

AGENDA

PETROLEUM TANK RELEASE COMPENSATION BOARD MEETING

August 29, 2016

10:00 a.m.

*Metcalf Building Room 111, 1520 East 6th Avenue
Helena, MT*

NOTE: Individual agenda items are not assigned specific times. For public notice purposes, the Board will begin the meeting at the time specified. However, the Board might not address the specific agenda items in the order they are scheduled. The Board may take action on any of the items on the agenda. For disability accommodation, please contact DEQ Personnel at 444-4218.

9:30 Executive Session

10:00 Board Meeting

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Approval of June 6, 2016 Board Minutes – ACTION ITEM 1

II. ACTION ITEMS

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V. Public Forum

Under this item, members of the public may comment on any public matter within the jurisdiction of the Board that is not otherwise on the agenda of the meeting. Individual contested case proceedings are not public matters on which the public may comment.

VI. Next Proposed Board Meeting date: November 7, 2016

VII. Adjournment

PETROLEUM TANK RELEASE COMPENSATION BOARD
MINUTES
Business Meeting
June 6, 2016
Department of Environmental Quality
Metcalf Building Room 111, 1520 East 6th Avenue
Helena, MT

Board members in attendance were Kate Cassidy, Roger Noble, Keith Schnider, and Chuck Thompson with Jerry Breen and Tim McDermott joining via telephone. Also in attendance were Terry Wadsworth, Executive Director; Mark Mattioli, Attorney for the Board; Michael Kauffman and Patricia Klanke, Drake Law, Attorney's for the Board re: Cascade County Shop Complex, Case No. 2014-0705708; and Ann Root and Garnet Pirre, Board staff.

Presiding Officer Roger Noble called the meeting to order at 9:31 am.

Approval of Minutes – March 21, 2016

Mr. Thompson moved to accept the March 21, 2016 minutes as presented. Ms. Cassidy seconded. **The motion was unanimously approved by a roll call vote.**

Cascade County Shop Complex, Case No. 2014-0705708

Mr. Noble stated that all parties had been heard on the matter of the Cascade County Shop Complex, Case No. 2014-0705708 through filing of Exceptions to the Hearing Examiner's Proposed Decision, Responses to Exceptions, and Oral Argument in front of the Board on March 21, 2016. No public comment was heard on this matter at the June 6, 2016 meeting, pursuant to §2-3-103, MCA. There was also no additional hearing of the matter before the Board.

Mr. Noble reminded the Board that all Board members participating in this matter had received the proposed Final Decision drafted by the Board's legal counsel, and had an opportunity to review the draft Decision and provide input. Mr. Noble stated the Decision, as drafted, adopts the Hearing Examiner's Proposed Decision holding that any action by Cascade County regarding the releases at the Cascade County Shop Complex is absolutely time-barred under §27-2-231, MCA and the Board is not required to approve any further compensation from the Fund for the release at the Cascade County Shop Complex. Mr. Noble stated that, because the Statute of Limitations disposes the County's claims entirely, the draft Board Final Decision does not consider the remaining issues argued by the parties, and rejects the Hearing Examiner's Conclusions of Law related to those issues, namely, the numbering of additional releases at the Cascade County Shop Complex.

Ms. Cassidy moved to adopt the proposed Final Decision as drafted. Mr. Breen seconded. Board member Mr. Schnider had recused himself from this case. **The Decision was approved by a unanimous roll call vote of the members present.**

Mr. McDermott left the conference call after the Cascade County Shop Complex vote.

Former Northern Tire, Structure Removal and Reimbursement Guarantee under Work Plan (WP) #10170, Facility 21-00131, Release 3589, Havre

Mr. Wadsworth presented the Board with the two matters requiring Board action: (1) request for reimbursement for the removal and replacement of a light pole and stop sign under WP #10170, and (2) the owner's request for a reimbursement guarantee. WP #10170 was one of four work plans for an amount greater than \$100,000.00 being briefed to the Board later in the meeting.

Pursuant to ARM 17.58.344(4), corrective action plans (Work Plans or WP) that require the removal, repair, or replacement of building(s), sign(s), or canopies must be shown to be the most cost effective corrective action and the costs must be approved by the Board, in writing, before the action is performed. WP #10170 contained a budget item of \$15,000.00 to remove and replace the light pole and stop sign that are located within the boundaries of the soil excavation being done to remediate the contamination at this site. Board staff researched the costs associated with these tasks and was informed by the Montana Department of Transportation, (MDT) that MDT estimated the

costs to remove and replace a light pole to be \$650.00, and the costs for removal and replacement of a stop sign to be \$203.00, according to their 2014 BID sheets. The staff recommended that the removal and replacement be approved, but at an amount not to exceed \$2,500.00 for both the light pole and stop sign, accounting for inflation over the 2014 costs presented by MDOT.

The owner requested a guarantee of reimbursement, using a PTRCB Application for Guarantee of Reimbursement (Form 4). In the past, the Board has done a letter of guarantee to address the owner's needs, but this case and those going forward will use the newly developed Form 4. The funding for cleanup at this site is from a Brownfields program loan, and under the Brownfields loan program there is a 20% funding match needed. Bear Paw Development is the rural development authority receiving and distributing the Brownfields money in the form of a loan. The requested guarantee of reimbursement states that the owner would designate Bear Paw to receive 80% (approximately \$200,000.00) of the reimbursement of the actual, reasonable, and necessary costs associated with the Department-approved WP, and designate the consultant to receive the matching 20% (approximately \$50,000.00) through the usual PTRCB claim process. The reimbursement would occur within 60 months from the date on which a claim is considered properly filed with the Board.

Mr. Thompson asked if any money had already been spent at the site. Mr. Schnider asked if the co-pay had already been met. Mr. Wadsworth answered that cleanup costs have been reimbursed and the co-pay has been met for this release.

Mr. Noble asked if Mr. Wadsworth could explain why an eligible site is being funded by a Brownfields loan and the Board is being asked to act as a backstop for this by using the guarantee of reimbursement, instead of paying for it like any other WP. Mr. Wadsworth explained that this ties into Senate Bill (SB) 96 (2015 Legislature). There are several funding sources available and SB 96 allows for some matching of these funds. Brownfields has both a grant program and a loan program, and the money can be used to clean up some petroleum contaminated sites, usually the lower priority sites that PTRCB is not able to pay for immediately. The Petroleum Tank Release Cleanup Fund (Petro Fund) prioritizes paying for the highest impact releases first, in order to protect the environment as much as possible. This leaves many of the Fund-eligible low priority sites waiting for clean-up funding and reimbursement. Brownfields redevelopment projects put money toward closing these lower priority projects and redeveloping the sites.

In this case, the consultant is going to need to split out what is 20% of the reasonable, actual, and necessary costs that they will put through to PTRCB as a claim. The remaining 80% will be provided to the consultant by Bear Paw Development. That 80% will then be put through as a claim, or as multiple claims, to PTRCB that will be reimbursed no later than 60 months from the date that the claim is deemed to be properly filed with the Fund. All costs that are claimed will be subject to the same process of cost control by Board staff, but the PTRCB Form 4, Guarantee of Reimbursement, ensures that money will be reimbursed for 80% of the costs claimed within the terms stipulated.

Mr. Wadsworth explained that the staff anticipates there will be a number of the Reimbursement Guarantees requested in the future, but the volume is unknown. Mr. Schnider asked if signing multiple guarantees would impact the Board's normal business process for claim reimbursements. Mr. Wadsworth stated that the Brownfields loans will allow the Petro Fund to better schedule expected reimbursements, because the incoming and processed costs will be known well before reimbursement takes place. PTRCB will have to look at balancing these guarantees as they come in against their impact on the day-to-day process of meeting the costs at higher priority sites. If there is an imbalance and more money is needed to meet obligations, the Board has the authority to borrow money, or the Board can request that the Legislature enact a fee increase to cover the additional costs the Board will be incurring.

Mr. Noble noted that the excavation at this site goes out into the middle of the street on two sides, which is an unusual occurrence. Mr. Wadsworth said the owner or the owner's consultant may be able to provide further information.

Mr. Noble invited the owner and his consultant to the podium. Mr. Wilhelm Welzenbach, of NewFields, Inc., was present to speak about the WP. The owner, Mr. Stuart McIntosh, was also present. Mr. Welzenbach said that the project was constrained by the presence of the building at the site and noted that source mass had never been removed. He believes that, after working with DEQ and Petro Board staff to create the proposed WP and budget, the plan will be successful in remediating this site and will be beneficial to Havre.

Mr. McIntosh stated that he had appreciated the parties working together to clean the site up. He looked forward to being able to use the building for the people in Havre.

Mr. Schnider asked how many total yards need to be excavated. Mr. Welzenbach stated that 2,350 total cubic yards needed to be excavated, and of that, an estimated 1,600 cubic yards is thought to be contaminated.

Mr. Noble said the WP stated that contamination was found at a neighboring building, the Senior Citizens Center, and he asked if there was a basement there and what the threat might be to the community. Mr. Welzenbach explained that the neighboring buildings had been tested for vapor intrusion. He was unaware if those buildings had basements, but all were found not to have vapor intrusion problems. He said that the goal of WP #10170 is to address the source mass as far as possible, and then to replace wells and continue monitoring thereafter.

Mr. Wadsworth restated the items on the table for the Board, as follows: First, the Board needed to make a motion that accepts or rejects the PTRCB Form 4 or make changes to its terms. Mr. Wadsworth stated that the staff was confident the Fund would be able to guarantee reimbursement in the 60 month term; Second, the Board needed to make a motion that approves or rejects the light pole and stop sign removal and replacement not to exceed \$2,500.00, as recommended by the staff. With regard to the Board review of a work plan greater than \$100,000, it does not require a motion or vote. The Board has an opportunity to review the plan, ask questions, make comments and suggestions, or request changes. The Board also has the opportunity to indicate whether the Board's cash flow is sufficient to address all such work plans or to delay obligation of such plans depending on the condition of the Fund.

Ms. Cassidy made an initial motion to accept the structure removal and replacement. After further discussion Ms. Cassidy revised her motion to accept the structure removal and replacement (light pole and stop sign) at a maximum cost of \$2,500.00. Mr. Schnider seconded.

The motion was unanimously approved with a roll call vote.

Mr. Schnider moved to approve the Guarantee of Reimbursement with 20% matching funds to be paid to the consultant, and a term of 60 months for the remaining loan amount of 80% to be paid to Bear Paw Development, Inc. as stipulated in the Form 4. Mr. Thompson seconded.

The motion was unanimously approved with a roll call vote.

Eligibility Ratification

Mr. Wadsworth presented the Board with the applications for eligibility that were before them (see, table below). There were four (4) applications, one (1) recommended to be eligible and three (3) ineligible.

<i>Board Staff Recommendations Pertaining to Eligibility From March 8, 2016 through May 18, 2016</i>				
<i>Location</i>	<i>Site Name</i>	<i>Facility ID #</i>	<i>DEQ Release#</i>	<i>Eligibility Determination – Staff Recommendation Date</i>
Arlee	Tony Hoyt Residence	9995160	5046	Recommended eligible. Reviewed 05/12/2016.
Billings	Pine Hills Country Store	5606607	2558	Recommended ineligible, release resolved, no dispute from RP. Reviewed 4/12/2016.
Bozeman	Former Story Supply	6015239	5048	Recommended ineligible, the tank contents were characterized as hazardous waste. Reviewed 1/7/2016.
Glasgow	Former Westland Service Station	5310156	2150	Recommended ineligible, discovered before fund inception and in violation. Reviewed 3/2/2016.

Mr. Schnider moved to ratify the staff recommendations as presented in the table. Ms. Cassidy seconded. Mr. Thompson recused himself from the motion regarding the Tony Hoyt Residence. **The motion was unanimously approved with a roll call vote.**

Weekly Reimbursements and Denied Claims

Mr. Wadsworth presented the summary of weekly claim reimbursements for the weeks of March 9, 2016 through May 11, 2016, and recommended the Board ratify the reimbursements. These 152 claims totaled \$674,365.47, (see, table below).

WEEKLY CLAIM REIMBURSEMENTS June 6, 2016 BOARD MEETING		
Week of	Number of Claims	Funds Reimbursed
March 9, 2016	10	\$38,075.84
March 16, 2016	20	\$216,925.40
March 23, 2106	25	\$113,725.34
March 30, 2016	17	\$40,511.17
April 6, 2016	9	\$27,478.90
April 13, 2016	13	\$38,305.07
April 20, 2016	14	\$16,749.88
April 27, 2016	11	\$20,941.35
May 4, 2016	14	\$93,960.67
May 11, 2016	19	\$67,691.85
Total	152	\$674,365.47

In addition, there was one (1) claim the staff denied: 20160225A (Cenex Harvest States - Kalispell) – the work was not conducted pursuant to a DEQ-approved corrective action plan. Mr. Noble asked why the claim was being denied. Mr. Wadsworth explained that the work was done by the City of Kalispell, without the owner’s approval, and the claim should have been filed as a third party claim instead of a first party claim. The claim was filed as a first party claim. There are also questions regarding whether the expenditures were necessary. After discussion, it was agreed that the denied claim would be tabled and a summary prepared for the Board to review at the August 29, 2016 meeting.

Mr. Schnider moved to ratify the weekly claim payments as presented, and to table the denied claim until more information could be obtained and presented at the next board meeting. Ms. Cassidy seconded. Mr. Thompson recused himself from the vote concerning the denied claim. **The motion was unanimously approved with a roll call vote of the members present.**

Board Claims – Claims over \$25,000

Mr. Wadsworth presented the Board with the claims for an amount greater than \$25,000 that had been reviewed by Board staff since the last Board meeting (see, table below). There were eight (8) claims with an estimated total of \$457,682.33. The claimant (DEQ Lust Trust Program) requested that the following claims be removed from consideration at the June 6, 2016 meeting: Claims #20140627A and #20150609A, Miles City Short Stop; Claim #20150716A, Community Mutual Gas, Butte. The remaining claims have an estimated total of \$209,284.70.

Location	Facility Name	Facility-Release ID Numbers	Claim#	Claimed Amount	Adjustments	Penalty	Co-pay	Estimated Reimbursement
Miles City	The Short-Stop Store	904443-4800	20140627A	\$876,476.05	\$78,896.94	\$598,184.33 (Penalty 75%)	\$16,608.48 (copay is met with this claim)	\$182,786.30
Miles City	The Short-Stop Store	904443-4800	20150609A	\$38,035.48	\$7,058.55	\$23,232.70 (Penalty 75%)	-0-	\$7,744.23
Butte	Community Mutual Gas	4702577-116	20150716A	\$67,733.40	\$9,866.30	-0-		\$57,867.10
Glendive	Mini Mart 710	1105093-4907	20151006C	\$42,006.46	\$6,674.31	\$10,599.65 (Penalty 30%)	\$12,366.25	\$12,366.25
Billings	Town Pump Inc.	5608671-2007	20151223C	\$28,304.92	\$405.94	-0-		\$27,898.98
Butte	Morris Marketing	4710410-1743	20160412B	\$62,422.00	-0-	-0-		\$62,422.00
Forsyth	GM Petroleum	4410824-5071	20160415C	\$46,849.27	\$755.27	-0-	\$17,500.00 (copay is met with this claim)	\$28,594.00
Hardin	Camp Custer Service	209709-3593	20160509A	\$51,961.76	\$78.40	-0-	\$13,879.89 (copay is met with this claim)	\$38,003.47
Miles City	Flying J Inc.	908661-4365	20160513B	\$40,000.00	-0-	-0-		\$40,000.00
Total				\$271,544.41				\$209,284.70

Mr. Thompson moved to ratify payment of the claims presented with the exception of the Miles City Short Stop claims and the Community Mutual Gas claim, as noted in the table. Mr. Schnider seconded. **The motion was unanimously approved with a roll call vote.**

Discussion Items

Work Groups

Mr. Wadsworth followed-up on a recommendation that had been made by Ronna Alexander, Executive Director of the Montana Petroleum Marketers Association (Petroleum Marketers), to reconvene a work group to address the regulatory needs for Above Ground Storage Tanks (ASTs) in preparation for the next legislative session in 2017. The issue of ASTs had been brought up by Ms. Alexander in a previous meeting and she indicated that the matter was going to be discussed at the Petroleum Marketers’ Board meeting. Ms. Alexander was not present at this meeting.

Mr. Noble stated that the number of ASTs was limited to mostly bulk plants and farms. Mr. Wadsworth concurred that while there are a limited number being tracked by PTRCB, there are more in the state that are on farms and in

homes that are not known about until there is a problem. Creating a work group and addressing the pathway to eligibility for all AST owners would help provide a better picture of the Petro Fund's existing overall liability.

Mr. Wadsworth summarized the difficulties AST owners face in qualifying for the Petro Fund. USTs currently are subject to regulation and an inspection regime, and are eligible for the Fund if they are in compliance with the State's permit requirements for the tank. Violations of laws and rules then can result in a reduction in reimbursement. There is no similar regulatory regime for ASTs, which means that ASTs must be in compliance with all current laws and rules to become eligible for the Fund. Otherwise, such tanks are ineligible and receive no reimbursement. There were, and still are, no inspections or oversight for ASTs, or a path to insuring compliance and fund eligibility. In 2009, the legislature was approached to implement a similar program of rules for inspection and compliance for ASTs. The legislature did not address the issue.

PTRCB and the Petroleum Marketers are again trying to assess AST issues by creating a work group that can perhaps formulate an inspection process with oversight similar to what is in place for the UST owners. PTRCB has developed a self-inspection checklist and has encouraged owners of ASTs to utilize the checklist on their tanks so that they would have the records showing they did their own inspection and compliance check. This is completely voluntary and the checklist is available on the PTRCB website. A work group could outline a process to track and oversee ASTs providing a clearer path to fund eligibility and reimbursement. Mr. Wadsworth asked the members of the Board who may be willing to be part of the AST work group to submit their name to himself or Mr. Noble. Mr. Wadsworth said that ideally the AST work group should be comprised of some AST owners, DEQ UST Program staff members, a Fire Marshall representative, a couple of Board members, and Petroleum Marketers Association members.

