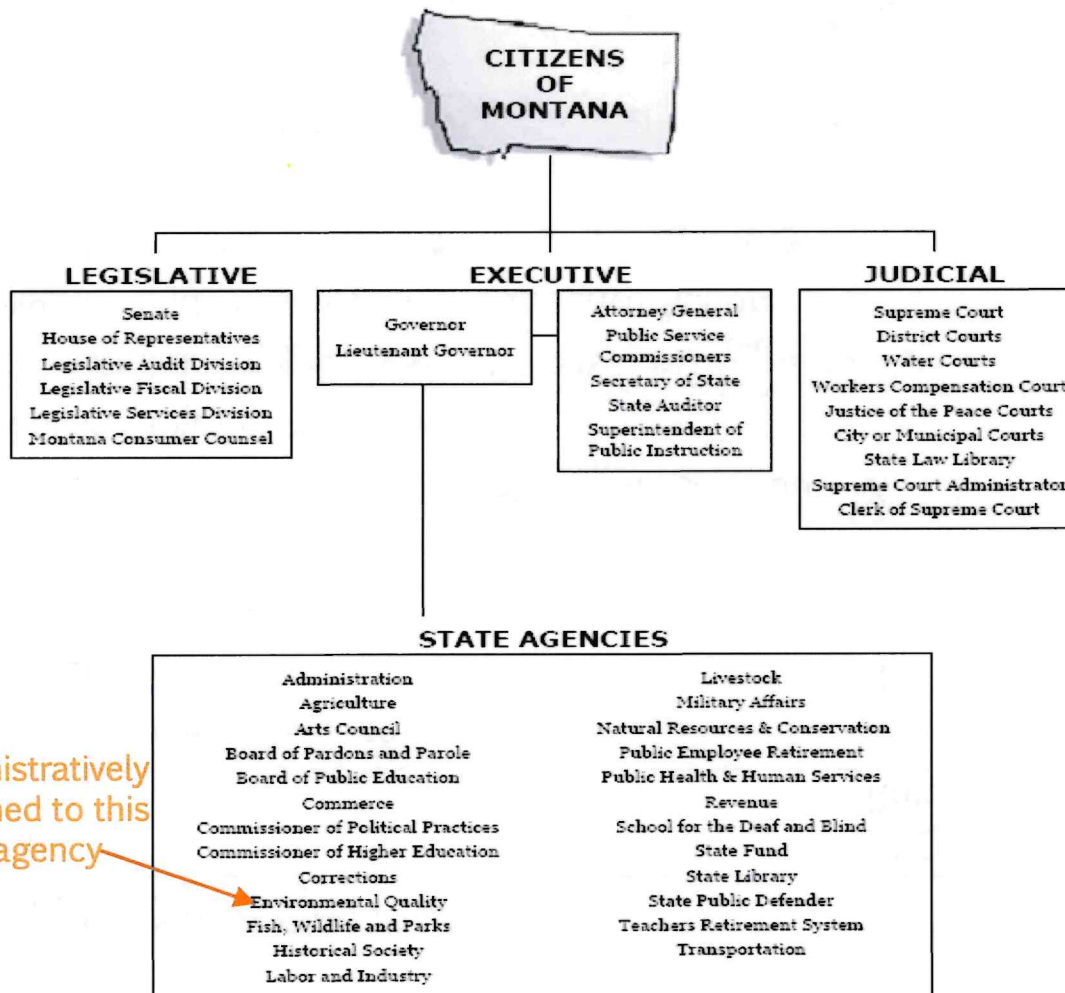
# Petroleum Tank Release Compensation Board

- Board consists of 7 members appointed by Governor:
  - (a) a representative of the financial or banking industry with experience in small business or property loans;
  - (b) a representative of the petroleum services industry or a representative of the petroleum release remediation consultant industry;
  - (c) a representative of independent petroleum marketers and chain retailers;
  - (d) a representative of the general public;
  - (e) a representative of service station dealers; and
  - (f) a representative of the insurance industry; and
  - (g) a person with a background in environmental regulation.
- The board elects a presiding officer & Vice-Presiding Officer, Annually
- 3 Year Term of membership

