



# MONTANA LEGISLATIVE BRANCH

## Legislative Fiscal Division

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**Director**  
AMY CARLSON

DATE: March 13, 2024

TO: Senator Janet Ellis

FROM: Robert Miller, Legislative Fiscal Analyst

RE: Petroleum Storage Tank Cleanup Information Request

Senator Ellis

Here's the information you requested regarding the Petroleum Tank Cleanup State Special Revenue Account and data on current and previous cleanup efforts for our March 13 interim budget committee meeting.

The Petroleum Storage Tank Cleanup account serves to reimburse owners and operators for eligible expenses resulting from a release from a petroleum storage tank. Revenue primarily stems from taxes levied on the sale of gasoline, aviation fuels, heating oil, and other special fuels, set at a rate of 0.75 cents per gallon.

The primary function of the account is to settle claims arising from leaking storage tanks. Additionally, funds are allocated for personal services and operational costs to facilitate the administration of the fund by the board and the agency. Notably, during the 2017 special session of the legislature, \$1.0 million was transferred to the general fund in FY 2018.

The department and the board have provided the first two tables outlining details on current and previous petroleum tank cleanup projects. The final table, supplied by LFD, delineates revenues, expenditures, and ending fund balances within the Petroleum Tank Cleanup Fund State Special Revenue Account.

**Number of Leaking Petroleum Tank Cleanup Sites by Fiscal Year**

**NOTE: Fiscal year information is from July 1 to June 30  
(EXAMPLE: FY 2023 is from July 1, 2022 to June 30, 2023)**

**TREND INFORMATION**

		FY 2023	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018
DEQ PTCF	<b>Number of open (unresolved) release sites (all categories)</b>	857	874	890	916	948	966
	<b>Number of new release sites reported during Fiscal Year</b>	31	30	37	32	28	29
	<b>Number of open release sites resolved (closed) during Fiscal Year</b>	38	47	53	58	60	47
	<b>Number of Legacy Releases (1987-1999)</b>	574	595	616	635	664	682
PTRCF	<b>Number of open release sites that applied to PTRCF for eligibility</b>	15	18	14	20	13	14
	<b>Number of open release sites determined to be eligible by PTRCF</b>	9	10	13	19	11	9
	<b>Number of open release sites determined to be ineligible by PTRCF*</b>	1	4	1	0	0	0
	<b>Number of open release sites with eligibility determination pending by PTRCF on last day of Fiscal Year</b>	3	3	0	1	1	3
	<b>Number of open release sites that did NOT apply to PTRCF for eligibility</b>	211	210	220	227	241	269