Mr. Breen expressed a tentative interest in participation in the work group. Mr. Wadsworth was going to follow up with Ms. Alexander on other possible participants and on project coordination.

Mr. Wadsworth stated that there was interest by the consultants to have the Board create a work group that would review the Fund's cost control mechanisms and provide recommendations. Mr. Wadsworth stated that this work group should have a variety of people from different interests. In 2003, the Legislative Audit Committee reviewed the Fund's cost control process and provided several recommendations, which the Department and PTRCB have adopted. This audit and responses should be included in this effort. The Fund cost control methodology used is also based on rules and statutes. Mr. Noble volunteered to spearhead and facilitate the work group. Mr. Noble said that Mr. McDermott also was willing to serve on this work group. The group would ideally be comprised of some Board members, PTRCB staff members, PTCS staff members, legislative audit staff members, and some consultants. Mr. Noble said that there were a number of people in the consulting community that had expressed an interest in participation. Mr. Trombetta, DEQ Remediation Bureau Chief, was also going to determine who on his staff would be participating. Mr. Noble stated that he would try to make the work group meetings coincide with the Board meetings. Mr. Wadsworth offered the help of PTRCB staff to set the calendar for these meetings once the participants for each group are confirmed.

Orphan Share Update

Mr. Trombetta, DEQ Remediation Bureau Chief, presented the Board with his latest update on Orphan Share funds allocated from SB96 (2015 Legislature). He said that the legislature appropriated \$7 Million to the Department in the last legislative session to be used for sampling sites and closing them. Mr. Trombetta said the money is also there to provide funds for cleanup at sites for which there is no apparent responsible party that is viable to take on the liability of cleanup themselves. The money was appropriated from the state Orphan Share account, which was set up in 197 to work on orphaned State Comprehensive Environmental Cleanup and Responsibility Act sites (CECRA or State Superfund). CECRA addresses hazardous materials and petroleum contamination. The Orphan Share account had excess funding and that money is being used according to its intended purposes. While not all of the \$7 Million will be used on petroleum sites, Mr. Trombetta stated that according to his estimation, the Orphan Share money is saving the Petro Fund about \$600,000.00 to \$700,000.00 to date. The money is a biennial appropriation, which means that it will end on June 30, 2017, State of Montana fiscal year end. The exact money saved will be more precise as that date approaches.

The legislature also passed the Petroleum Brownfields Revitalization Act (SB355), along with the Orphan Share appropriation. The Act allows PTRCB to allocate grant or insurance money to the co-pay at a release, thus saving

the owner \$17,500.00 and allowing PTRCB to credit that eligible release with satisfaction of the co-pay. This means that PTRCB saves money on sites where there are releases that have a total remedial cost that is below \$35,000.00, because the co-pay is met through the first claims being paid rather than at 50% of reasonable, actual and necessary costs until the owner has paid \$17,500.00. Mr. Trombetta reported that there are currently 40 sites that have less than \$35,000.00 needed to bring them to closure. He further stated that about 90% of those sites will only need further sampling to bring them to closure, meaning that these sites will not even apply for eligibility to the Fund. These are the ways the money is being used and how it is saving the Fund money.

No further discussion took place regarding the Orphan Share.

Mr. Breen exited the meeting by leaving the teleconference.

UST Compliance Activities

Ms. Leanne Hackney, UST Program (Program) Section Supervisor, presented material regarding the UST Compliance Assistance Program. The Compliance Assistance Program is designed to help the UST owner/operator understand the compliance statutes and rules. After the violations table and corrective action time frames were created, it became evident that a compliance assistance mechanism would be needed. The UST end users are comprised largely of small business owners and non-professionals. There needed to be a mechanism put in place to develop a relationship with these owners and operators to help them see the value of remaining in compliance. This mechanism is the UST Program which helps UST owner/operators understand what is needed to become and remain compliant with the UST laws and rules, through regular inspections and permitting at the owner/operator's sites. Each active UST, unless it is in delivery prohibition, must be issued an operating permit by the Program every three years. This operating permit is a license from the Program to the UST owner to receive and dispense fuel. An inspection of the UST system(s) by a licensed inspector must occur at least 90 days prior to the Operating Permit (OP) expiration date. The Program sends out a six (6) month letter to the UST owner notifying them that the OP on their UST(s) is expiring in six (6) months and must be inspected at least 90 days prior to the expiration of their OP. This is just a reminder letter, not a violation letter. At 90 days prior to the expiration of the OP, the UST owner is sent a warning letter stating that they have 90 days to get an inspection. If the Program does not receive a compliance inspection by the OP expiration date, the facility is placed in delivery prohibition and the owner and fuel distributor are notified. The program will keep sending 90 day letters, followed with phone conversations and emails, until the compliance inspection is received.

Once the Program receives the inspection from the state-licensed inspector, an Environmental Science Specialist (ESS) reviews the inspection and determines if there are any violations at the facility. The ESS uses the standard violation table and Program rules to provide consistency throughout the program. The violation table, which has over 300 identified violations, assigns each violation a severity. The ESS has some discretion in assigning severity as they review the information. Each violation is correlated to a specific corrective action and a time-frame in which the violation must be corrected. The Program will issue an OP with any necessary corrective actions, unless the violations are determined to be "egregious non-compliance", which would place the UST facility in delivery prohibition. If there are violations that must be corrected, the owner will also be issued a Corrective Action Plan (CAP) along with the OP. The CAP includes specific deadlines for correction of the violations.

Violations require a re-inspection and may require a construction permit to fulfill corrective actions. All work requiring a construction permit must be done by a state-licensed installer and inspector. Throughout the violation process and subsequent corrective action plan, the Program is in communication with the owner to assure their understanding of the requirements for correction, as well as the due date for all such activity. The owner is also clearly notified that the consequences for uncorrected violations will be referral of their violation to the Enforcement Division. If the violation is not corrected within the allotted time frame and the facility is not brought back into compliance, the Program refers the owner to Enforcement. Ms. Hackney reported that most of their communication results in a successful outcome without having to refer the owner to the Enforcement Division.

Mr. Thompson said that in the past, his company had some personnel changes and notification letters went to the wrong person, so the company missed the 90 day deadline. He asked if, in the future, owners could receive emails as well as the letters. Ms. Hackney said that the software that would allow automatic emails would not be completed for use until the end of 2017. She stated that the notification should always go to the owner, and updates or changes within an owner's company should be sent to the Department so they could send mail to the correct

person. Mr. Thompson stated that whenever the Program staff had called his facility, they were very helpful and pleasant.

Ms. Cassidy asked if the operating permit was per tank or per facility. Ms. Hackney said that it was per facility with all the tanks at that facility listed on the permit. Ms. Cassidy asked how often permits were renewed and Ms. Hackney stated it was every three (3) years.

Ms. Cassidy asked about the cost of the permit. Ms. Hackney said there was no cost from the Program, though there is a cost for the inspector to conduct the inspection. Mr. Thompson added that there is an annual fee per tank, as well as the cost of the inspection.

Mr. Schnider asked if the Program coordinated the inspections, or the owner. Ms. Hackney stated that the owner is the one responsible for contacting and scheduling with the state-licensed inspector and that the Program keeps a list of inspectors available for the owner's reference. In Montana, there is a shortage of qualified third-party inspectors and that makes the time limits for inspection difficult for the owners. That is why the 6 month reminder letters that the program sends out are so crucial. She also indicated that when the 90 day deadline for an inspection is missed, a warning letter is sent, which states that the facility is in violation. However, if a facility goes to Enforcement, the 90 day deadline violation is not included, unless there is evidence that the owner has not made any attempt to get an inspection.

Mr. Noble stated that he felt the UST Program does good work and has a very helpful staff.

Mr. Rebecca Ridenour, Petroleum Tank Cleanup Section (PTCS) Supervisor, presented how her program provides oversight for the cleanup of releases that are discovered. She indicated that PTCS tries to be very customer-oriented. Because there is a backlog of releases that have not been addressed, PTCS has found there are sites where they have lost contact with an owner because of a lapse of time, and maybe a change of ownership. Ms. Ridenour stated that her section issues a work plan (WP) request letter, and will follow that up with a second request letter if they don't receive a response. She said there is a deadline clearly stated in the letters PTCS sends. If there is still no response from an owner, a warning letter with a deadline is then issued. A violation letter is only issued if the work is not completed.

Ms. Ridenour stated that within the past year, there were between 400 to 500 WP request letters sent out. Of those requests, Ms. Ridenour's staff only had to send out eleven (11) second request letters. This is a relatively small portion of the population and the PTCS staff has found that most people have just forgotten to respond. Ms. Ridenour said that most people take the second request letter seriously. She said there are also people who need more convincing and that is when a warning letter is used. She stated that if PTCS has to issue a violation letter, those go to the folks that really do require some significant encouragement to do the right thing, which is to complete the work. Ms. Ridenour handed out template letters to show the language used in the letters they send out, mostly to highlight the language in the violation letter. The second request letter clearly states why an owner is being sent a letter and the deadline to get the work done, along with notification that they may see a reduction in reimbursement if they do not follow through.

Ms. Ridenour said that she and PTRCB management agreed that the violation letter was to be used as a way to stop claims and give the owner a chance to come before the Board and plead their case before having the violation sent to enforcement and an Administrative Order issued. Ms. Ridenour said that her past conversations with PTRCB management helped them to come to an understanding on what the violation letter means internally. Ms. Ridenour asked the Board to recognize that the violation letter is a compliance assistance tool, a last attempt, to get folks on board and her desire that it be continued to be used as a positive tool rather than a punitive tool. Ms. Ridenour said that what they had done in the past, working with PTRCB staff, is to propose the use of this letter as an opportunity to suspend claims and have the owner/operator come before the Board and plead their case. She cited the time that Schober's Truck Stop in St. Regis came before the Board and they were in deep denial about their need to do clean up on a release at their site. She said that Schober's needed the opportunity to come and hear from the Board why cleanup was important and why having the PTRCB as a funding source was really important to them. She said that Schober's also needed to hear why their continued non-compliance could result in more of a financial burden for them. Ms. Ridenour wants to continue to keep that process in place. In summary, PTCS has not referred any violation letters to the Enforcement Division since 2013. Sending the violation letter to enforcement is what

happens when the violation letter just goes unanswered by the owner/operator. PTCS refers the violation letter to the Enforcement Division and then Enforcement prepares and issues an Administrative Order to get work rolling and set deadlines and requirements. Of the five (5) violations referred to Enforcement from PTCS, only one (1) was a Petro Fund eligible release. The other four (4) had been determined ineligible at some point.

There was no further discussion.

Board Attorney Report

Mr. Wadsworth presented the Board Attorney’s Report, as shown in the table below.

Location	Facility	Facility # & Release #	Disputed/ Appointment Date	Status
Miles City	Miles City Short Stop	09-04443 Release 4800	Dispute of reduced reimbursement	Order Dismissing Contested Case Proceedings with Prejudice was signed on April 25, 2016.
Great Falls	Cascade County Shops	07-05708 Release 3051-C1,3051-C2,3051-C3 AND 3051-C4	Denial of applications	Oral argument took place during the Board's March 21, 2016 meeting and the Final Decision adopted in the June 6, 2016 meeting.

Mr. Mattioli stated that his understanding from Cascade County legal counsel, Mr. Lee Bruner, is that the Cascade County Shop Complex case will be filed in District Court.

Fiscal Report

Mr. Wadsworth presented the fiscal report for the period ending April 30, 2016. Discussion ensued concerning a possible burden on the Fund to meet the closure mandate and it was noted that Fund revenues are still strong even without the production in the Bakken. It was noted that Orphan Share and Brownfields dollars are helping alleviate the potential immediate cash shortage.

Board Staff Report

Mr. Wadsworth presented the Board Staff report. There was nothing of note in the trending activity. There are a number of WPs waiting for obligation of funds. There was no further discussion.

Petroleum Tank Clean Up Section (PTCS) Report

Rebecca Ridenour, DEQ PTCS Supervisor, presented the PTCS report and stated that from the beginning of 2016 DEQ has confirmed seven (7) new releases and resolved 25. The total number of active releases is at 1,156 and 728 of those are eligible for the Fund. There are write-ups for four (4) WPs to be presented to the Board. Each of these plans has been presented to DEQ with a remedial alternative analysis and the following write-ups in the packet are the result of what DEQ believes to be the best method of remediation at each site.

Swan Valley Center, Facility #32-03617, Release #4769, Work Plan #10207, Priority1.3

Remediation is being done using an in-situ technology called air sparge and soil vapor extraction. The two technologies are often used together. The surface is not disrupted and air is injected into the soil and the vapors are pulled out. Most soil in Montana is clay-dominated and is not conducive to this type of technology. The saturated zone, below the water table, is injected with air, which will strip off the volatile parts of the petroleum. The vapors bubble up into the soil and can then be drawn out of the soil by the vapor extraction system, resulting in less impact to the water. This can’t be done under a building, as it can result in vapor intrusion in the building.

Mr. Wadsworth noted that the PTRCB staff has not put any costs into the WP task breakdown, because they are having a hard time allocating hours to tasks. He stated that the staff felt that the budget for this site will be more accurate if the consultant continues their design and then breaks out the consultant hours and costs in more detail using the tasks identified by the PTRCB staff. He said that the consultant presented this WP as a bundled amount of time and they also did not include the size or length of pipe they are going to use in their design. Staff's recommendation is to have the consultant parse all of those things to the tasks as appropriate for their design instead of having PTRCB do it.

Mr. Noble stated that he and Ms. Cassidy had stopped at this site on the way to the Board meeting. He noted that the groundwater flow directions that the consultant has examined are stated by the consultant as flowing north and to the south but the Swan River is flowing to the north and is sitting on a bench and goes into a wetland area. Mr. Noble said the groundwater flow direction intuitively should be going to the west, toward the river. He also noted that the wells that exist on this site appear to be causing an induced gradient and the active well seems to be pulling the contamination toward it. He suggested the consultant take a second look at the wells and the groundwater gradient.

Mr. Noble agreed with Ms. Ridenour that soil vapor extraction systems are usually used when there is coarse material. The release at this site happened thirty years ago, in 1986, and in his experience with coarse material areas that he is familiar with the contamination would have already been long gone by now, flushed out. He suggested that there may be other extenuating conditions at this site. Mr. Noble suggested that the consultant take a second look at their design and proposal again before the Board commits any dollars to this remediation system they are proposing.

Ms. Ridenour said that hydrogeology in Montana is complicated and she had no paperwork to make her doubt the flow direction. She further stated that she knows of several sites where product is still present years after a release and that is because in the saturated zone you don't have the volatilization going on that you do in a shallow subsurface zone. Mr. Noble said that the memo provided shows that the groundwater depth is pretty shallow and is discharging into the wetland complex, but he clarified that he was providing comments for the consultant to take into consideration.

Former Northern Tire, Havre, Facility #21-00131, Release #3589, Work Plan #10170, Priority 1.1

The WP requires the removal of petroleum contaminated soil impacting groundwater associated with Release 3589. As previously stated in the meeting, an estimated 2,350 yards of soil will be excavated and 1,600 yards of that total is believed to be contaminated. Oxygen Release Compound (OCR) pellets will be used to clean backfill and will be placed in the excavation. Additionally, two (2) monitoring wells were lost due to the excavation and those will be replaced along with three (3) new monitoring wells being installed.

West Parkway Truck Stop, Billings, Fac#56-04951, Releases #760 & #4496, WP #10216 & #10217, Priority 1.2

This is a single work plan that was assigned two (2) work plan IDs because the plan is addressing contamination at two separate releases. The WPs are required to remove multiple source locations of petroleum contamination soil impacting groundwater associated with Releases #760 and #4496. The WPs are being coordinated with building demolition and permanent removal of the USTs. About 7,000 cubic yards of contaminated soil from the current and former UST basin, and dispensers and associated piping areas will be removed. Approximately 5,000 yards is from Release #760 and 2,000 yards is from Release #4496. Up to 40 soil samples from the excavation will be collected, and backfill and compacting of the excavation will then be done. Other WP tasks are asphalt and concrete replacement of surfaces associated with the contaminated soil removal, and report submittal.

GM Petroleum, (former Home Oil), Bulk Plant, Forsyth, Facility #44-10824, Releases #5038, #5070, and #5071, WP's #9946, #9947 and #9973(respectively), Priority 1.4

This is a single work plan, assigned three work plan IDs because the plan is addressing contamination at three separate releases. Releases #5038 and #5071 are Petro Fund eligible and Release #5070 is not. The claims for reimbursement will be split accordingly. The tasks at this facility include excavation and disposal of petroleum-source soil at the former AST basin, which will be 1,200 cubic yards total for Releases #5038 and #5070 and 800

cubic yards for Release #5071. The soil will be disposed of at the Rosebud County landfill. After remedial analysis was conducted, excavation was recommended as the best alternative.

Mr. Noble asked if there was anything in the statutes regarding railroad land and fund eligibility. Mr. Wadsworth said the statute states that releases from tanks that are owned by or under the control of the railroad are not Fund eligible. If a railroad lessee installs tanks on the railroad land, the release can be considered for eligibility, because it is the lessee's responsibility, not the railroad's responsibility.

Public Forum

There were no comments from the public.

The next Board meeting is scheduled for August 29, 2016.

The meeting adjourned at 11:48 am.

Roger Noble – Presiding Officer

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**Flying J, Havre
Facility ID #21-06885, Release 475
EXECUTIVE SUMMARY**

TYPE OF ACTION: The consultant, Johnston Leigh, Inc., is requesting, on behalf of the owner, that the board consider reimbursement for building removal as part of corrective action plan 10084.

SUMMARY OF ACTION REQUESTED: The consultant has proposed an LIF investigation to determine the extent and depth of contamination that exists under the building in order to more accurately determine the amount of BOS 200 required to stabilize the petroleum plume. The Board should review all information provided by Consultant Leigh Beem of Johnston and Leigh Inc and by Board staff. It appears remediation alternatives may be considered limited due to the proximity of a chlorinated solvent plume to this site. It is important for the Board to understand the degree to which the solvent plume may be limiting cleanup strategies at the site.