Legislatively Promulgated, §2-15-2108, MCA



# STATE OF MONTANA ORGANIZATION CHART



Administratively attached to this state agency

## Administrative Attachment

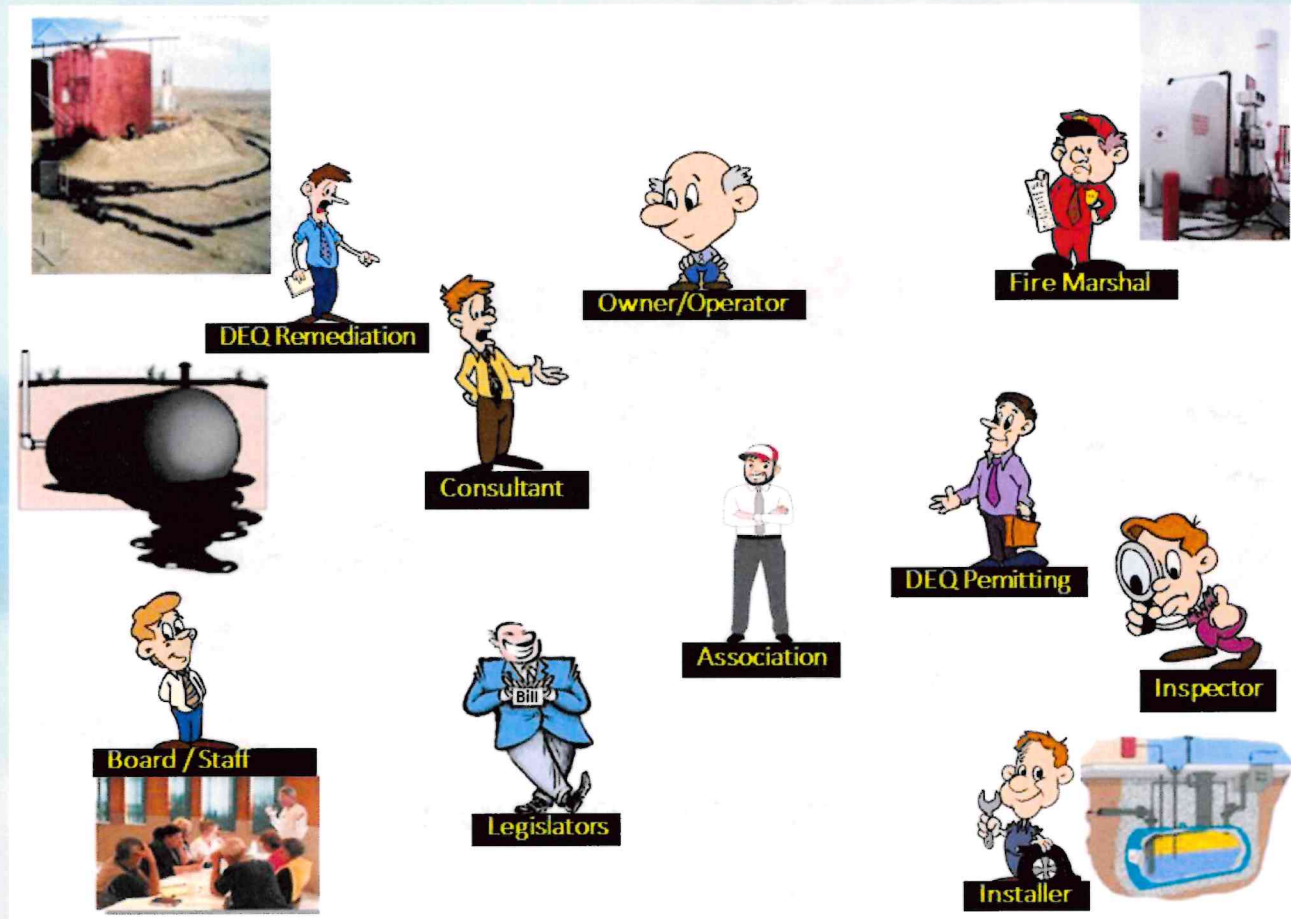
The Board is a unitary program without division and is attached to the Department of Environmental Quality for administrative functions such as, human resources, IT services, fiscal services, and payroll and benefits.