\*Includes ineligible, withdrawn and suspended applications

CURRENT Leaking Petroleum Tank Cleanup Information

Report as of: March 8, 2024

Current Open (Unresolved) Petroleum-Tank Releases					CURRENT Eligibility Status for PTRCF				CURRENT Funding from PTRCF			
Risk Priority	Brief Summary	Confirmed 1987-1999 & Unresolved	Confirmed 2000-2023 & Unresolved	Total Unresolved 3/8/2024	OPEN Releases determined Eligible for PTRCF	OPEN Releases determined Ineligible for PTRCF	Eligibility pending/ suspended/ withdrawn	OPEN Release with No Information on Eligibility*	Allocated funds for OPEN projects	Number of releases covered by allocated funds	Encumbered funds for OPEN projects	Number of releases covered by encumbered funds
High Priority	OPEN High-Priority Emergency Response 1.1	0	1	1	1	---	---	---	51,388	1	25,419	1
	OPEN High-Priority Remediation (Migrating LNAPL) 1.2	3	0	3	3	---	---	---	-	-	-	-
	OPEN High-Priority Remediation 1.3	8	3	11	11	---	---	---	411,203	4	260,969	4
	OPEN High-Priority Characterization 1.4	56	60	116	47	8	9	52	1,174,970	11	557,409	11
Medium Priority	OPEN Medium-Priority Characterization 2.0	145	86	231	136	25	7	63	1,706,096	24	736,031	24
	OPEN Medium-Priority Remediation 3.0	122	51	173	141	23	1	8	5,085,201	50	2,430,150	50
	Medium-Priority Remediation 3.3	37	23	60	38	5	---	17	260,262	4	9,341	4
Low Priority	OPEN Monitoring 4.0	152	54	206	171	19	3	13	1,440,463	41	385,160	41
	OPEN Pending Closure 5.0	27	24	51	25	2	2	22	330,673	9	132,949	9
<b>Sub-Totals for Releases Regulated by Petroleum Tank Cleanup Section (PTCS)</b>		<b>550</b>	<b>302</b>	<b>852</b>	<b>573</b>	<b>82</b>	<b>22</b>	<b>175</b>	<b>10,460,256</b>	<b>144</b>	<b>4,537,427</b>	<b>144</b>
Other: not PTCS	CPRS	10	6	16	---	1	---	15				
	EPA	9	3	12	2	2	---	8				
	SSU	22	3	25	2	1	---	22				
<b>TOTAL Unresolved (open) Releases</b>		<b>591</b>	<b>314</b>	<b>905</b>	<b>577</b>	<b>86</b>	<b>22</b>	<b>220</b>				
<b>RESOLVED PTRCF Eligibility Status for Petroleum Tank Releases</b>				<b>Total</b>	<b>Eligible for PTRCF</b>	<b>Ineligible for PTRCF</b>	<b>Eligibility pending/ suspended/ withdrawn</b>	<b>No Eligibility Information</b>	<b>Allocated funds for resolved projects</b>	<b>Number of resolved releases using allocated funds</b>	<b>Encumbered funds for resolved projects</b>	<b>Number of resolved releases using encumbered funds</b>
Resolved (closed) Releases confirmed 2000 - 2023				790	335	34	16	405				
Resolved (closed) Releases confirmed 1980s - 1999				3,157	1,039	198	18	1,902				
<b>TOTAL Resolved (closed) Releases</b>				<b>3,947</b>	<b>1,374</b>	<b>232</b>	<b>34</b>	<b>2,307</b>				
<b>TOTAL All Releases</b>				<b>4,852</b>	<b>1,951</b>	<b>318</b>	<b>56</b>	<b>2,527</b>				

\* Not applied for eligibility status or undetermined for other reasons

Acronyms used in this report (not appearing elsewhere):	
DEQ	Montana Department of Environmental Quality
LNAPL	Light non-aqueous phase liquids (LNAPLs) are organic liquids such as gasoline, diesel, and other petroleum hydrocarbon products that are that don't mix with water and are less dense
MNA	Monitored natural attenuation (MNA) relies on naturally occurring and demonstrable processes in soil and groundwater which reduce the mass and concentration of contaminants.
PTRCF	Petroleum Tank Release Compensation Fund

Information compiled by:  
DEQ: J. Shearer, PTCS  
PTRCF:

## Petroleum Tank Release Compensation Fund Income and Expenses

Beginning fund Balance	\$4,743,918	\$3,802,732	\$4,130,402	\$4,084,374	\$2,836,782	\$4,007,480	\$2,071,513
<b><u>INCOME</u></b>	<b><u>FY 2023</u></b>	<b><u>FY 2022</u></b>	<b><u>FY 2021</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2018</u></b>	<b><u>FY 2017</u></b>
PTRCF							
Fees (petroleum products)	\$7,655,856	\$7,859,585	\$7,549,398	\$7,289,594	\$7,426,819	\$7,322,055	\$7,853,266
Board of Investment Income	211,244	4,684	8,171	75,862	85,499	51,496	28,953
Other	5,200	42,971	11,000	6,550	-	-	150,000
<b>TOTAL INCOME</b>	<b>\$ 7,872,300</b>	<b>\$ 7,907,240</b>	<b>\$ 7,568,569</b>	<b>\$ 7,372,006</b>	<b>\$ 7,512,318</b>	<b>\$ 7,373,551</b>	<b>\$ 8,032,219</b>
<b><u>EXPENSES</u></b>	<b><u>FY 2023</u></b>	<b><u>FY 2022</u></b>	<b><u>FY 2021</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2018</u></b>	<b><u>FY 2017</u></b>
Personal Services							
DEQ (Waste Management & Remediation Div.)	\$ 1,227,671	\$ 1,165,717	\$ 1,185,958	\$ 1,173,931	\$ 1,094,401	\$ 1,109,336	\$ 1,016,441
PTRCF	502,277	451,797	449,126	410,896	390,279	373,902	367,258
<b><i>SUBTOTAL</i></b>	<b>\$ 1,729,948</b>	<b>\$ 1,617,514</b>	<b>\$ 1,635,084</b>	<b>\$ 1,584,827</b>	<b>\$ 1,484,680</b>	<b>\$ 1,483,238</b>	<b>\$ 1,383,699</b>
Operating Expenses							
DEQ	\$ 410,578	\$ 458,967	\$ 909,590	\$ 922,771	\$ 369,215	\$ 389,125	\$ 380,721
PTRCF	168,277	169,102	173,663	170,262	197,042	130,479	139,971
Other	57,500	-	-	-	-	-	-
<b><i>SUBTOTAL</i></b>	<b>\$ 636,355</b>	<b>\$ 628,069</b>	<b>\$ 1,083,253</b>	<b>\$ 1,093,033</b>	<b>\$ 566,257</b>	<b>\$ 519,604</b>	<b>\$ 520,692</b>
Benefits and Claims							
DEQ	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PTRCF	4,476,755	4,672,191	5,171,061	4,547,666	4,178,274	5,519,705	4,160,807
<b><i>SUBTOTAL</i></b>	<b>\$ 4,476,755</b>	<b>\$ 4,672,191</b>	<b>\$ 5,171,061</b>	<b>\$ 4,547,666</b>	<b>\$ 4,178,274</b>	<b>\$ 5,519,705</b>	<b>\$ 4,160,807</b>
Transfer to General Fund	-	-	-	-	-	1,000,000	-
Transfer-out	-	-	-	-	-	-	-
DEQ	-	-	3,011	3,025	3,016	3,168	3,136
PTRCF	68,399	11,423	3,830	97,427	32,499	18,534	27,918
<b><i>SUBTOTAL</i></b>	<b>\$ 68,399</b>	<b>\$ 11,423</b>	<b>\$ 6,841</b>	<b>\$ 100,452</b>	<b>\$ 35,515</b>	<b>\$ 1,021,702</b>	<b>\$ 31,054</b>
Other							
DEQ	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PTRCF	19,571	36,857	-	-	-	-	-
<b><i>SUBTOTAL</i></b>	<b>\$ 19,571</b>	<b>\$ 36,857</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL EXPENSES</b>	<b>\$ 6,931,028</b>	<b>\$ 6,966,054</b>	<b>\$ 7,896,239</b>	<b>\$ 7,325,978</b>	<b>\$ 6,264,726</b>	<b>\$ 8,544,249</b>	<b>\$ 6,096,252</b>
<b>TOTAL REVENUE MINUS EXPENSES*</b>	<b>\$ 941,272</b>	<b>\$ 941,186</b>	<b>\$ (327,670)</b>	<b>\$ 46,028</b>	<b>\$ 1,247,592</b>	<b>\$ (1,170,698)</b>	<b>\$ 1,935,967</b>
<i>*NOTE: the closer to \$0, means the Income is close to the Expenses</i>							
<b>End of FY PTRCF Balance</b>	<b>\$ 5,685,190</b>	<b>\$ 4,743,918</b>	<b>\$ 3,802,732</b>	<b>\$ 4,130,402</b>	<b>\$ 4,084,374</b>	<b>\$ 2,836,782</b>	<b>\$ 4,007,480</b>