BACKGROUND:

1. March 5, 1991 - Four Gasoline UST and the associated piping were removed. Contamination was discovered during the tank removal.
2. October 1996 – depth to water that has been at 10 feet below ground surface (bgs) is measured at 20 feet bgs. It is assumed that this is when the free product migrated to depths below 10 feet bgs and was trapped there by a rapidly rising water table. Depth to groundwater in the first quarter of 1997 was again at 10 feet bgs.
3. 2005 - An Investigation done By Maxim identified the BNSF Fueling Facility and Havre Yard as the probable source of the MTBE concentrations and the NAPL in the area. (Figure 73, below)
4. 2007 and 2008 – Johnston Leigh Inc. conducts Chemical Oxidation Pilot tests. Methane in the water samples indicates benzene is being degraded aerobically.
5. April 7, 2009 - An LIF investigation was performed to determine the extent of the submerged smear zone at the site. The reason the LIF was performed was to determine if residual product was trapped below the water table. The LIF probe does not respond to petroleum vapors or the dissolved phase, only residual product in the sediments. A total of **17 LIF borings** were advanced to an average depth of 26 feet BGS. A submerged gasoline smear zone is located in the area of the former fuel islands and underground storage tank location.

The highest %RE was detected in borings LIF3, LIF13, and LIF15. Boring LIF3 and LIF13 are located north and south of the former UST basin, and LIF15 is in the middle of the former fuel island. The depth of the smear zone is between approximately 10 and 18 feet BGS. (RAA created under WPID 7131, April 5, 2013, page 7).

6. September 2010 – ART (in air well stripping, air sparging and SVE) system is installed. The remediation wells were installed in June 2010 and the ART system and chemical oxidation system was installed in September 2010. The groundwater remediation system (ART in well air stripper, sparge and SVE and down gradient chemical oxidation injection system using hydrogen peroxide and ozone), has reduced the hydrocarbon mass in groundwater at the site approximately 27% since 2009. This value was calculated by summing the total hydrocarbon mass (including C5-C8, C9-C12, C9-C10, BTEXN) in each well each year, and noting the change in total mass from 2009 to 2014.
7. April 5, 2013 – An RAA is submitted as a result of work plan ID# 7131.
8. 2014 - An In Situ Chemical Oxidation and Sulfate Reducing Pilot Test was performed under WP ID #7523. The pilot test was successful in distinguishing the difference in hydrocarbon mass removal estimates using: 1) sulfate reducing and 2) chemical oxidation. The pilot test was localized around wells RW1 & MW9, and apparently reduced the mass of hydrocarbons in the groundwater in these wells approximately 32% in MW9 and 59% in well RW1. Since these injections were one time, the concentrations in well RW1 & MW9 may rebound.
9. 2016 - Current workplan 10084 (\$167,049.52) is requesting that the building be removed so another LIF investigation can determine the depth and extent of the remaining hydrocarbon plume and estimate the amount of BOS 200 necessary to trap and treat the remaining hydrocarbons.

STATUTES AND RULES:

75-11-309(1)(f) (2015) The department shall notify the owner or operator of its approval of a corrective action plan and shall promptly submit a copy of the approved corrective action plan to the board. Upon review, the board may request that the corrective action plan be amended pursuant to 75-11-508 to include a petroleum mixing zone. If the department finds that the conditions for establishment of a petroleum mixing zone in 75-11-508 are satisfied, the corrective action plan must be amended to include a petroleum mixing zone.

ARM 17.58.344(4) states corrective action plans that require the removal, repair, or replacement of building(s), sign(s), or canopies must be shown to be the most cost effective corrective action and the costs must be approved by the board in writing before the action is performed.

BOARD STAFF RECOMMENDATION:

1. Board Staff does not recommend building removal. The building removal has not been shown to be cost effective. The 2009 LIF information appears to be sufficient to estimate the contaminated soils beneath the building.
2. Board staff recommends the RAA be amended to include additional cleanup alternatives, including continuation of the ART system, options for a PMZ and MNA with monitoring every 5 years.

SCOPE OF PROPOSED ACTION:

1. Board review all information presented by Consultant Leigh Beem of Johnston and Leigh Inc.
2. Board review all information presented by Board Staff.

BOARD OPTIONS:

- 1) Ratify the staff recommendation.
- 2) Reject the staff recommendation and propose alternative motion including rationale for decision if the staff recommendation is rejected.

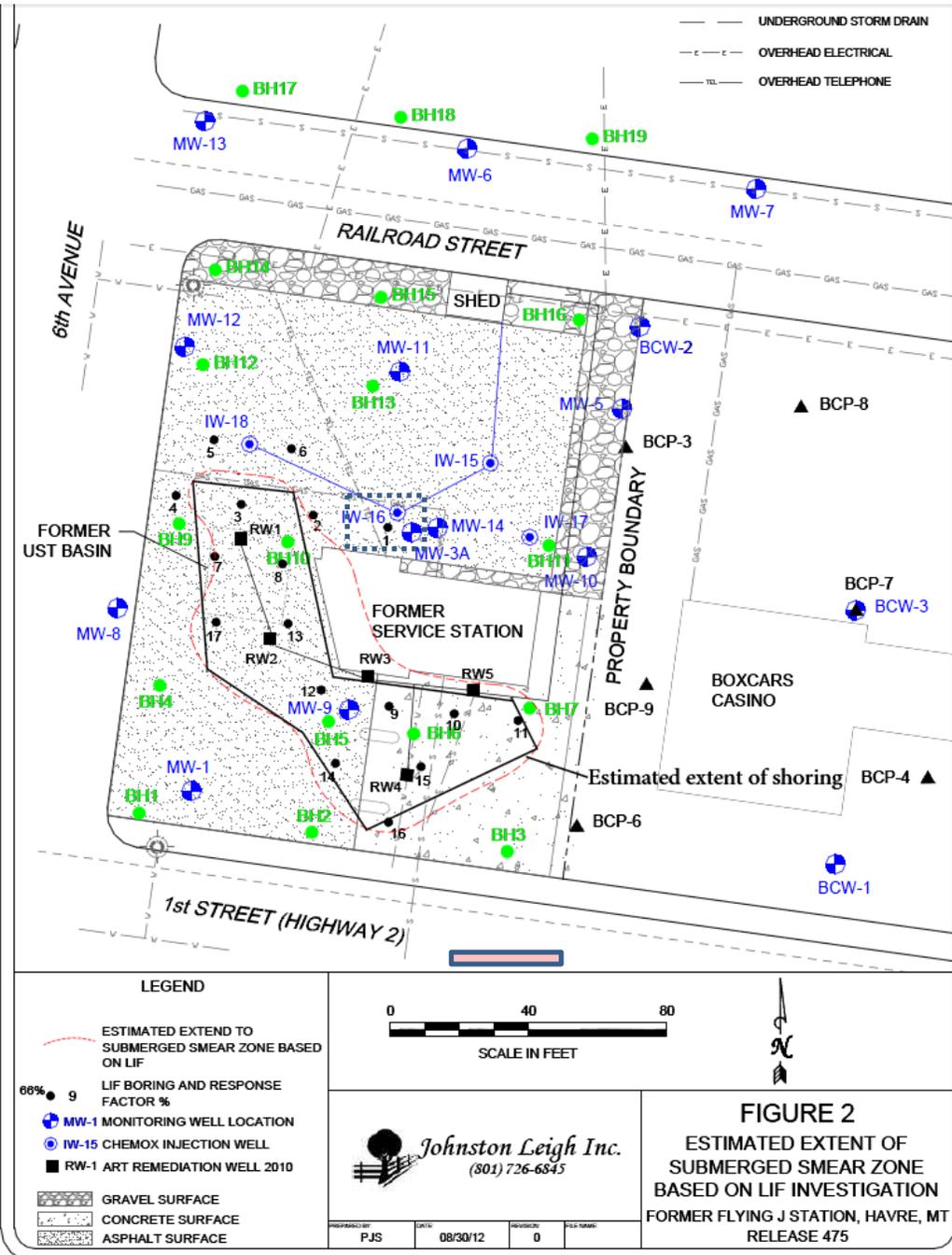
REMEDIAL ALTERNATIVES
MATRIX
Former Flying J, Havre, Release #475
Release Discovered 10/01/1990

Items in Green are remedies The PTRCB is requesting be added to the RAA
 Items in Blue are previously proposed workplans not implemented
 Items in Red are previously implemented Pilot Test workplans

Remedial Technology	Cost Release #475	Performance	Reliability	Implementation	Safety	Effects on Public Health and Environment	Recommendation
No Action		Does not meet requirements	Not Reliable	Readily implementable, 4 weeks to complete excavation.	Safe to implement	Not protective based on groundwater monitoring conducted to date	Reject, fails to meet cleanup goals
<i>MNA (Table 1a)</i>	\$187,708 assuming monitoring annual for 15 years	RBSLs for groundwater would not be met in 15 years	Reliable only if MNA parameters are collected to demonstrate MNA is occurring	Will cause disruption to tenant operations, property development options must take	Safe	Moderate potential for offsite migration through groundwater	Reject as stand-alone, fails to meet cleanup goals in reasonable time frame and
MNA with monitoring every 5 years for 25 (how long to get us to closure?)	\$187,708/15 years = \$12,513.87 per year Every 5 year for 25 years = 6 events (1 initial, 1@5,1@10,1@15,1@20,1@25) 6 x \$12,513.87 = \$75,083.20						
<i>SVE followed by Air Sparge (Table 1b)</i>	\$333,392 to remediate 3,000 yds ³ over 3-years operation.	Will reduce gasoline mass in soil using SVE but have to dewater aquifer. Assume 1 year of SVE and dewatering of aquifer followed by 1 year air-sparge to treat groundwater, followed by 1 year of MNA of groundwater.	Reliable when smear zone is dewatered and in contact with SVE. Potential for significant delays and elevated costs due to pump and treat system.	Have to drill new SVE wells, new air-sparge wells, install pump and treat system to dewater smear zone and treat groundwater for discharge to storm water system	Requires fence and security around site during remediation, and daily presence of workers.	Continuous noise from SVE, sparge and pump and treat. Continuous site maintenance for pump and treat system.	Will achieve clean up goals for gasoline impacted soil, 3-year time frame, labor intensive O&M associated with de-watering saturated zone.
<i>nSitu Thermal (Table 1c) Work plan 7345</i>	\$395,688 to remediate 3,000 yds ³ gasoline impacted soil groundwater.	Meets performance requirements in 6 months.	Proven technology and reliable.	Readily implementable, 6 month time frame	Requires 6-month dewatering of aquifer, fence and security around site during remediation, and daily presence of workers. Safe to the public due to lack of access to site.	Potential noise issues from operation of heating units for 60 days. Vapors not an issue, mitigated by SVE system returning recovered vapors back to heating units for combustion.	Third choice, meets cleanup goals within a very reasonable time frame, property use can be productive much sooner than SVE sparge.

<i>nSitu Soil Blending (Table 1d)</i>	\$348,634 to remediate 3,000 yds ³ gasoline impacted soil below the water table.	Meets performance requirements in 3 months. Will treat gasoline and diesel impacted soil. Groundwater monitoring required to verify	Proven technology, reliable if impacted soil is thoroughly homogenized with chemical oxidant.	Readily implementable, estimated 2-3 weeks on-site.	Requires fence and security around site during remediation, daily suppression of vapors using foam.	Potential noise issues from operation mixing wheel. Vapors are potential issue, but can be suppressed with the addition of foam over treatment area.	Second choice, meets cleanup goals within a very reasonable time frame.
<i>Soil Excavation Landfarm (Table 1e)</i>	\$507,417 to shore, dewater and excavate 3,000 yd ³ and groundwater monitor for 2 years.	Meets soil clean up goals immediately after excavation is complete. Groundwater well replacement and 1 year monitoring required to verify MNA is occurring.	Reliable	Readily implementable, 4 weeks to complete excavation.	Excavation will require shoring and dewatering of groundwater. Pumping groundwater will require treatment before discharge.	Hydrocarbon vapors released to atmosphere and increased truck traffic for approximately 20-days during excavation, monitor vapors downwind from excavation at all time.	Installation of shoring is very expensive, dewater of shored area requires treatment of groundwater before discharge, heavy truck traffic for 20 days, vapors from open hole is a public concern.
<i>Injection Bos 200 (Table 1f)</i> Cost of this test does NOT include the 2 nd injection required to bring the site to closure	\$166,479 for Pilot test that is designed to reduce benzene concentration down to 1 mg/l. MNA would be viable option following injection.	Will meet cleanup goals with 2nd injection that is approximately half the scope and cost, or by implementing MNA.	Reliable, extensive case studies meeting clean up objectives.	Readily implementable, 4 weeks to complete.	Safe, Bos 2000 is safe to handle by workers, no offgasing of petroleum vapors from open holes, no pumping of contaminated water.	None. Keep job site secure, no public entry.	Most effective and efficient treatment methodology given site specific conditions. Most cost effective method that meets clean up goals.
<i>In Situ Chemical Oxidation and Sulfate injections</i>	Pilot test performed in 2007 and 2008 Estimated cost on page 1 of the WP 7523 Report dated March 1, 2015 is \$190,000.00	The pilot test was localized around wells RW1 and MW9, and reduced the mass of hydrocarbons in the groundwater in these wells approximately 32% in MW9 and 59% in well RW1. RW1 and MW9 may rebound.			This remedy caused to plume to destabilize and move offsite		
<i>ART System Operation</i>	Installed in 2010 -	the groundwater remediation system (ART in well air stripper, sparge and SVE and down gradient chemical oxidation injection system using hydrogen peroxide and ozone), has reduced the hydrocarbon mass in groundwater at the site approximately 27% since 2009.					
PMZ							

The blue box identifies the LIF boring that was installed north of the building in 2009. Based on the scale of the Figure below, the building appears to be 30 feet wide.



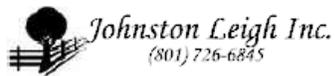
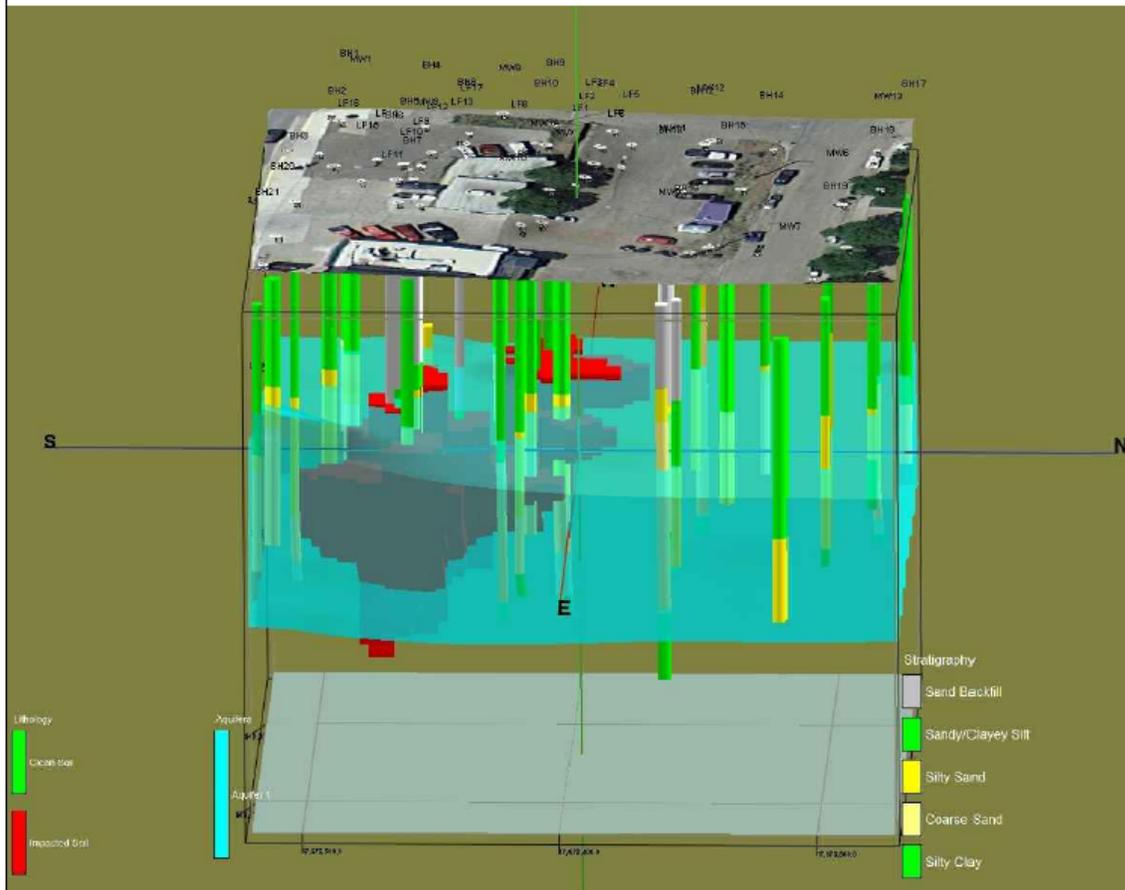