## Duties By Agency

Duties	DEQ's Role	PTRCB's Role	Reference
Declare/Confirm Release	X		75-11-309
Request work plan	X		75-11-309(c)
Review work plan	X	X	75-11-309
Approve work plan	X		75-11-309(d)
Establish Guidance for Investigation and Cleanup	X		75-11-501et.
Establish Cost Control Measures		X	75-11-318
Determine Fund Eligibility of a Release		X	75-11-308
Obligate Funds for Proposed Corrective Action		X	75-11-309(5)
Ensure Fund is used in most cost-efficient manner		X	75-11-312
Reimburse Claims		X	75-11-307
Issue a No Further Corrective Action Letter	X		75-11-508
Close Releases	X		75-11-508
Re-Open a previously closed Release	X		75-11-307

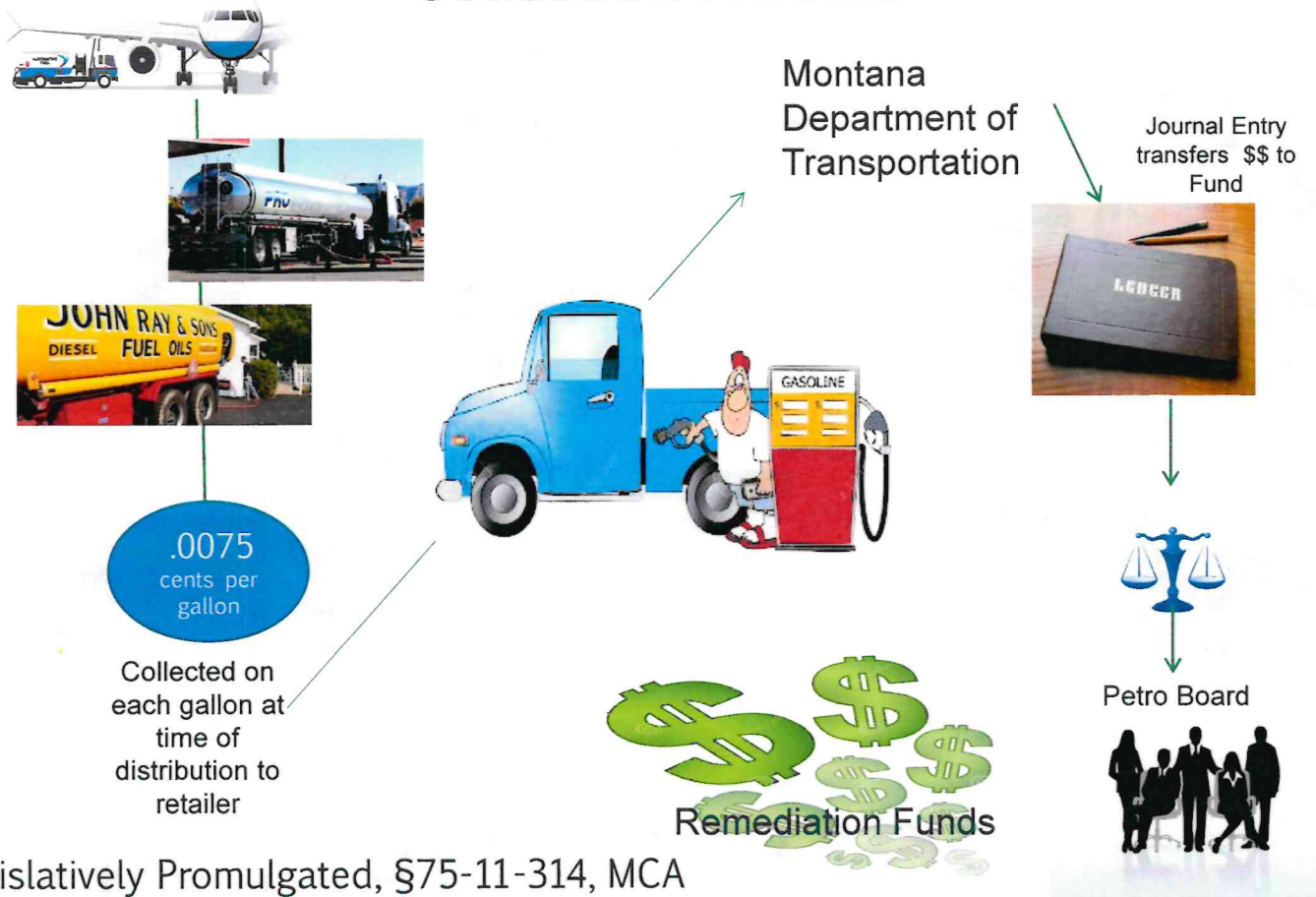
Legislatively Promulgated, 1989 - 2023

# The Stakeholders





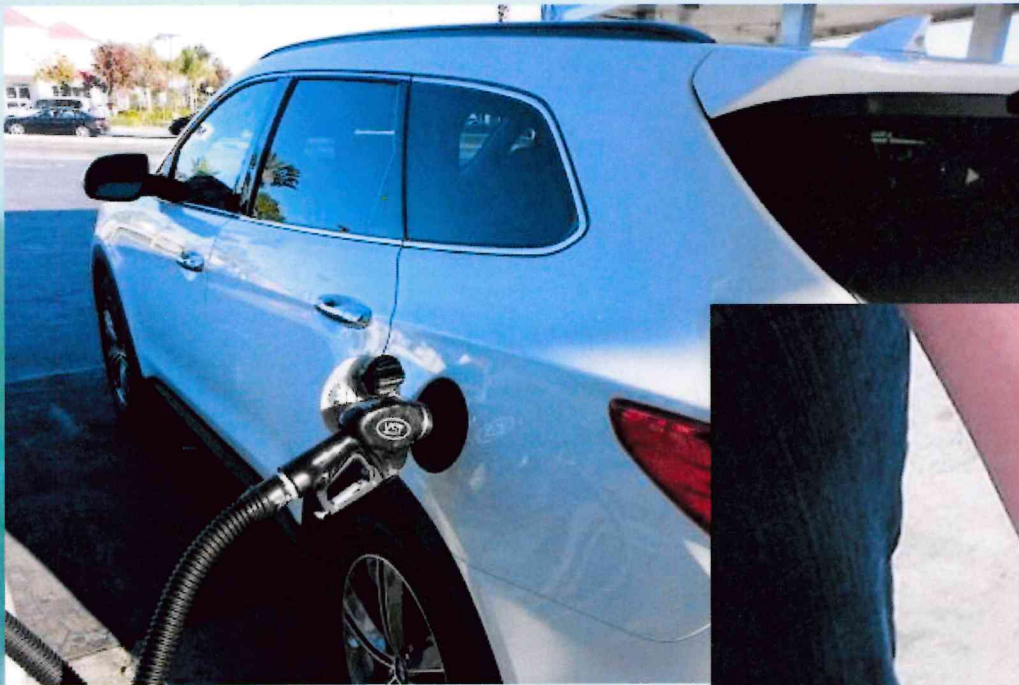
# Petro Fund Collection Process



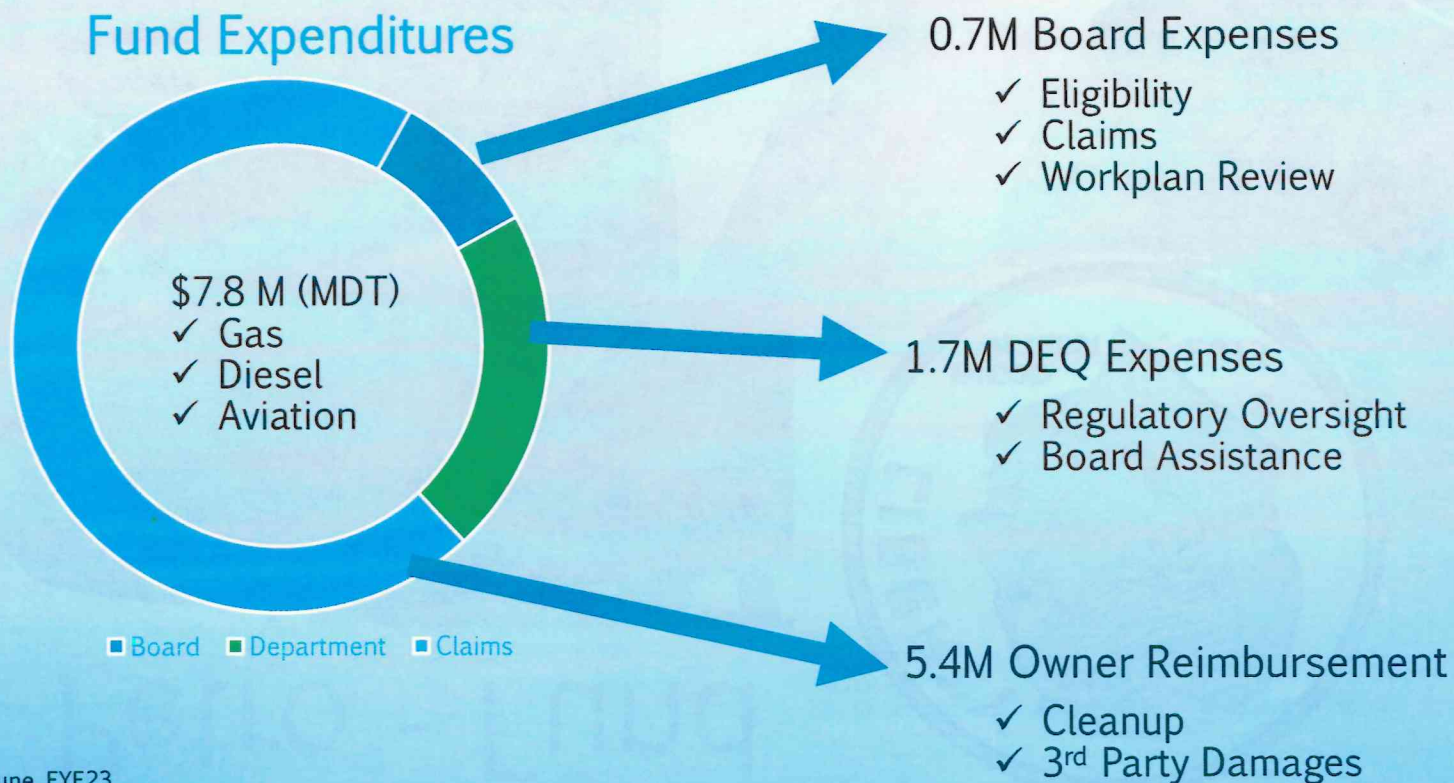
Legislatively Promulgated, §75-11-314, MCA



# Petro - Fund



# PTRCF – fee collection and expenditures





# Co-Pay Requirements

**\$17,500**

## Large Tank

- 50% of the first \$35,000 in eligible costs = \$17,500

## Small Tank

- 50% of the first \$10,000 in eligible costs = \$5,000

PTRCB reduces reimbursement until Co-Pay is met from Eligible & reasonable costs submitted on a Form 3 – Application for Reimbursement, or a Form 11 – Allocation to Co-Pay.