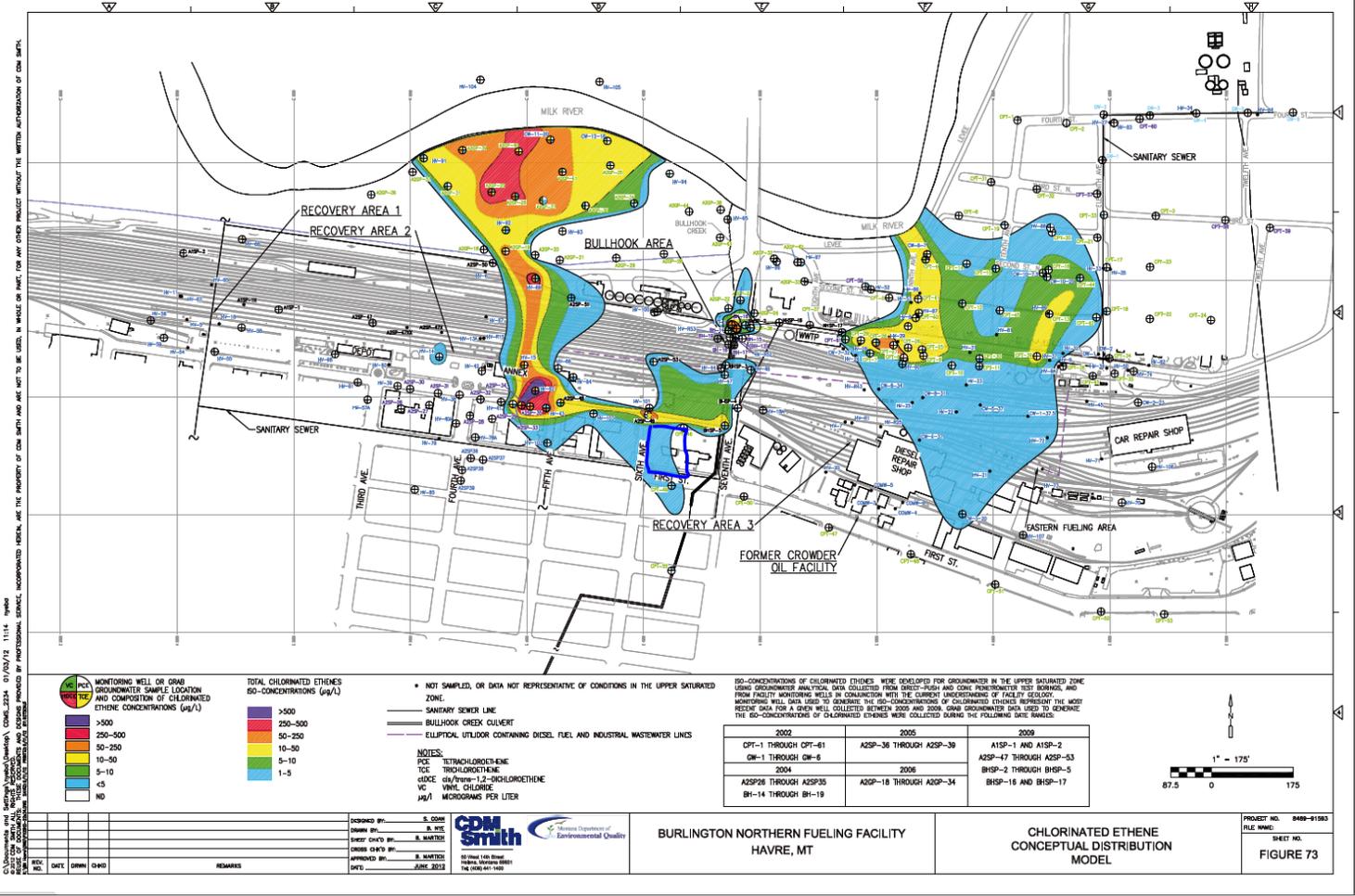
FIGURE 3

3-D BLOCK MODEL OF IMPACTED SOIL

**FORMER FLYING J STATION, HAVRE, MT
RELEASE 475**

PREPARED BY:	DATE:	REVISION:	FILE NAME:
PJS	08/27/12	0	

Location of the Flying J, Havre



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August 29, 2016
ACTION ITEM

Keenan and Associates – Billings, MT
Facility ID #56-13771, DEQ Release #3034, Work Plan #10202

EXECUTIVE SUMMARY

TYPE OF ACTION: Board review of Board staff’s June 23, 2016 non-obligation letter for Work Plan ID (WPID) #10202 April 5, 2016 for DEQ Release #3034 at 711 4th Avenue North, Billings, MT.

SUMMARY OF ACTIONS REQUESTED: Request the Board review the Non-Obligation letter and the facts and circumstances pertaining to the source and cause of release #3034.

ISSUE:

Owner requested to have the June 23, 2016 non-obligation letter for WPID #10202, Release 3034 be reviewed by the Board. The Board staff is concerned that contamination beneath the property has been impacted by a hazardous substance that is altering the detectability of any petroleum product that may have been released from the eligible petroleum storage tanks and which may impact the effectiveness of any corrective action, and potentially the cost, as well.

Records indicate that the prior businesses at the site may have been a former bakery truck terminal (see 24 Hour Initial Release Response Report (24 Hour Report)) or an ambulance station (American Medical Response). Thus, the tanks would likely have been gasoline tanks used for refueling the bakery delivery trucks and/or ambulances. The eligibility application indicates the contaminant released from the tank system would likely be gasoline or perhaps diesel fuel.

Information in the Department’s files indicates that subsurface smear zone contamination may be creosote. The 24-hour Report indicates the discolored soil is possibly due to creosote from an adjacent property.

“Also, staining in top 18” of soil along north and west sides of excavation – Possibly creosote; possibly from salvage yard.”

The chromatography results indicate higher carbon chain lengths eluting in the analysis. The gasoline range is primarily from C2 to C13, the diesel range is usually from C8 to C24, and the creosote range is from C14 to C36. The sample results taken from the tank removal and the soil borings conducted as part of a limited remedial investigation appear to be eluting in the C14 to C38 range (see October 22, 1996 Maxim Technical Report).

Pacific Hide and Steel, the property immediately adjacent to and hydrologically up-gradient from Keenan and Associates, is a recycling center or salvage yard. Therefore, the staff is unsure whether the subsurface chemistry is from Keenan's tanks or has moved onto the property from an up-gradient source.

In 1997, the Board granted eligibility to Facility ID #56-13771 for a release of petroleum from one of two tank systems located on the property. If the contamination is not from one of these two tank systems it is not considered to be eligible.

STATUTES AND RULES:

- **75-11-302., MCA. Definitions.**

(20) "Petroleum" or "petroleum products" means crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60 degrees F and 14.7 pounds per square inch absolute) or motor fuel blend, such as ethanol-blended gasoline, and that is not augmented or compounded by more than a de minimis amount of another substance.

- **75-11-307, MCA. Reimbursement for expenses caused by release.**

(1) Subject to the availability of money from the fund under subsection (6), an owner or operator who is eligible under 75-11-308 and who complies with 75-11-309 and any rules adopted to implement those sections must be reimbursed by the board from the fund for the following eligible costs caused by a release from a petroleum storage tank:

(a) corrective action costs as required by a department-approved corrective action plan, except that if the corrective action plan:

(i) addresses releases of substances other than petroleum products from the eligible petroleum storage tank, the board may reimburse only the costs that would have reasonably been incurred if the only release at the site was the release of the petroleum or petroleum products from the eligible petroleum storage tank".

- **75-11-309, MCA. Procedures for reimbursement of eligible costs – CAPs.**

(3) The board shall review each claim received under subsections (1)(h) and (1)(i), make the determination required by this subsection, inform the owner or operator of its determination, and, as appropriate, reimburse the owner or operator from the fund. Before approving a reimbursement, the board shall affirmatively determine that:

(a) the expenses for which reimbursement is claimed:

(i) are eligible costs; and

(ii) were actually, necessarily, and reasonably incurred for the preparation or implementation of a corrective action plan approved by the department or for payments to a third party for bodily injury or property damage;

- **ARM 17.58.311 DEFINITIONS**

(12) “De minimis” means that amount of hazardous substance, as defined in this rule, which when mixed with a petroleum product does not alter the detectability of the petroleum product, effectiveness of corrective action, or toxicity of the petroleum product to any significant degree.

- **ARM 17.58.313 APPLICABLE COPAYMENTS FOR COMMINGLED PETROLEUM STORAGE TANK RELEASES**

(1) An owner or operator of a site with more than one eligible release from separate petroleum storage tanks whose plumes have commingled shall be reimbursed for eligible costs caused by each release, as specified in 75-11-307(4)(b), MCA. The provisions of 75-11-307(4)(b), MCA, shall be applied separately to each release. If there are costs that are incurred when an ineligible release from a petroleum storage tank has commingled with an eligible release from a separate petroleum storage tank, the owner or operator may not be reimbursed without evidence establishing that it is more likely than not that the costs were caused by the eligible release. [75-11-307(4)(b) establishes the copay amount]

DOCUMENTS/REFERENCES:

- **24 Hour Report:**

- Release Background/Impact:

- “10-9-96 Dave Cattraugh of Marketing Specialties discovered staining and odors during removal of two USTs (the 2nd UST was unknown until excavating uncovered it). Former contents of both USTs is UK [i.e., unknown]. According to John Keenan, the bldg. was a former truck terminal for one of the bakeries in town. Standing water was present in the west end of the excavation; no water in east end; ground water? Also, staining in top 18” of soil along north and west sides of excavation – **possibly creosote; possibly from salvage yard** (see activity report of site visit on 10-9-96).” (pg. 3) (emphasis added)

- Release Detection:

- The 24 Hour Report states that the “cause of the release” is unknown, “product lost from” is unknown, and the “product type” is unknown.

- **Tank/Piping Closure Form:**

- Product stored in tank #1 and #2:

- Gasoline? or Diesel?

- Date tank last used:

- unknown
 - Describe the disposal of liquids in tank #1 and #2:
 - No liquids in tanks.
- **Underground Storage Tank (UST) Database:**
 - Substance unknown for tank #1 and #2.
- **Consultant's December 29, 2015 Initial Remedial Investigation Report:**
 - “Laboratory analytical results confirm the presence of petroleum hydrocarbon impacts to soils in all borings (Table 1). However, petroleum hydrocarbon concentrations exceed the MDEQ RBSLs only in the samples collected from the smear zone. In fact, no petroleum hydrocarbon constituents were detected in any of the shallower samples, including the sample collected nearest the former UST basin.” (Page 4, paragraph 5)
 - “Laboratory analyses did not detect petroleum hydrocarbons in soil boring KJ-3 except in the smear zone. These results indicate that the source and lateral extent of petroleum hydrocarbon impacts to soil at the groundwater interface have not been delineated (Figure 3).” (Page 4, paragraph 6)
 - “Petroleum hydrocarbon impacts to the groundwater at the Site and to the groundwater at an up to cross gradient off-site well, PHF MW-1, also exceeded MDEQ RBSLs.” (Page 5, paragraph 8)
- **Regulated Substance vs Toxic Hazardous Waste:**
 - Regulated Substance (petroleum):
 - See definition in 75-11-302, MCA.
 - Toxic (Non-Acute) Hazardous Waste (40 CFR section 261.33.):
 - Substance: Creosote
 - EPA Hazardous Waste Number: U051

August 10, 2016

Keenan and Johnson

4025 Audubon Way

Billings, Mt. 59106

Mr. Terry Wadsworth

Petroleum Tank Release Board

Helena, Mt. 59620

Good Afternoon Terry;

As per our conversation this morning, I would like to be put on the agenda for your August 29, 2016 Petro Board meeting. I would like to address the letter, from Ross Eaton, fund cost specialist, dated June 23, 2016 to John Keenan. We feel there are items your staff are not fully aware of and would like the opportunity to speak directly to the board. In attendance will be Sherman and Patti Supola along with Patti's brother, John Keenan. Thank you in advance for your consideration.

Regards;

Sherman and Patti Supola

June 23, 2016

John Keenan
208 Avenue D
Billings, MT 59101

SUBJECT: Petroleum Tank Release Compensation Board (PTRCB) staff review of the costs for *Standardized Abbreviated Corrective Action Plan and Budget (CAP_AC-07) Keenan and Associates* submitted by Tetra Tech, dated April 5, 2016 for the Petroleum Release at Keenan and Associates, 711 4th Avenue North, Billings, MT; Facility ID 56-13771, Release 3034, Work Plan 10202.

Dear Mr. Keenan:

The Petroleum Tank Release Compensation Board (Board) staff was provided the opportunity to review the activity and costs associated with this Department of Environmental Quality approved plan. At this time, the Board staff **has not obligated revenue** for this plan and **may not obligate revenue** for this work due to the unidentified source of the contamination. The current available information indicates that the **petroleum is likely from an off-site source** (Tetra Tech's report dated December 29, 2015).

“Laboratory analytical results confirm the presence of petroleum hydrocarbon impacts to soils in all borings (Table 1). However, petroleum hydrocarbon concentrations exceed the MDEQ RBSLs only in the samples collected from the smear zone. In fact, no petroleum hydrocarbon constituents were detected in any of the shallower samples, including the sample collected nearest the former UST basin.” (Page 4, paragraph 5)

“Laboratory analyses did not detect petroleum hydrocarbons in soil boring KJ-3 except in the smear zone. These results indicate that the source and lateral extent of petroleum hydrocarbon impacts to soil at the groundwater interface have not been delineated (Figure 3).” (Page 4, paragraph 6)

“Petroleum hydrocarbon impacts to the groundwater at the Site and to the groundwater at an up to cross gradient off-site well, PHF MW-1, also exceeded MDEQ RBSLs.” (Page 5, paragraph 8)

If the investigation provides further evidence that indicates that the contamination is from an off-site source, you will need to seek reimbursement for your damages from the responsible party. The Board may only reimburse the costs that would have reasonably been incurred if the only

release at the site was the release of the petroleum or petroleum products from the eligible petroleum storage tank (75-11-307(1)(i), MCA). Reimbursement will NOT be made for this activity when contamination is shown to be from an off-site source. In addition, if there is a commingled plume condition determined at this facility, the comments for the below tasks will require re-evaluating.

In the event the contamination is determined to be from an eligible petroleum storage tank, the Board staff provides the following comments pertaining to the proposed costs. Please visit our website (<http://deq.mt.gov/DEQAdmin/PET/codesratestasks>) for general information concerning PTRCB's review of this corrective action plan, the allocation of costs to tasks, associated codes, standard reimbursements, suspension of claims for unobligated work plans and timely submittal of claims. The costs for implementing the work plan should not to exceed the total cost of **\$26,403.20** for the following tasks as proposed in the remedial investigation plan. Note that underlined items are changes made by the Board staff from the original work plan submitted.

- **Task 1 – Work Plan – \$1,156.00**
 - Reimburse no more than \$1,156.00 for a Standardized Abbreviated Corrective Action Plan (CAP_AC-07).
- **Task 2 – Project Management – \$1,060.00**
 - For all project management activities, including coordination, scheduling, correspondence, and health and safety plan requirements.
- **Task 3 – Survey (Receptor) - \$409.42**
 - Unnecessary to have two people perform a receptor & utility survey.
 - Reimburse a Staff Engineer/Scientist/Geologist no more than 4 hours to perform a receptor survey. A utility survey was performed in August 2015, therefore will not be reimbursed as part of this work plan activity.
 - Reimburse a GPS not to exceed 3 hours.
 - Drafting CADD costs are considered to be part of the project report.
- **Task 4 – Monitoring Well Installation - \$2,675.00**
 - No competitive bids were submitted with the Corrective Action Plan. Therefore, consistent with ARM 17.58.344(2), reimburse no more than \$2,500.00 and any allowed markup.
- **Task 5 – Fieldwork - \$1,880.00**
 - Reimburse a Staff Engineer/Scientist/Geologist no more than 20 hours for drilling subcontractor oversight and soil sampling.
- **Task 6 – Miscellaneous (Equipment) - \$210.08**
 - Reimburse a FID not to exceed two days.
- **Task 7 – Miscellaneous (Drill Cuttings) – \$1,320.00**
 - Reimburse an estimated 4 drums for drill cuttings containerization.
 - Reimburse no more than the actual cost to dispose of contaminated drill cuttings only. Itemized invoice is required when the claim is submitted.
- **Task 8 – Survey - \$2,140.00**
 - Subcontracted work to survey monitoring wells and any allowed markup.

- **Task 9 – Monitoring – \$1,750.00**
 - Reimburse no more than the standard rate to sample 10 wells.
- **Task 10 – Mobilization - \$17.70**
 - Reimburse no more than 30 miles at a rate of \$0.59/mile.
- **Task 11 – Laboratory Analysis w/fee - \$10,985.00**
 - Reimburse for 21 soil samples and any allowed handling fee.
 - Total RCRA metals and carbon scan soil samples are not reimbursable.
 - Reimburse no more than 10 water samples and any allowed handling fee.
 - Carbon scan water samples are not considered reimbursable.
- **Task 12 – Report - \$2,800.00**
 - Reimburse no more than the maximum reimbursable costs for preparation of a Standardized Additional Remedial Investigation Report (RPT_RIR-02).

Due to the indication that the contamination is from an off-site source, the Board staff will not recommend reimbursement of these costs. In the event the contamination is determined to be from an eligible petroleum storage tank at this facility, the Board staff will not recommend reimbursement of costs exceeding those submitted and approved with this plan unless a written Corrective Action Plan Budget Modification Form (PTRCB Form 8) is received and approved. A data input form for the Form 8 can be found on the PTRCB web site at <http://deq.mt.gov/DEQAdmin/PET/forms>.

The owner/operator is reminded all comments on the costs of work proposed in this plan are based on costs information supplied with the corrective action work plan.

Please be sure to read the Corrective Action approval letter from the Department of Environmental Quality for technical guidance pertaining to the completion of the above referenced work plan.

If you have questions regarding these comments pertaining to this corrective action plan, please contact me via phone at (406) 444-4716 or email at reaton@mt.gov.

Sincerely,



Ross Eaton
Fund Cost Specialist

Cc: Pebbles Opp, Authorized Representative of DEQ-PTCS
Pam Reed, Tetra Tech

[Back to Agenda](#)

ELIGIBILITY RATIFICATION

<i>Board Staff Recommendations Pertaining to Eligibility From May 19, 2016 through August 10, 2016</i>				
<i>Location</i>	<i>Site Name</i>	<i>Facility ID #</i>	<i>DEQ Release # Release Year</i>	<i>Eligibility Determination – Staff Recommendation Date</i>
Reserve	Community Oil	9995156	5029	Recommended eligible. Reviewed 3/21/2016.

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RATIFICATION OF WEEKLY REIMBURSEMENTS

WEEKLY CLAIM REIMBURSEMENTS August 29, 2016 BOARD MEETING		
Week of	Number of Claims	Funds Reimbursed
May 25, 2016	20	\$50,210.18
June 1, 2016	9	\$45,988.82
June 8, 2106	10	\$215,887.27
June 15, 2016	14	\$53,994.34
June 22, 2016	16	\$35,929.40
June 29, 2016	32	\$74,106.00
July 13, 2016	21	\$78,088.81
July 27, 2016	13	\$38,694.69
August 3, 2016	12	\$57,608.33
August 10, 2016	18	\$61,786.68
Total	165	\$712,294.52



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 5/25/2016

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20160201A	1113942	3767	Realty One	Glendive	5/23/2001	\$5,287.25	\$16,409.78	\$615.16	Monitoring Well Installation
20160205E	4808691	4028	Town Pump Inc Columbus	Columbus	7/19/2001	\$1,185.85	\$427,024.74		Work Plan
20160328B	701930	3624	Pro Lube 1	Great Falls	8/1/2001	\$956.00	\$24,237.96		Work Plan
20160404L	1608674	5031	Town Pump Inc Bozeman 1	Bozeman	11/6/2014	\$4,099.67	\$229,096.25	\$196.00	Survey
20160418F	2501025	4031	Allen Oil Bulk Plant	Helena	9/26/2005	\$755.00	\$45,024.89	\$1,201.20	Work Plan
20160425B	4200317	4742	Nortana Grain Co.	Lambert	7/7/2014	\$2,484.84	\$67,719.68	\$1,835.65	Laboratory Analysis w/fee
20160426A	9995029	4485	CHS Cardrol and Bulk Site	Condon	10/5/2006	\$600.00	\$663,233.91		Laboratory Analysis w/fee
20160429E	3203617	4769	Swan Valley Centre	Condon	1/21/2010	\$100.00	\$100,034.78		Mobilization
20160502D	1503916	2775	Mini Mart 720	Whitefish	2/12/1996	\$1,660.00	\$31,151.32		Report
20160505B	2007855	3188	Former Amoco Station	Drummond	12/10/2001	\$309.00	\$11,059.15		Mobilization
20160511A	1608674	5031	Town Pump Inc Bozeman 1	Bozeman	11/6/2014	\$2,455.00	\$229,096.25	\$32.00	Report
20160511B	2804835	2814	Ennis Office Park	Ennis	5/13/1996	\$987.00	\$182,765.30		Report
20160511C	4905153	104	Oie Motor Co Inc	Big Timber	10/21/1999	\$1,153.94	\$350,317.43		Report
20160511D	4905153	4213	Oie Motor Co Inc	Big Timber	7/30/1999	\$1,153.94	\$127,566.40		Report
20160513A	5613787	3151	Former Roberts Exxon	Roberts	9/28/2001	\$4,400.00	\$51,706.87		Report
20160513G	202296	4311	Big Horn County Road Dept	Hardin	7/15/2004	\$4,290.34	\$54,429.29		Monitoring Well Installation
20160513H	5613941	3855	Chevron Gas Station & Bulk Plant	Miles City	7/19/2013	\$640.13	\$14,045.73		Monitoring
20160513I	701418	3212	Keiths Country Store	Great Falls	10/5/2000	\$3,224.74	\$463,746.86		Monitoring
20160513J	403467	4342	MRL Bulk Plant Former Visocan Petroleum	Townsend	10/14/2004	\$5,129.53	\$178,216.04		Laboratory Analysis w/fee
20160517A	4308893	2552	Isle Oil Co	Wolf Point	6/11/2001	\$9,337.95	\$39,992.40		Report

20 claims in the report

Total Reimbursement: \$50,210.18

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
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Reviewed for Reimbursement by: *Ann K. Reed* Date 5/27/16

Approved for Reimbursement by: *Jay Wadsworth* Date 6/1/16



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 6/1/2016

Org Unit: 993050
Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20160302B	3602359	4957	Packys	Malta	7/15/2014	\$18,115.23	\$42,663.37	\$281.37	Monitoring Well Installation
20140310M	5302065	3496	Valley County Road Dept	Glasgow	2/16/2000	\$2,327.28	\$6,264.18	\$54.04	Monitoring Well Installation
20160422D	1402289	4653	Hilger Country Store	Hilger	12/30/2015	\$14,517.14	\$16,747.53	\$376.74	Monitoring Well Installation
20160429C	1505069	2939	Equity Supply Convenience Store	Kalispell	4/27/2012	\$1,760.00	\$369,471.08		Report
20160502E	4709893	3374	Flying J Inc Travel Plaza Rocker	Butte	9/18/1998	\$1,844.33	\$453,354.97	\$335.20	Report
20160511E	502954	2237	Blacks Service Station	Belfry	12/13/1995	\$856.93	\$94,913.18	\$102.49	Miscellaneous
20160516C	2100088	4806	Short Stop Havre	Havre	11/2/2011	\$1,048.14	\$245,029.42		Report
20160516D	704772	4325	Rapley Property	Great Falls	11/21/2007	\$1,261.47	\$365,879.45		Miscellaneous
20160517B	3602371	1830	Greens Exxon	Malta	4/27/1994	\$4,258.30	\$117,463.65		Monitoring

9 claims in the report

Total Reimbursement: \$45,988.82

Reviewed for Reimbursement by:

Date

6/8/16

Approved for Reimbursement by:

Date

6/10/16



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 6/8/2016

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20151006C	1105093	4907	Mini Mart 710	Glendive	10/6/2015	\$12,366.25	\$14,931.33	\$17,273.96	Monitoring Well Installation
20151223C	5608671	2007	Town Pump Inc Billings 2	Billings	1/19/1994	\$27,898.98	\$313,879.30	\$405.94	Remediation System
20160412B	4710410	1743	Morris Marketing Co	Butte	8/5/2013	\$62,422.00	\$94,031.69		Soil Removal
20160415C	4410824	5071	GM Petroleum Distributors	Forsyth	4/15/2016	\$28,594.00	\$28,594.00	\$755.27	Soil Removal
20160509A	209709	3593	Camp Custer Service	Hardin	8/4/2000	\$38,003.47	\$41,623.58	\$78.40	Miscellaneous
20160513B	908661	4365	Flying J Inc - Miles City	Miles City	5/8/2008	\$40,000.00	\$286,436.76		Soil Removal
20160527H	4708682	3839	Town Pump Inc Butte 3	Butte	8/30/2000	\$390.00	\$31,448.43	\$20.00	Work Plan
20160527P	5608671	2007	Town Pump Inc Billings 2	Billings	1/19/1994	\$1,292.57	\$313,879.30	\$10.83	Remediation System
20160527Q	5604534	4284	Former Waiters Bulk Plant	Billings	9/24/2008	\$435.00	\$63,120.40		Work Plan
20160602A	3602371	1830	Greens Exxon	Malta	4/27/1994	\$4,485.00	\$117,463.65		Laboratory Analysis w/fee

10 claims in the report

Total Reimbursement: \$215,887.27

Reviewed for Reimbursement by:

Date

6/8/16

Approved for Reimbursement by:

Date

6/10/16



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 6/15/2016

Org Unit: 993050
Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20160527G	1509705	5036	Cenex Harvest States	Kalispell	1/14/2016	\$6,802.48	\$12,438.45		Fieldwork
20160513C	1510105	4155	Town Pump Inc	Whitefish	6/24/2003	\$1,626.12	\$833,786.16		Miscellaneous
20160513D	1510105	4155	Town Pump Inc	Whitefish	6/24/2003	\$2,523.99	\$833,786.16		Laboratory Analysis w/fee
20160513E	1510105	4155	Town Pump Inc	Whitefish	6/24/2003	\$1,542.67	\$833,786.16	\$24.18	Remediation System
20160513F	1510105	4155	Town Pump Inc	Whitefish	6/24/2003	\$2,831.96	\$833,786.16		Project Management
20160513L	2507404	3449	Bobs Valley Service Inc	Helena	10/15/1998	\$435.00	\$127,023.51		Work Plan
20160516A	2412285	4456	Big Arm General Store	Big Arm	4/25/2007	\$435.00	\$168,596.77		Work Plan
20160527A	1509705	2911	Cenex Harvest States	Kalispell	5/21/1997	\$24,515.30	\$775,332.29		Remediation System
20160527B	907083	2938	Cenex Harvest States	Miles City	10/27/1997	\$600.33	\$793,875.27	\$120.00	Remediation System
20160527C	1804137	3424	Ben Taylor Inc	Cut Bank	5/17/1999	\$1,806.42	\$382,297.83		Mobilization
20160527D	9995029	4485	CHS Cardrol and Bulk Site	Condon	10/5/2006	\$2,343.50	\$665,577.41		Monitoring
20160527F	1509705	5036	Cenex Harvest States	Kalispell	1/14/2016	\$5,135.97	\$12,438.45		Monitoring Well Installation
20160527I	2503918	4063	Noons 438	Helena	12/12/2001	\$1,815.60	\$187,921.12	\$0.00	Monitoring
20160527O	9995023	4466	Libby Fuel Company	Libby	5/22/2008	\$1,580.00	\$122,707.08		Report

14 claims in the report

Total Reimbursement: \$53,994.34

Reviewed for Reimbursement by:

Date

6/28/2016

Approved for Reimbursement by:

Date

6/28/16



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 6/22/2016

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20151127F	2501183	3422	Helena Service Center	Helena	6/24/1998	\$1,688.31	\$132,193.56	\$0.00	Work Plan
20151221H	4702577	116	Community Mutual Gas Co	Butte	8/17/1990	\$8,748.41	\$335,038.23		Report
20160122C	6015224	4944	VFW Club	Kaliispell	12/17/2013	\$2,304.94	\$15,084.22		Report
20160225D	1809489	2892	Glacier Park Lodge Service Station	East Glacier Par	6/10/1996	\$1,430.00	\$67,994.57		Report
20160226C	5011598	4128	Smoot Residence	Power	3/3/2003	\$736.97	\$27,154.31	\$66.21	Miscellaneous
20160226D	4306620	4943	Old McKinney Motors	Culbertson	2/26/2014	\$2,814.44	\$42,754.37	\$2,888.00	Report
20160311C	1808666	3836	Flying J Inc Cut Bank	Cut Bank	2/27/2001	\$3,559.47	\$212,331.94	\$45.02	Report
20160418G	2501183	3422	Helena Service Center	Helena	6/24/1998	\$667.55	\$132,193.56		Project Management
20160513K	2501183	3422	Helena Service Center	Helena	6/24/1998	\$3,755.60	\$132,193.56	\$0.00	Laboratory Analysis w/fee
20160513M	3708692	1277	Town Pump Inc Conrad	Conrad	9/16/1992	\$435.00	\$132,368.29	\$175.00	Work Plan
20160527R	307801	2835	Ezzies Wholesale Inc Chinook	Chinook	5/4/2007	\$297.79	\$34,654.22		Soil Removal
20160531B	706614	335	Bills Soco	Great Falls	12/11/1990	\$1,007.02	\$180,733.35		Project Management
20160602B	4808691	4028	Town Pump Inc Columbus	Columbus	7/19/2001	\$5,478.65	\$432,503.39	\$362.00	Free Product Activities
20160610A	209709	3593	Camp Custer Service	Hardin	8/4/2000	\$1,624.50	\$43,248.08		Miscellaneous
20160610B	502954	2237	Blacks Service Station	Belfry	12/13/1995	\$718.25	\$95,631.43	\$85.41	Miscellaneous
20160610D	5606598	5023	HoogiesTruck Wash Inc	Billings	7/17/2015	\$662.50	\$19,093.66		Work Plan

16 claims in the report

Total Reimbursement: \$35,929.40

Reviewed for Reimbursement by:

Ann R. East

Date

6/25/2016

Approved for Reimbursement by:

Jerry W. Adams

Date

6/30/2016



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 6/29/2016

Org Unit: 993050
Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20151214G	9995113	4820	Coleman Residence	Charlo	6/7/2011	\$86.25	\$189,236.70		Project Management
20160321C	2100131	3589	Northern Tire Buff N Shine	Havre	6/7/1999	\$769.51	\$60,118.51	\$613.99	Work Plan
20160412C	2704757	1970	Halfway House Grocery Store	Troy	7/8/2013	\$427.00	\$14,569.88	\$834.26	Work Plan
20160422B	704772	4325	Rapley Property	Great Falls	11/21/2007	\$2,384.50	\$371,443.95	\$23.00	Fieldwork
20160519A	1510105	4155	Town Pump Inc Whitefish 2	Whitefish	6/24/2003	\$2,578.01	\$846,241.13		Laboratory Analysis w/fee
20160519B	701873	4361	Sinclair Retail 25008	Great Falls	11/8/2004	\$2,079.95	\$149,400.15	\$58.05	Monitoring
20160527J	2501025	4031	Allen Oil Bulk Plant	Helena	9/26/2005	\$2,074.38	\$47,099.27	\$1,505.32	Project Management
20160527L	1510105	4155	Town Pump Inc Whitefish 2	Whitefish	6/24/2003	\$2,550.11	\$846,241.13		Mobilization
20160527M	1510105	4155	Town Pump Inc Whitefish 2	Whitefish	6/24/2003	\$7,326.85	\$846,241.13		Remediation System
20160602C	1609999	2362	Four Wheel Drive Products Inc	Bozeman	6/23/1995	\$1,679.13	\$543,729.04	\$140.10	Well Abandonment
20160602D	1609999	2362	Four Wheel Drive Products Inc	Bozeman	6/23/1995	\$3,820.97	\$543,729.04	\$103.10	Laboratory Analysis w/fee
20160614A	5606598	5023	Hoogies Truck Wash Inc	Billings	7/17/2015	\$3,517.99	\$22,611.65		Laboratory Analysis w/fee
20160614B	4002755	2619	Farmers Union Oil Bulk Plant	Terry	8/31/1995	\$980.05	\$127,317.78		Remediation System
20160614C	4002755	4948	Farmers Union Oil Bulk Plant	Terry	4/27/2015	\$490.03	\$10,483.71		Remediation System
20160614D	907083	2938	Cenex Harvest States	Miles City	10/27/1997	\$592.18	\$794,467.45		Remediation System
20160614E	1804137	3424	Ben Taylor Inc	Cut Bank	5/17/1999	\$4,000.21	\$386,298.04		Monitoring
20160614F	2413301	3249	Morton Cardtrol & Bulk Plant	Polson	10/6/1998	\$7,218.26	\$244,435.75		Fieldwork
20160614G	2906376	3689	Farmers Union Oil Co Circle	Circle	4/15/2015	\$1,647.00	\$3,188.25		Laboratory Analysis w/fee
20160614H	709914	972	Holiday Station #10 - Former Fox Farm Exx	Great Falls	5/14/1992	\$1,045.25	\$134,931.34		Mobilization
20160614I	709914	1533	Holiday Station #10 - Former Fox Farm Exx	Great Falls	12/27/1993	\$1,045.25	\$106,053.91		Mobilization
20160615D	4201287	2469	SIDNEY OIL CO	Sidney	1/25/2016	\$625.00	\$8,057.75		Well Abandonment
20160616A	704772	4325	Rapley Property	Great Falls	11/21/2007	\$3,180.00	\$371,443.95		Laboratory Analysis w/fee
20160620A	3300047	235	Farmers Union Oil Co Roundup	Roundup	8/23/1991	\$6,122.25	\$50,571.86		Monitoring

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20160623B	701418	3212	Keiths Country Store	Great Falls	10/5/2000	\$4,287.58	\$468,034.44		Laboratory Analysis w/fee
20160623D	5608671	2007	Town Pump Inc Billings 2	Billings	1/19/1994	\$1,057.57	\$314,936.87	\$10.83	Remediation System
20160623E	5605323	3765	Langs Cemetery Service Inc	Billings	11/15/1999	\$857.89	\$10,362.07		Work Plan
20160623G	300035	3019	Jamieson Motors Inc	Chinook	5/13/2005	\$1,739.70	\$232,667.28		Monitoring
20160623H	306475	3824	Pehrson Service Exxon	Chinook	5/26/2005	\$1,507.65	\$128,635.37		Monitoring
20160623J	2600105	3526	Jac & Jils	Chester	10/14/1999	\$2,830.00	\$242,710.40		Laboratory Analysis w/fee
20160623K	2108705	4167	Town Pump Inc Havre	Havre	6/25/2003	\$1,945.25	\$52,209.83		Laboratory Analysis w/fee
20160623L	2108705	4167	Town Pump Inc Havre	Havre	6/25/2003	\$1,986.50	\$52,209.83		Mobilization
20160623M	306204	1547	Conoco C Store	Chinook	9/3/2013	\$1,653.73	\$214,845.74		Monitoring
32 claims in the report					Total Reimbursement: \$74,106.00				

Reviewed for Reimbursement by:

[Handwritten Signature]

Date

6/30/2016

Approved for Reimbursement by:

[Handwritten Signature]