Legislatively Promulgated, 1989

# Co-Pay Requirements

Allocation to Co-Pay (process to leverage other funding to meet Owner's Co-Pay Requirement):

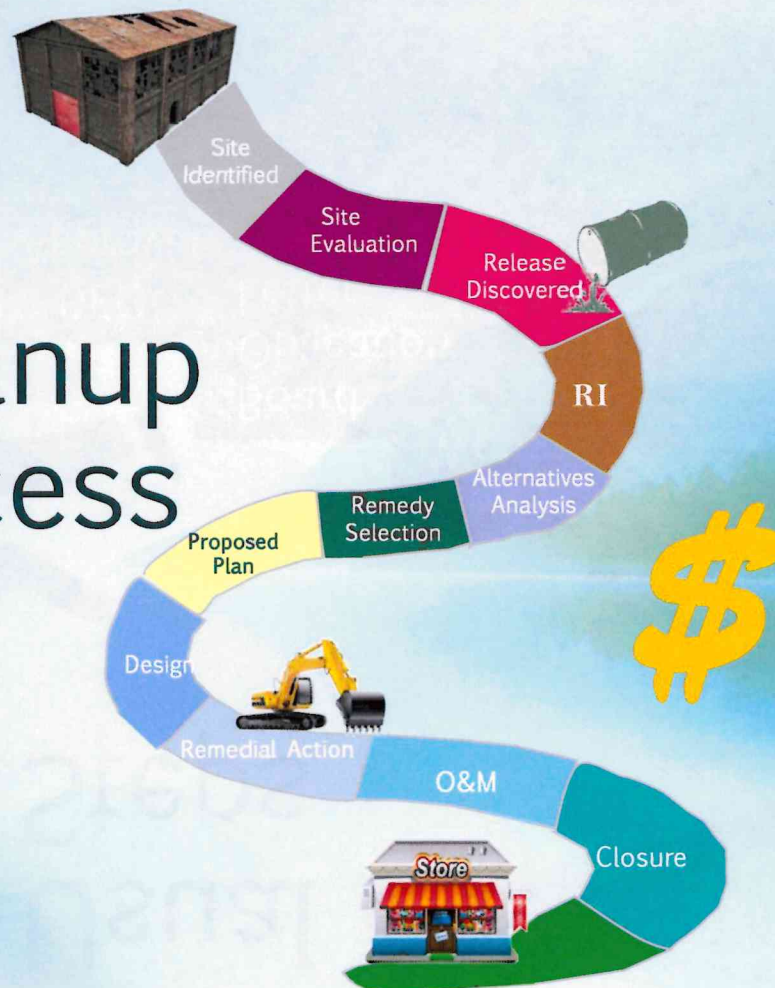
- Insurance,
- Grant or Revolving Loan Funding
- Federal Brownfields
- Personal Grant of Funding

Qualifying costs that meet the program's criteria;