Date

7/5/16



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 7/13/2016

Org Unit: 993050
Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20160404C	310274	2559	Farmers Union Oil Co	Chinook	9/13/1995	\$956.00	\$128,918.44		Work Plan
20160422A	2100088	4806	Short Stop Havre	Havre	11/2/2011	\$3,894.90	\$248,924.32	\$12.95	Monitoring
20160426D	4410824	5071	GM Petroleum Distributors	Forsyth	4/15/2016	\$23,366.98	\$57,755.98		Laboratory Analysis w/fee
20160509B	4410824	5071	GM Petroleum Distributors	Forsyth	4/15/2016	\$5,795.00	\$57,755.98		Report
20160527N	1510105	4155	Town Pump Inc	Whitefish	6/24/2003	\$4,761.18	\$851,002.31	\$25.54	Miscellaneous
20160613A	4408922	332	Colstrip Units 1 & 2 MPC	Colstrip	2/24/2006	\$4,216.17	\$174,584.60	\$1,386.50	Report
20160613B	4408921	562	Colstrip Steam Electric Station	Colstrip	11/1/1991	\$3,992.84	\$85,683.07	\$987.54	Laboratory Analysis w/fee
20160615B	6015224	4944	VFW Club	Kalispell	12/17/2013	\$340.00	\$15,424.22		Monitoring
20160615C	1605753	294	Flying J Inc	Belgrade	7/11/1990	\$579.00	\$90,037.37	\$189.00	Work Plan
20160623C	2503466	3677	Conoco Pop Inn	Helena	3/23/1999	\$641.91	\$647,526.28		Miscellaneous
20160623F	306221	1410	Town Pump Inc	Chinook	11/30/1992	\$1,150.80	\$203,764.16	\$87.75	Monitoring
20160623I	2600105	3526	Jac & Jils	Chester	10/14/1999	\$6,958.45	\$249,668.85		Laboratory Analysis w/fee
20160623N	2507404	3449	Bobs Valley Service Inc	Helena	10/15/1998	\$2,867.15	\$129,890.66		Laboratory Analysis w/fee
20160701A	5605755	841	Kwiky Auto Wash	Billings	1/31/1992	\$1,674.00	\$241,821.81		Well Abandonment
20160701B	2503122	4584	Canyon Ferry Mini Basket	East Helena	10/29/2007	\$1,388.00	\$71,848.74		Remediation System
20160701C	5613852	3257	Former Farmers Union Madison Valley Ente	Ennis	5/24/1999	\$5,027.47	\$203,715.53		Report
20160701E	4808691	4028	Town Pump Inc	Columbus	7/19/2001	\$1,890.47	\$434,393.86		Free Product Activities
20160701F	1609999	2362	Four Wheel Drive Products Inc	Bozeman	6/23/1995	\$987.17	\$544,716.21		Laboratory Analysis w/fee
20160705A	2413301	3249	Morton Cardtrol & Bulk Plant	Poison	10/6/1998	\$749.00	\$245,184.75		Laboratory Analysis w/fee
20160705B	1804137	3424	Ben Taylor Inc	Cut Bank	5/17/1999	\$2,286.00	\$388,584.04		Laboratory Analysis w/fee
20160705D	306483	4252	Andys Exxon	Chinook	4/5/2004	\$4,566.32	\$307,685.41		Laboratory Analysis w/fee
21 claims in the report				Total Reimbursement:		\$78,088.81			

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
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Reviewed for Reimbursement by: [Signature]

Date 7/20/2016

Approved for Reimbursement by: [Signature]

Date 7/21/2016



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 7/27/2016

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20160311C	1808666	3836	Flying J Inc Cut Bank	Cut Bank	2/27/2001	\$8.00	\$212,339.94	\$37.02	Report
20160328C	3602359	4957	Packys	Malta	7/15/2014	\$10,187.34	\$52,850.71	\$510.28	Report
20160411A	4703757	4368	Vogue Cleaners Corp	Butte	8/8/2005	\$1,964.10	\$89,737.28		Report
20160517C	1402289	4653	Hilger Country Store	Hilger	12/30/2015	\$5,140.24	\$21,887.77		Report
20160531A	310274	2559	Farmers Union Oil Co Chinook	Chinook	9/13/1995	\$2,001.64	\$130,920.08		Work Plan
20160608B	3600573	2763	Saco Conoco	Saco	2/5/1996	\$4,493.95	\$5,721.30	\$524.17	Monitoring Well Installation
20160623A	1510105	4155	Town Pump Inc Whitefish 2	Whitefish	6/24/2003	\$1,930.71	\$852,933.02		Miscellaneous
20160708A	2100103	4908	Zip Trip #49 former Gasamat 576	Havre	1/24/2014	\$3,256.00	\$48,764.36		Well Abandonment
20160708G	701930	3624	Pro Lube 1	Great Falls	8/1/2001	\$870.68	\$25,108.64		Monitoring
20160708H	800005	316	Fort Benton Cenex	Fort Benton	9/25/1990	\$1,671.14	\$374,213.19		Monitoring
20160711A	209709	3593	Camp Custer Service	Hardin	8/4/2000	\$3,623.42	\$46,871.50		Miscellaneous
20160711B	3600573	2763	Saco Conoco	Saco	2/5/1996	\$1,148.46	\$5,721.30		Fieldwork
20160711D	502954	2237	Blacks Service Station	Belfry	12/13/1995	\$2,399.01	\$98,030.44	\$273.28	Miscellaneous
13 claims in the report					Total Reimbursement: \$38,694.69				

Reviewed for Reimbursement by: [Signature]

Date 7/29/16

Approved for Reimbursement by: [Signature]

Date 8/21/16



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 8/3/2016

Org Unit: 993050
Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20160411B	2508847	3840	AAA Storage	Helena	1/19/2001	\$4,302.08	\$99,412.40	\$40.00	Monitoring
20160505A	307801	2835	Ezzies Wholesale Inc Chinook	Chinook	5/4/2007	\$11,910.85	\$46,565.07		Monitoring Well Installation
20160701D	704562	5055	Cascade County Weed & Mosquito Manage	Great Falls	7/1/2016	\$7,983.73	\$7,983.73		Monitoring Well Installation
20160708B	2508847	3840	AAA Storage	Helena	1/19/2001	\$940.00	\$99,412.40		Laboratory Analysis w/fee
20160708D	706614	335	Bills Soco	Great Falls	12/11/1990	\$11,828.15	\$192,561.50		Monitoring Well Installation
20160708F	705779	3511	Mini Mart 769	Great Falls	11/25/1998	\$610.00	\$151,932.58		Work Plan
20160711E	1512499	1081	City Parking Lot	Whitefish	6/30/1992	\$543.00	\$261,819.06		Monitoring
20160711F	9995040	4941	Red Lion Hotels	Kalispell	11/15/2013	\$765.75	\$184,278.03		Work Plan
20160711G	1508709	2567	Town Pump Inc Kalispell 1	Kalispell	3/8/1996	\$2,117.91	\$142,883.43		Laboratory Analysis w/fee
20160713A	701873	4361	Sinclair Retail 25008	Great Falls	11/8/2004	\$3,652.00	\$153,052.15		Laboratory Analysis w/fee
20160718B	912945	1985	Sheffield Ranch Corp	Miles City	9/23/1994	\$8,608.79	\$224,553.00	\$12.68	Mobilization
20160725D	3805046	4162	Park Super Service	Broadus	8/11/2014	\$4,346.07	\$29,640.30		Mobilization

12 claims in the report

Total Reimbursement: \$57,608.33

Reviewed for Reimbursement by:

[Signature]

Date

8/8/2016

Approved for Reimbursement by:

[Signature]

Date

8/15/2016



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 8/10/2016

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20160321B	5303161	1026	Markles Inc	Glasgow	3/6/1992	\$7,726.00	\$111,202.99	\$425.00	Laboratory Analysis w/fee
20160406B	2501315	3471	Malfunction Junction Sinclair	Helena	1/12/1999	\$6,557.64	\$118,744.99	\$110.00	Monitoring Well Installation -
20160720B	701289	1881	Consolidated Freightways Great Falls	Great Falls	10/17/1994	\$3,334.00	\$666,660.84		Report
20160720C	701289	1881	Consolidated Freightways Great Falls	Great Falls	10/17/1994	\$1,840.00	\$666,660.84		Well Abandonment
20160725A	5606598	5023	HoogiesTruck Wash Inc	Billings	7/17/2015	\$1,812.50	\$24,424.15		Report
20160726A	708700	2584	Town Pump Inc Great Falls 1	Great Falls	8/14/2000	\$6,761.10	\$109,542.93		Monitoring Well Installation
20160726B	5404934	4896	Engineers Depot	Harlowton	4/2/2014	\$19,387.82	\$38,810.99		Monitoring Well Installation
20160803C	1509705	2911	Cenex Harvest States Kalispell	Kalispell	5/21/1997	\$1,805.50	\$777,137.79		Mobilization
20160803D	2710131	3287	Moore Oil Bulk Facility	Libby	5/12/1999	\$288.34	\$733,463.05		Miscellaneous
20160803E	907083	2938	Cenex Harvest States	Miles City	10/27/1997	\$621.38	\$795,088.83		Remediation System
20160803F	1804137	3424	Ben Taylor Inc	Cut Bank	5/17/1999	\$1,952.48	\$390,536.52		Mobilization
20160803G	2906376	3689	Farmers Union Oil Co Circle	Circle	4/15/2015	\$988.00	\$4,176.25		Miscellaneous
20160803I	709914	972	Holiday Station #10 - Former Fox Farm Exx	Great Falls	5/14/1992	\$1,370.00	\$136,301.34		Report
20160217E	3706080	3207	Swank Enterprises	Valier	10/14/2011	\$2,765.20	\$35,088.01		Report
20160803J	709914	1533	Holiday Station #10 - Former Fox Farm Exx	Great Falls	12/27/1993	\$1,370.00	\$107,423.91		Report
20160803M	701930	3624	Pro Lube 1	Great Falls	8/1/2001	\$1,648.38	\$26,757.02		Laboratory Analysis w/fee
20160803N	800005	316	Fort Benton Cenex	Fort Benton	9/25/1990	\$501.50	\$374,714.69		Laboratory Analysis w/fee
20160803O	700004	1728	Black Eagle Cenex	Great Falls	11/4/1994	\$1,056.84	\$131,049.81		Monitoring

18 claims in the report

Total Reimbursement: \$61,786.68

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
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Reviewed for Reimbursement by: *[Signature]* Date 8/11/16

Approved for Reimbursement by: *[Signature]* Date 8/15/16



Petroleum Tank Release Compensation Board

Claims Denied Between 01/01/2016 and 08/05/2016 and Not Ratified

Facility ID/Alt ID: 701289 / 07-01289 **Facility Name:** Great Falls, Consolidated Freightways Great Falls

ClaimID	Amount	Date Denied	Reason Denied
20151211A	\$2,540.86	8/5/2016	Withdrawn as per Consultant. Replaced by claim 20160720B and 20160720C.
Total:	\$2,540.86		

Facility ID/Alt ID: 1509705 / 15-09705 **Facility Name:** Kalispell, Genex Harvest States Kalispell

ClaimID	Amount	Date Denied	Reason Denied
20160705C	\$1,310.00	7/25/2016	Pace submitted to PTRCB in error. WCEC will resubmit.
20160225A	\$21,446.34	3/16/2016	Claim denied. The costs were claimed as first-party costs and should be claimed as a third-party claim.
Total:	\$22,756.34		

Facility ID/Alt ID: 1609999 / 16-09999 **Facility Name:** Bozeman, Four Wheel Drive Products Inc

ClaimID	Amount	Date Denied	Reason Denied
20160606A	\$3,924.07	6/14/2016	This claim is a duplicate of 20160602D, invoice #2393 dated 5/27/16.
Total:	\$3,924.07		

Facility ID/Alt ID: 4702577 / 47-02577 **Facility Name:** Butte, Community Mutual Gas Co

ClaimID	Amount	Date Denied	Reason Denied
20160531D	\$8,748.41	6/14/2016	Duplicate of claim 20151221H.
Total:	\$8,748.41		

Grand Total: \$37,969.68

TOTAL NUMBER OF CLAIMS FOR THIS REPORT: 5

Reviewed By: *Jerry Wadsworth* Date: 8/15/16
Board Approval By: _____ Date: _____

**Cenex Harvest States, Kalispell
Facility #15-09705, Release #5036
Claim #20160225A**

EXECUTIVE SUMMARY

TYPE OF ACTION: Board requested further information concerning the denial of claim # 20160225A which is related to costs associated with the excavation and disposal of potentially contaminated soils by the City of Kalispell (City) from the street adjacent to the Cenex Harvest States facility encounter while conducting a waterline upgrade along 4th Ave EN.

SUMMARY OF ACTIONS REQUESTED: Staff to provide information to the Board on the facts and circumstances pertaining to the staff determination that the claim for reimbursement of costs be denied as a claim filed incorrectly.

ISSUE: Board staff denied reimbursement of claim 20160225A in large part because the costs were considered to be third-party costs claimed on a first-party claim form in error. There are other issues with the costs as claimed, but those issues are not being addressed at this time. Those issues can be addressed once the claim is properly filed with the Board.

The owner, Cenex Harvest States (Cenex), claimed \$21,446.34 in costs for work performed by the City of Kalispell and their consultant during replacement of a water line in the street adjacent to the Cenex site at 55 4th Avenue East North.

The City encountered stained soil with odor during excavation and replacement of a water line. The Department of Environmental Quality (DEQ) was notified of the stained soil and they visited the site. While there, DEQ instructed that one sample be collected per 25 feet of trench and that potentially contaminated soil be separated and stockpiled on an impervious ground surface until sample results were received. DEQ instructed “that contaminated soil not be reused and the pipe not be put into contact with contaminated soil by installing clean fill around it (top, bottom, and sides)” (*DEQ 24-Hour Initial Release Response Report*). The City continued the water line replacement work, segregating soils and eventually transported those soils to the local landfill for disposal.

DEQ assigned release ID #5036 to the potential contamination and attributed the release to the adjacent Cenex site. Upon completion of the water line replacement work, the City’s consultant invoiced the City for costs, including costs as a result of discovery of the stained soil, including project management, soil sampling, laboratory testing fees, data management costs and report preparation. The City then invoiced Cenex Harvest States for the costs associated with excavation, analysis, transportation and disposal of the stockpiled soils, and consultant costs.

On February 25, 2016, PTRCB received a claim for costs the City was invoiced for. The staff initially proposed denial of the claim as costs were incurred without a Department-approved corrective action plan (CAP). After discussion with the DEQ case manager, it was determined that the work was conducted according to DEQ requirements and direction. However, the costs were claimed as first-party costs, on a first-party claim form, yet they were cost incurred by the

city, not the owner/operator. Staff informed the owner that the costs would be denied as improperly filed, but that the costs could be claimed on a Third-Party claim form (Form 3-T).

BOARD STAFF RECOMMENDATION:

Uphold the Board Staff recommended denial of Claim #20160225A.

LAWS (MONTANA CODE ANNOTATED):

75-11-309(i) The owner or operator shall document, in the manner required by the board, any payments to a third party for bodily injury or property damage caused by a release. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board.

CHRONOLOGY:

April 29, 2016 – Recommended Adjustment notice provided to owner indicating that claim would be denied because the work was not conducted pursuant to a DEQ approved CAP.

April 29, 2016 – Telephone conversation between Cenex’s consultant and Board staff. Cenex had no say in the work, and the consultant only became involved in the work a few days earlier.

April 29, 2016 – Telephone conversation between DEQ staff and Board staff. DEQ was called to the site when stained soils were found. DEQ gave them sampling instructions and instructions regarding stockpiling of soils. The DEQ staff member wrote up the 24-hour report and noted his instructions in the report.

May 09, 2016 – Email correspondence from Board staff to the owner and the owner’s consultant indicating that the costs were improperly claimed for multiple reasons, including that the costs appeared to be third-party costs claimed on the incorrect form.

May 09, 2016 – Email correspondence from Owner’s consultant indicating that Cenex would submit the costs on a Third-Party claim in the near future.

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CLAIMS OVER \$25,000.00 *
August 29, 2016

Location	Facility Name	Facility-Release ID Numbers	Claim#	Claimed Amount	Adjustments	Penalty	Co-pay	Estimated Reimbursement
Whitefish	Town Pump Inc	1510105-4155	20151223B	\$32,854.24	-0-			\$32,854.24
Circle	Farmers Union Oil	2906376-3689	20160516B	\$53,005.59	-0-	-0-	\$14,311.75 (copay is met with this claim)	\$38,693.84
Total				\$85,859.83				\$71,548.08

* In accordance with Board communication of delegation to the Executive Director signed on December 8, 2003, the Board staff will review the claims for the Board. If the dollar amount of the claim is above \$25,000.00 the claim must be approved and ratified by the Board at a regularly scheduled meeting before reimbursement can be made.

**In the event other non-Board claims are paid between this Board meeting and payment of the claim listed above, the amount of co-payment remaining may differ from that estimated at this time.

Reviewed for Reimbursement by: Jerry Wadsworth Date 8/15/16

Board Approval by: _____ Date _____

[Back to Agenda](#)



Petroleum Tank Release Compensation Board

PO Box 200902 Helena, MT 59620 -0902 (406)444-9710 Website <http://deq.mt.gov/DEQAdmin/pet>

August 04, 2016

Troy Town Pump Inc (OWNER)

Don Edminsten

PO Box 6000

Butte, MT 59702 - 6000

Location

Whitefish

Facility ID

1510105

Facility Name

Town Pump Inc Whitefish
2

SUBJECT: Recommended Adjustment(s) to Claim for Reimbursement

The Board staff has proposed the following adjustment(s) to this claim and has temporarily suspended it to allow an opportunity for you to comment on the proposed adjustment(s). Review the adjustments and contact me by phone or email within 14 calendar days of this date to discuss the specifics of any issue(s) you may have with the adjustment(s). After 14 days, the suspended claim will be released for processing.

If the adjustment can't be resolved at the staff level, you may dispute the proposed adjustment(s) at the next Board meeting. Should this be necessary, please notify me via email so that I may request to have this matter placed on the agenda of the meeting. Once the Board has made a determination, any dispute will be conducted according to Montana Code Annotated and compliant with the Montana Administrative Procedures Act.

Claim ID: 20151223B

Release ID: 4155

Ordinal: 139

Claim Amount: \$32,854.24

Reimbursement To-date: \$852,933.02

Adjustments:

<u>Action</u>	<u>Amount</u>	<u>Comment</u>
Reduced	\$3,300.01	WP 10030 - Budget for RAA exhausted - Additional charges denied.
Reduced	\$793.00	WP 10030 - DEQ requested VPH analyses only. All other analysis charges denied.
Reduced	\$277.51	Budgeted costs for electrician exceeded. Allowed 10% over budget, remainder denied.
Reduced	\$82.84	WPID 10030 - Overtime not approved. Hours approved at straight time.
Reduced	\$166.36	WPID 9801 - Overtime not approved. Hours approved at straight time.
Reduced	\$34.86	Sample shipping fees are handling charges and part of the sample fee.
Credit	(\$3,300.01)	WP 10030 - Additional time for RAA preparation allowed.
Credit	(\$277.51)	WP 10030 - Costs actual, reasonable, and necessary for work done.
Credit	(\$34.86)	WP 10030 - Samples required analysis w/l 48 hours. Shipping costs allowed.
Credit	(\$82.84)	WP 10030 - Overtime due to DEQ requirement for urgent response. Obviated need for additional mob or hotel.



Petroleum Tank Release Compensation Board

PO Box 200902 Helena, MT 59620 -0902 (406)444-9710 Website <http://deq.mt.gov/DEQAdmin/pet>

Credit	(\$166.36)	WP 9801 - Overtime due to DEQ requirement for urgent response. Obviated need for additional mob or hotel.
Credit	(\$793.00)	WP 10030 - Contractor required additional analyses for system evaluation

Total Adjustment \$0.00

If you have any questions please contact me at (406) 444-9715 or via email aroot@mt.gov.

Sincerely,

Ann R Root
Fund Cost Specialist

20151223B
MONTANA PETROLEUM TANK RELEASE COMPENSATION BOARD
CLAIM FOR REIMBURSEMENT -CORRECTIVE ACTION
FORM 3

Claims should be submitted upon completion of a task or tasks of a Department of Environmental Quality corrective action plan for a **single** petroleum release. **A separate claim form is required for each release.** Please review the Form 3 Instructions before completing this form. If you require assistance, contact Janet Adolph at 406-444-9714 or e-mail jaadolph@mt.gov.

1. Facility and Petroleum Release Information	
Name of Facility:	Town Pump Inc Whitefish 2
Street Address:	6600 US Highway 93 S
City:	Whitefish, MT 59937
DEQ Facility Identification Number:	1510105
DEQ Petroleum Release Number: (only one release #)	4155

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DEC 30 2015

Petroleum Tank Release Compensation Board

2. Owner – Name and Address	3. Operator – Name and Address	4. Payable to: – Name and Address (Required)
Town Pump		Town Pump
P.O. Box 6000		P.O. Box 6000
Butte, MT 59702-6000		Butte, MT 59702-6000
Attn: Trent Biggers	Attn:	Attn: Trent Biggers
Phone Number: 406-782-9121	Phone Number:	Phone Number: 406-782-9121
Fax Number: 406-723-9533	Fax Number:	Fax Number: 406-723-9533
Email Address: trentb@townpump.com	Email Address:	Email Address: trentb@townpump.com
Do you want to receive Email about this claim? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim? Yes <input type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim? Yes <input type="checkbox"/> No <input type="checkbox"/>

5. Claimant – Name and Address	6. Consultant – Name and Address	7. Any other person – Name and Address
Olympus Technical Services	Olympus Technical Services	
765 Colleen Street	Alan Stine	
Helena, MT 59601		
Attn: Jennifer Steilmann	Attn:	Attn:
Phone Number: 406-443-3087	Phone Number:	Phone Number:
Fax Number: 406-443-0232	Fax Number:	Fax Number:
Email Address: jsteilmann@olytech.com	Email Address:	Email Address:
Do you want to receive Email about this claim? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Do you want to receive Email about this claim? Yes <input type="checkbox"/> No <input type="checkbox"/>

8. Total amount of this claim (including all page 2's): \$32,854.24 ~~\$12,118.48~~

E-MAILED
12-30-15

12. Owner Certification: I certify under penalty of perjury that this submitted claim is for work that was actually completed; that the work performed was necessary to clean up the petroleum release at the facility identified in **Section 1**; that the cost of work for which reimbursement is sought is reasonable; and that to the best of my knowledge, all information herein provided is true and correct. **NOTE: If someone is submitting the claim on behalf of the owner/operator, skip Section 12 and complete Section 13. See the Form 3 instructions.**

Owner/Operator Signature _____ Date _____

Typed Name of Owner/Operator _____

State of _____

County of _____

Signed and Sworn before me on this day _____ Date _____ by _____

(SEAL)

RECEIVED

DEC 9 8 2015

Petroleum Tank Release
Compensation Board

Notary Public _____

Printed or typed _____

Notary Public for the State of _____

Residing at _____

My Commission Expires _____

13. Claimant Certification: I certify under penalty of perjury that I am authorized to submit claims on behalf of the owner or operator for this release and the information on this claim form is true to the best of my knowledge. This claim is submitted for work that was actually completed.

Jennifer Steilmann
Claimant Signature _____

12-18-15
Date _____

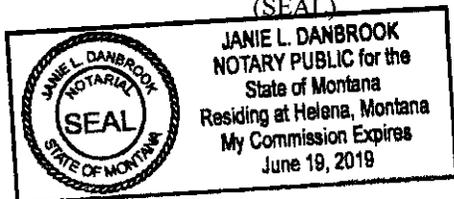
Jennifer Steilmann
Typed Name of Claimant _____

State of Montana

County of Lewis & Clark

Signed and Sworn before me on this day 12/18/15 Date _____ by Jennifer Steilmann

(SEAL)



Janie L. Danbrook
Notary Public _____

Janie Danbrook

Printed or typed _____

Notary Public for the State of Montana

Residing at Helena

My Commission Expires 06/19/2019

Submit this completed claim and supporting documents to the following address:

**PETROLEUM TANK RELEASE COMPENSATION BOARD
PO BOX 200902, HELENA MT 59620-0902**



Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 1510105

FacilityName: Town Pump Inc Whitefish 2

City: Whitefish

Release ID: 4155

WP ID: 9801

WP Name: C-B-SVE/AS/OX/G

WP Complete:

WP Date: 01/30/2015

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan	C	\$600.00	\$600.00	\$0.00	
2	Project Management	C	\$5,927.50	\$6,915.17	(\$987.67)	
3	Remediation System	C	\$15,554.44	\$14,374.60	\$1,179.84	
4	Mobilization	C	\$9,970.41	\$7,347.23	\$2,623.18	
5	Miscellaneous	C	\$2,599.52	\$2,281.05	\$318.47	
6	Miscellaneous	C	\$15,800.00	\$7,995.30	\$7,804.70	
7	Miscellaneous	C	\$14,000.00	\$8,945.80	\$5,054.20	
8	Water Level Measurements	C	\$312.00			
9	Monitoring	C	\$3,784.00	\$3,096.00	\$688.00	
10	Lodging/Per Diem	C	\$1,128.00	\$1,115.39	\$12.61	
11	Laboratory Analysis w/fee	C	\$4,500.00	\$3,986.00	\$514.00	
12	Report	C	\$6,186.16	\$3,129.92	\$3,056.24	
Total:			\$80,362.03	\$59,786.46	\$20,575.57	



Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 1510105 **FacilityName:** Town Pump Inc Whitefish 2 **City:** Whitefish
Release ID: 4155 **WP ID:** 10030 **WP Name:** R-W-AS/RAA/GWM **WP Complete:** **WP Date:** 06/17/2015

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan		\$1,518.22	\$1,518.22	\$0.00	
2	Project Management		\$509.79	\$544.45	(\$34.66)	
3	Mobilization		\$2,341.74	\$1,216.56	\$1,125.18	
4	Remediation System		\$15,740.52	\$13,456.29	\$2,284.23	
5	Miscellaneous		\$1,000.00	\$1,377.51	(\$377.51)	
6	Monitoring		\$1,032.00	\$688.00	\$344.00	
7	Monitoring		\$364.80	\$363.08	\$1.72	
8	Lodging/Per Diem		\$1,036.00	\$366.00	\$670.00	
9	Laboratory Analysis w/fee		\$2,340.00	\$2,433.86	(\$93.86)	
10	Report		\$5,100.40	\$8,400.41	(\$3,300.01)	
11	Report		\$2,564.99	\$2,578.55	(\$13.56)	
Total:			\$33,548.46	\$32,942.93	\$605.53	



Petroleum Tank Release Compensation Board

PO Box 200902 Helena, MT 59620-0902 (406)444-9710 Website <http://deq.mt.gov/DEQAdmin/pet>

June 01, 2016

Farmers Union Oil Co Circle (OWNER)

Jeffrey Schaefer

PO Box 460

Circle, MT 59215 - 0460

Location

Circle

Facility ID

2906376

Facility Name

Farmers Union Oil Co
Circle

SUBJECT: Recommended Adjustment(s) to Claim for Reimbursement

The Board staff has proposed the following adjustment(s) to this claim and has temporarily suspended it to allow an opportunity for you to comment on the proposed adjustment(s). Review the adjustments and contact me by phone or email within 14 calendar days of this date to discuss the specifics of any issue(s) you may have with the adjustment(s). After 14 days, the suspended claim will be released for processing.

If the adjustment can't be resolved at the staff level, you may dispute the proposed adjustment(s) at the next Board meeting. Should this be necessary, please notify me via email so that I may request to have this matter placed on the agenda of the meeting. Once the Board has made a determination, any dispute will be conducted according to Montana Code Annotated and compliant with the Montana Administrative Procedures Act.

Claim ID: 20160516B

Release ID: 3689

Ordinal: 5

Claim Amount: \$53,005.59

Reimbursement To-date: \$1,541.25

Adjustments:

<u>Action</u>	<u>Amount</u>	<u>Comment</u>
Reduced	\$29,270.38	Dakota Technologies' invoice# 1611 reduced to \$2,500. Please see attached worksheet for more details.
Reduced	\$213.86	Unjustified lodging in Glasgow, MT.
Credit	(\$29,270.38)	Dakota Technologies' invoice# 1611 credited.
Credit	(\$213.86)	Justification given for lodging in Glasgow, MT.

Total Adjustment \$0.00

If you have any questions please contact me at (406) 444-9716 or via email reaton@mt.gov.

Sincerely,

Ross Eaton
Fund Cost Specialist

2016 05/16 B

**MONTANA PETROLEUM TANK RELEASE COMPENSATION BOARD
CLAIM FOR REIMBURSEMENT –CORRECTIVE ACTION
FORM 3**

Claims should be submitted upon completion of a task or tasks of a Department of Environmental Quality corrective action plan for a **single** petroleum release. A **separate claim form is required for each release**. Please review the Form 3 Instructions before completing this form. If you require assistance, contact Janet Adolph at 406-444-9714 or e-mail jaadolph@mt.gov.

I. Facility and Petroleum Release Information	
Name of Facility:	Famers Union Oil Company, Circle RECEIVED
Street Address:	906 A Avenue MAY 16 2016
City:	Circle, MT 59215
DEQ Facility Identification Number:	29-06376 Petroleum Tank Release Compensation Board
DEQ Petroleum Release Number: (only one release #)	3689

2. Owner – Name and Address		3. Operator – Name and Address		4. Payable to: – Name and Address (Required)	
Farmers Union Oil Company		Farmers Union Oil Company		West Central Environmental Consultants, Inc. (WCEC)	
906 A Avenue		906 A Avenue		P.O. Box 594	
Circle, MT 59215		Circle, MT 59215		Morris, MN 56267	
Attn:	Jeff Schaefer	Attn:	Jeff Schafer	Attn:	Sheldon Giese
Phone Number:	406-635-5479	Phone Number:	406-635-5479	Phone Number:	320-589-2039
Fax Number:		Fax Number:		Fax Number:	320-589-2814
Email Address:	farmersgm@middrivers.com	Email Address:	farmersgm@middrivers.com	Email Address:	giesesh@wcec.com
Do you want to receive Email about this claim?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Do you want to receive Email about this claim?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

5. Claimant – Name and Address		6. Consultant – Name and Address		7. Any other person – Name and Address	
West Central Environmental Consultants, Inc. (WCEC)		West Central Environmental Consultants, Inc. (WCEC)			
P.O. Box 594		1030 South Avenue West			
Morris, MN 56267		Missoula, MT 59801			
Attn:	Kathy Wevley	Attn:	James E. Rolle	Attn:	
Phone Number:	320-589-2039	Phone Number:	406-549-8487	Phone Number:	
Fax Number:	320-589-2814	Fax Number:	406-849-8490	Fax Number:	
Email Address:	kwevley@wcec.com	Email Address:	jrolle@wcec.com	Email Address:	
Do you want to receive Email about this claim?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Do you want to receive Email about this claim?	Yes <input type="checkbox"/> No <input type="checkbox"/>

8. Total amount of this claim (including all page 2's):	\$53,005.59
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E-MAILED
5-17-16

9. Detail of Costs: This section must be completed for each corrective action plan (CAP).

Please review Form 3 Instructions for detailed information.

The work claimed must be in accordance with an DEQ approved CAP. The costs of each different corrective action plan must be on a separate page 2. Multiple tasks may be submitted on a single claim. Submit itemized invoices and other support documentation with this claim. (Additional copies of this page may be included in each claim.)

Corrective Action Plan (CAP): CAP ID # 9621 CAP Date: 11/06/14

CAP Modification (Form 8) Date (s) _____

View the Task Names on our web site. Enter the PTRCB task number, task name, budget, amount claimed and corresponding invoice number(s) for each task in the table below. The PTRCB task number is assigned by the Board staff in the CAP Review Letter.

COMPLETED TASKS SUBMITTED FOR REIMBURSEMENT

Task Number	Task Name	Budget	Amount Claimed	Invoice Numbers
1	WP (CAP_ISA-01)	\$1,165.00		
2	PM	\$7,475.00	\$960.00	78252
3	Mob	\$3,573.40	\$3,573.40	78252
4	Mob (Drill Rig, LIF Unit, Trailer)	\$4,610.00	\$4,606.00	78252
5	FW (Staff)	\$10,800.00	\$11,640.00	78252
6	Misc. (LIF Modeling)	\$4,940.00		
7	Soil Borings (Geoprobe w/Operator)	\$9,000.00	\$9,000.00	78252
8	Misc. (LIF Unit w/Operator)	\$16,500.00	\$16,500.00	78252
9	Misc. (Soil Boring Restoration)	\$1,800.00	\$1,800.00	78252
10	Lodging & Per Diem	\$3,816.00	\$3,021.44	78252
11	Misc. (BNSF Access Fees)	\$6,250.00		
12	Misc. (Material, Tools & Equip.)	\$3,821.50	\$1,834.75	78252
13	Laboratory Analysis w/Fee	\$3,700.00	\$70.00	78252
14	RP (RPT_ISA-01)	\$3,880.00		
RECEIVED				
MAY 19 2016				
Petroleum Tank Release Compensation Board				
Total		\$81,330.90	\$53,005.59	

10. Acknowledgement of Payment (Form 6) is required for each invoice. Refer to Section 10 of the instructions for acceptable proof of payment. Reimbursement will be issued and mailed to the party identified as Payee in Section 4 on page 1.

11. An Assent to Audit (Form 2) is required for each consultant, contractor, or subcontractor who has worked at the release site with billable labor charges.

12. Owner Certification: I certify under penalty of perjury that this submitted claim is for work that was actually completed; that the work performed was necessary to clean up the petroleum release at the facility identified in Section 1; that the cost of work for which reimbursement is sought is reasonable; and that to the best of my knowledge, all information herein provided is true and correct. NOTE: If someone is submitting the claim on behalf of the owner/operator, skip Section 12 and complete Section 13. See the Form 3 instructions.

Owner/Operator Signature

Date

RECEIVED

Typed Name of Owner/Operator

MAY 18 2016

State of _____

County of _____

Petroleum Tank Release Compensation Board

Signed and Sworn before me on this day _____ by _____
Date

(SEAL)

Notary Public

Printed or typed

Notary Public for the State of _____

Residing at _____

My Commission Expires _____

13. Claimant Certification: I certify under penalty of perjury that I am authorized to submit claims on behalf of the owner or operator for this release and the information on this claim form is true to the best of my knowledge. This claim is submitted for work that was actually completed.

Kathy Wevley
Claimant Signature

5-13-16

Date

Kathy Wevley

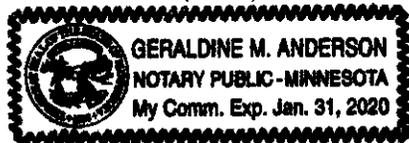
Typed Name of Claimant

State of Minnesota

County of Stevens

Signed and Sworn before me on this day 5-13-16 by Kathy Wevley
Date

(SEAL)



Notary Public

Geraldine M. Anderson

Printed or typed

Notary Public for the State of Minnesota

Residing at Morris, Minnesota

My Commission Expires January 31, 2020

Submit this completed claim and supporting documents to the following address:

PETROLEUM TANK RELEASE COMPENSATION BOARD

PO BOX 200902, HELENA MT 59620-0902



Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 2906376

FacilityName: Farmers Union Oil Co Circle

City: Circle

Release ID: 3689

WP ID: 9621

WP Name: R-B-SB/GWM

WP Complete: WP Date: 11/06/2014

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan		\$1,165.00	\$1,165.00	\$0.00	
2	Project Management		\$7,475.00	\$3,597.50	\$3,877.50	
3	Mobilization		\$3,573.40	\$3,573.40	\$0.00	
4	Mobilization		\$4,610.00	\$4,606.00	\$4.00	
5	Fieldwork		\$10,800.00	\$11,640.00	(\$840.00)	
6	Miscellaneous		\$4,940.00	\$3,120.00	\$1,820.00	
7	Soil Borings		\$9,000.00	\$9,000.00	\$0.00	
8	Miscellaneous		\$16,500.00	\$16,500.00	\$0.00	
9	Miscellaneous		\$1,800.00	\$1,800.00	\$0.00	
10	Lodging/Per Diem		\$3,816.00	\$3,021.44	\$794.56	
11	Miscellaneous		\$6,250.00			
12	Miscellaneous		\$3,821.50	\$1,834.75	\$1,986.75	
13	Laboratory Analysis w/fee		\$3,700.00	\$1,500.00	\$2,200.00	
14	Report		\$3,880.00			
Total:			\$81,330.90	\$61,358.09	\$19,972.81	

August 29, 2016
Discussion Item
ASTs and Eligibility
Power Point Presentation
by
Terry Wadsworth

[Back to Agenda](#)

[Back to Agenda](#)



**'19B - Memo 3
1 Attachment**

MEMORANDUM

TO: Directors, Centralized Services Administrators, & Interested Parties

FROM: Dan Villa, Budget Director
Office of Budget and Program Planning

DATE: April 21, 2016

SUBJECT: EXECUTIVE PLANNING PROCESS FOR THE 2017 BIENNIUM

The 2019 biennium executive planning process (EPP) is underway. Agencies must submit all EPP requests by May 30 and budget requests between August 29 – September 1, 2016. Under Governor Bullock's leadership, Montana is and will continue to be one of the most fiscally sound states in the nation. Thanks to strategic investments, adequate savings and reserves, and strong financial management practices, the State of Montana is consistently ranked among the best in the nation for entrepreneurship, overall business tax climate, tax fairness, and personal income growth.