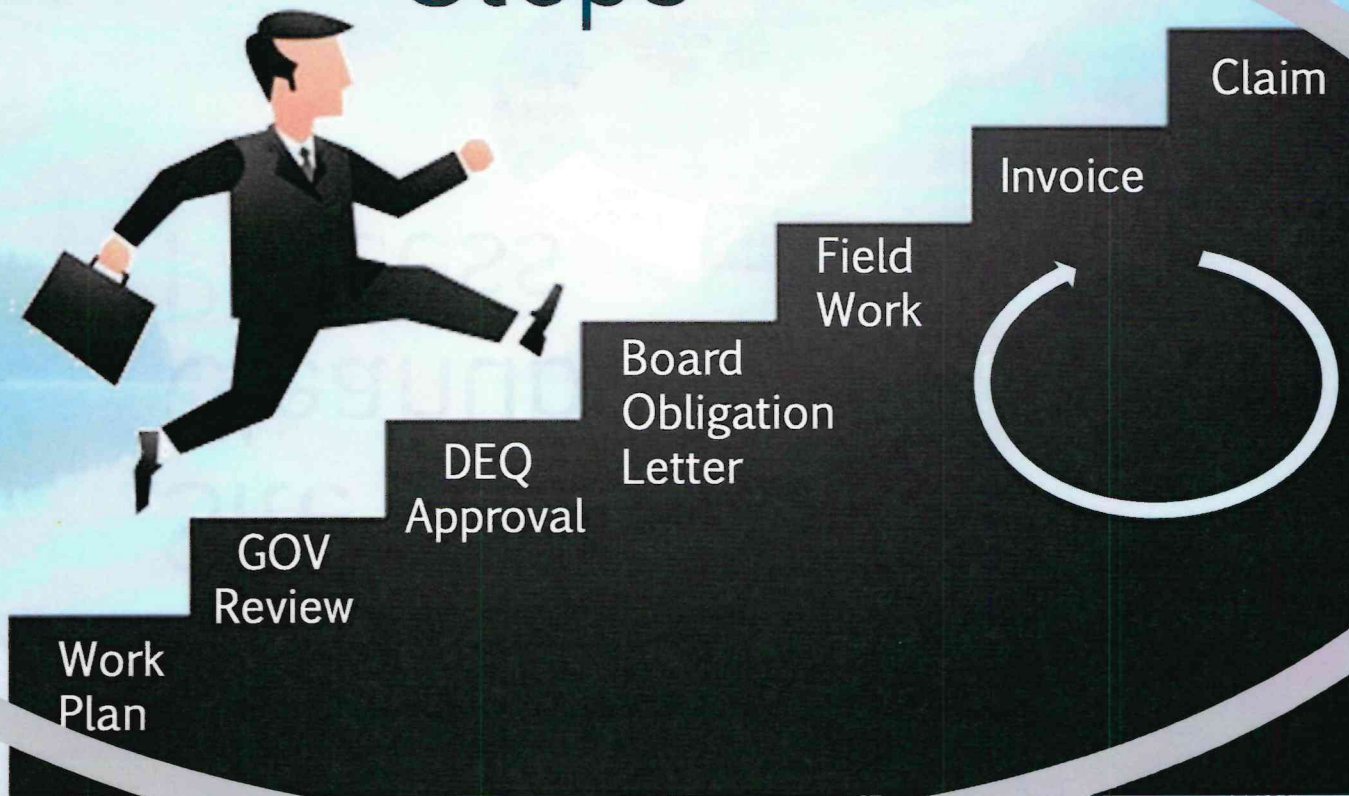
- Eligible Costs
- Department Approved
- Actually Incurred
- Reasonably incurred
- Necessary for meeting cleanup objectives and
- state requirements.



# Site Cleanup Process



# Usual Steps





# Biennial Report

Issued in the Fall before a legislative year

short-term and long-term viability of the fund

- (a) trends in fund revenue and expenditure activity;
- (b) exposure to long-term liabilities;
- (c) impacts of changes in state and federal regulations relating to underground and aboveground storage tanks;
- (d) availability of petroleum storage tank liability insurance in the private sector and trends in provisions of the insurance; and
- (e) the continuing need for collection of all or part of the petroleum tank release cleanup fee.

Legislatively Promulgated, §75-11-318(7), MCA

# Legislative Audit 20P-01

Four (4) recommendations

Recommendation #1 – Implemented

Recommendation #2 – To the Legislature

Recommendation #3 – In Progress

- Part is completed.

- Part is being researched

Recommendation #4 – Implemented (HB868, +)