Agencies should continue to be mindful that the role of government is to serve on behalf of the people of Montana as well as the taxpayers, and Montana citizens expect us to be responsible fiscal stewards of public funds and Montana's economy. Please ensure that requests for financial resources of the state are in line with Governor Bullock's charge of growing Montana's economy by helping businesses create more high-paying jobs, bettering our education system, and operating an efficient and cost effective government.

For the 2019 biennium, EPP submission will be done using the IBARS system. Now, all aspects of the budgeting process have been migrated to the new system.

1. EPP BASICS

A. Training and Resources

IBARS EPP training will be conducted by the OBPP. Also, the LSD (Legislative Services Division) will provide bill drafting training again. Training opportunities related to preparation for the next legislative session will include:

EPP/IBARS training by the OBPP April 21-22, State Capitol
Bill Drafting training conducted by the LSD to be scheduled in June
Budget Request/IBARS training by the OBPP August 16,17, and 18
Fiscal Note training by the OBPP in early December, State Capitol

All of the OBPP memos, training guides and instructions are available on the OBPP guest directory and on the web under: <http://budget.mt.gov> .

B. Definitions of Terms

1. **Base Budget** means "the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget may not exceed that level of funding authorized by the previous legislature." [17-7-102(4), MCA] The base budget for 2019 biennium budget development and analysis purposes will be: FY 2017 appropriated budgets for HB 2, NAPROP, and statutory appropriations. These budgets will be extracted from the SABHRS standard budget ledger and validated against FY 2017 SABHRS control budgets. These may also referred to as the **Starting Point**. Agencies should have these Standard Budgets completed on SABHRS for FY 2017 by May 15th.

2. **Present Law Base (PL)** means "that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to: (i) changes resulting from legally-mandated workload, caseload, or enrollment increases or decreases; (ii) changes in funding requirements resulting from constitutional or statutory schedules or formulas; (iii) inflationary or deflationary adjustments; and (iv) elimination of nonrecurring appropriations.

3. **New Proposals (NP)** means "requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal." [17-7-102(9), MCA]

4. **One-Time-Only Appropriations (OTOs)** refers to funding authorized by the previous legislature which was assigned a separate subclass by the OBPP due to a statement of legislative intent that a specific amount of the funding/FTE was not to be included in the base budget for the next biennium or because the authority was administratively created.

5. **Reporting Levels (RLs)** are a tool used to group expenditure and budget data for reporting and analysis. There are up to five (5) different levels within a given RL, designated by a seventeen-digit string. Level 4 (RL4) is the analytical level at which agencies submit budgets and at which both the OBPP and LFD analyze, adjust, and maintain approved data. RL3s and RL4s are used sparingly for clearly-defined functions within a state government program, primarily when funding sources and/or constraints are different for that function than for other functions within the program, but also to distinguish HB 2, proprietary, and statutory authority. Mapping each budget organization/project to a 17-byte RL string will be required for budget development. Agencies will complete the final

agency/OBPP/LFD agreement on reporting level 4s and have a first round of all reporting level mappings completed by May 15th. RL maintenance will be required through FYE whenever new orgs and project grants are created.

C. Implementation of Definitions Discussion of Base Budget

The actual FY 2016 expenditures will be available in IBARS for informational purposes and may be displayed in the EB tables. The FY 2017 Starting Point will be including in the EB tables. Based upon legislative action for each agency, and subsequent agency transactions, adjustments may include any or all of the following:

1. **Reorganization** - The FY 2017 Starting Point will include all agency reorganizations **submitted to the OBPP by April 1, 2016** and subsequently approved.
2. **Program Transfers** - The FY 2017 Starting Point will include FY 2017 program transfers (PTs).
3. **Encumbrances (A-accruals)** – Encumbrances as recorded in SABHRS will be included in the displayed FY 2016 actual expenditures.
4. **Reviewing Statutory, Language, and OTO Authority** – Each statutory appropriation with a separate statutory reference will require a separate RL4. OTOs will be excluded from agency program tables. Carry-forward authority established in accordance with 17-7-304, MCA, for whatever purpose, is considered OTO, as is all language, all administratively established authority, budget amendments, and most cat and dog bills. OBPP will send out a list of the OTOs for review and concurrence. The list will be reviewed by the agency and both the OBPP and LFD analysts. The target date for completion is May 15.
5. **Biennial Appropriations** – Actual FY 2016 expenditures of biennial appropriations will be displayed in the FY 2016 actual expenditures. The amount of the biennial appropriations that is in FY 2017 will be included in the FY 2017 Starting Point. It will not include the balance remaining in the biennial appropriation at the end of FY 2016. These balances are rolled forward each year following fiscal year end closing with a journal reference number of CA. The FY 2017 Starting Point will be captured from SABHRS before these CA journals are processed. If adjustments are required to the amount in the FY 2017 starting point, a change package will be required.

Requests for biennial appropriations should be estimated appropriately between fiscal years as the agency anticipates that the funds would be spent. Please do not put the entire appropriation in the first year unless the agency anticipates spending the entire amount in the first year. Adjustments can be made with a BCD later, if the agency needs to move funds into the first year of the biennium from a biennial appropriation.

6. **Proprietary Funds** - Passage and approval of HB 576 in 1995 eliminated the requirement that internal service and enterprise funds collected in return for the provision of a service or product be appropriated. (NOTE: MBARS referred to these funds as HB 576 for the last time. IBARS refers to these funds as NAPROP). There will be no more systematic reference to HB 576. Liquor and Lottery are budgeted in HB 2, based on subsequent legislative decisions. In lieu of appropriation for all other proprietary funds, 17-8-101, MCA, states:
“(6) Fees and charges for services deposited in the internal service fund type must be based upon commensurate costs. The legislative auditor, during regularly scheduled audits of state agencies, shall audit and report on the reasonableness of internal service fund type fees and charges and on the fund equity balances.
“(7) The creation of accounts in the enterprise fund or the internal service fund must be approved by the department (of Administration), using conformity with generally accepted accounting

principles as the primary approval criteria. The department shall report annually to the office of budget and program planning and the legislative finance committee on the nature, status, and justification for all new accounts in the enterprise fund and the internal service fund.

“(8) Enterprise and internal service funds must be appropriated if they are used as a part of a program that is not an enterprise or internal service function and that otherwise requires an appropriation. An enterprise fund that transfers its ending fund balance to the general fund is subject to appropriation. The payment of funds into an internal service fund must be authorized by law.”

The form of the Executive Budget required by 17-7-123(1), MCA, includes:

“(f) A report on:

(i) enterprise funds..., including retained earnings and contributed capital, projected operations and charges, and projected fund balances; and

(ii) fees and charges in the internal service fund type, including changes in the level of fees and charges, projected use of the fees and charges, and projected fund balances. Fees and charges in the internal service fund type must be approved by the legislature in the general appropriations act effective for that biennium. Fees and charges in a biennium may not exceed the level approved by the legislature in the general appropriations act effective for that biennium.”

Proprietary functions funded by HB 2 may be included in an RL4 with other HB 2 funds or may have a separate RL4. Proprietary functions funded outside HB 2 must have a distinct RL4. In accordance with 17-8-101(8), MCA, the EB program tables will show only those proprietary funds that are part of a program that requires an appropriation. **For EPP purposes, if planned actions would affect the rates charged to budgeted programs, then the action requires an EPP request. The justification should describe the impact the request would have on rates.** The rate approved by the legislature for the 2017 biennium will be present law base, as will the three adjustments common to all agencies, discussed immediately below, i.e., personal services, inflation/deflation, and fixed costs. Any issue that changes the legislatively-adopted rate for those internal service funds that are not considered a fixed cost must be submitted during the EPP process.

Guidelines for submission of **enterprise and internal service funds funded outside HB 2** will be distributed by the OBPP on May 9. In prior budget development cycles, agencies prepared financial statements for these proprietary funds in an Excel template and submitted them to OBPP. For the 2019 biennium, these financial statements will be prepared directly in IBARS. Requirements will be discussed further in the May 9 guidelines. Agencies will submit these budget requests by no later than August 31.

7. **Fixed Costs and Special Purpose Schedules** - Costs and schedules prepared by one agency which substantially affect the budgets of other agencies will be submitted no later than July 8, 2016, by provider agencies to the OBPP, for example, SITSD, rent, grounds maintenance, agency legal services. Guidelines for submission of these schedules will be distributed May 9. By delaying the submittal date until July 8, it is expected that the final requests will be based on the best possible expenditure data. On Aug 3, the OBPP and requesting agencies will host an informational workshop on the proposed fixed cost rates. The approved fixed cost and informational schedules, including any changes approved during EPP for the program providing the service, will be distributed to state agencies with the August budget request materials and will be used to prepare statewide present law change packages in all agencies.

D. Discussion of Present Law Base

Consistent with substantive law, for 2019 biennium budget development and analysis, the present law base will be **expenditures, funding, and FTE required to maintain operations and services at the level authorized by the previous legislature, including legally-mandated workload, caseload, or enrollment increases or decreases, but excluding funding shifts** which must be new proposals in

accordance with 17-7-102(9), MCA.

The present law base will include three adjustments common to all agencies statewide (Note that in IBARS these items were contained in and funded as a part of the “adjusted base”. In IBARS, each of these items appears an individual Statewide Present Law change package and will be funded individually):

1. **Personal Services** - OBPP will prepare FY 2018 and FY 2019 personal services budgets to reflect workers comp, unemployment insurance, FICA, retirement contribution rates, number of hours each fiscal year, longevity adjustments, and health insurance rates. Personal services schedules will be included in the present law base for current level positions that are authorized for FY 2017. There will be an opportunity to include the budgeted FY 2017 amount for overtime and differential pay in the calculations for FY 2018 and FY 2019. So, change packages for these items will only be needed if an amount above the FY 2017 budgeted amount is required.
2. **Inflation/Deflation** - OBPP will develop independent inflationary/deflationary adjustments and develop recommendations on selected adjustments for inclusion in the 2019 biennium present law base. These items will be inflated from the FY 2017 Starting Point and will require some manual entry by agencies of FY 2017 data in IBARS.
3. **Fixed Costs** - Charges to agencies by other agencies will be allocated and funded by each agency in its August budget request. The following third-level expenditure accounts will be included:

<u>Account</u>	<u>Fixed Cost Item</u>
62104	DofA Insurance
62113	DofA Warrant Writing Fees
62114	DofA Payroll Service Fees
62114A	DofA Workers' Comp Bureau Fees
62122	Legislative Audit Fees
62148	DofA SABHRS costs
62xxx	DofA Information Technology Fees
62307	DofA “Deadhead” Messenger Services
62527	DofA Rent and Grounds Maintenance
62770	DofA Grounds maintenance
62888	DofA Statewide Cost Allocation Plan (SWCAP)

In August, the OBPP will distribute a schedule showing the amounts by year for each expenditure code listed above that an agency will allocate for FY 2017, FY 2018, and FY 2019. Additional instructions will be provided at that time. **Do NOT prepare change packages for these fixed costs during EPP.**

All Other Adjustments - Each agency will need to request all other present law change packages (adjustments)--regardless of cost--related to workload increases or decreases, equipment needs based on replacement schedules or workload, and other functional adjustments. **All present law increases/decreases that differ from the FY 2017 Starting Point** [except the three statewide PLs outlined above] **are to be submitted by each agency during EPP.** [See the examples that follow.] These EPP requests may be adjusted based upon actual experience/updated data as part of an agency budget request in August, when limited additional present law change packages also may be submitted. In an effort to keep the present law adjustments consistent with substantive law, the continuing policy is that FTE increases or decreases related to workload change packages will be submitted in EPP present law requests.

E. EPP Present Law Requests and New Proposals

For purposes of EPP, each agency will prepare and prioritize together at an agency-wide level, all present law increases/decreases and all new proposals. All changes from the FY 2017 Starting Point need to be

submitted as change packages. Since FY 2016 actual expenditures can help determine the total calculated need for a budgetary item, many of the adjustments requested during EPP will be “placeholders”. All approved and pending change packages will be returned to an agency in August for final adjustment and refinement.

The new proposals (NPs) and present law adjustments (PLs) will be submitted using the EPP module of IBARS as outlined in the following section. New Proposals may be submitted in the form of a “placeholder” as well when the agency may need additional information to finalize a proposal. EPP requests must be prioritized for the entire agency, not by program. Each EPP request change package will be attached to a RL4 string by the OBPP. Each EPP request must be coded either NP (new proposal) or PL (present law adjustment).

In addition, both an updated federal mandates form and a memo projecting the cost of any interim study recommendations will be submitted during EPP by May 28.

PL and NP requests developed during EPP may include but are not limited to:

1. **PL Adjustments** - Present law increases or decreases that currently are projected require a PL adjustment change package (CP). **Group these adjustments into the largest, most logical common denominator packages.** The name for each request should be clear, unique by program, and communicate the subject to legislators. IBARS will enable all approved and pending PL adjustments to be copied into the agency version and returned to the requesting agency for review and modification during the August budget request time frame. Be prepared to answer questions regarding what is in your FY 2017 Starting Point, especially if there are material amounts for contracts, equipment, or other accounts.
2. **Funding Shifts** - If an agency will lose all or a portion of a state grant or federal special revenue and wishes to request a funding shift, this must be a NP prioritized item. If there is a recommendation for a statutory change, for example, to provide state special fee-for-service revenue to replace general fund, this is a NP. If a temporary funding shift of one-time monies was approved for the 2017 biennium to maintain or create a program, an EPP request for ongoing funding may be requested as a NP, in the event that an effort will be made to make the program permanent.
3. **Modified FTE** – If you are requesting modified FTE established in the 2017 biennium and funded with HB 2 authority to become permanent, provide complete justification for the NP. Use the same position number that was approved in FY 2016 in your request.
4. **Program Revisions Linked to Legislation** – When a request is tied to a proposed law change that will require 2017 legislative action, it must be a NP and may be either a negative or a positive budget adjustment. Please prepare EPP requests for budgetary impacts of proposed legislation. For these types of requests, select the “1-Legislation” option from the Change Package Category selection box on the Request Details tab in IBARS that indicates it is tied to pending legislation. Including these requests in IBARS makes tracking the budget status at the statewide level much easier.
5. **Match Rate Changes** - If federal participation in mandated programs is changing, for example from 75 percent federal/25 percent general fund appropriated for FY 2017 to 60 percent federal/40 percent general fund for FY 2018 - FY 2019, this would be a PL request. Funding shifts in discretionary programs must be NPs.
6. **Contract Rate Changes** - Some ongoing contracts may require PL adjustment change packages for rate increases/decreases for persons, businesses, and organizations providing services to the state. Provider rate increases will be NPs.
7. **Increasing Tuition Costs** - When tuition decisions of the Board of Regents affect non-university

system Executive Branch agencies, this may require a PL request.

8. **Change Program Services** - If agency analysis indicates a more cost-effective manner to provide services, for example, changing from state employees to independent private contractors, from independent contractors to state employees, restructuring units/bureaus/divisions, co-location of a regional office with another state agency, or combining regional offices, this type of change would likely be a PL. Likewise, some activities authorized by the last legislature were phased in, so the FY 2017 Starting Point may not reflect the full annualized operating expenses. A PL change package would be required for annualization.
9. **New Services/FTE** - New services can be requested during EPP. A new FTE, whether related to a NP or a PL workload adjustment, must include the amount of full-time equivalency, classification job code/Gr/Descr, workers comp code, and other benefit amounts. An hourly rate of 83% of the market midpoint for the job code should be used.
10. **Phased-in 2019 Biennium Modifications** – The 2015 Legislature may have phased-in a program for the current biennium. You may need a PL request and justification to provide for operating expenses for the entire 2019 biennium, if the program will be ongoing. Adjustments to your PL may be required in August based on actual FYE data.
11. **Training Assignments** – No EPP request is required if your agency routinely uses training assignments for entry level. There will be an opportunity during the EB request to add a training assignment adjustment to the PL personal services total by program and to fund it, when it is known that such assignments are to occur during FY 2017.
12. **Caseload/Workload Adjustments** - All legally-mandated workload adjustments to FY 2017 Starting Point will be PL change packages, for example, foster care, inmates, some inspections, some permit processing, public school enrollments, and Primary Care.
13. **Equipment** - A PL request will be required if a program needs replacement or workload equipment that exceeds the FY 2017 Starting Point. A NP (separate) request will be required if a program has new, major equipment needs that most likely will be treated as one-time authority to purchase a significant item. Note that if the request is for IT equipment, then the additional requirements related to IT requests must be met.
14. **State Motor Pool Lease Vehicles** – Agencies with permanently assigned vehicles are encouraged to take advantage of the state motor pool operated by the Department of Transportation. The OBPP survey of agencies during EPP will determine the numbers and types of permanently assigned state motor pool vehicles to be purchased by the Dept. of Transportation and leased to agencies in lieu of each agency purchasing and maintaining its own replacement vehicles. Agencies will use the 62510 expenditure account for recording motor pool leased vehicles in the August budget request. If it is anticipated that vehicles will be returned to the Motor Pool fleet during the next biennium, please indicate the information on the survey forms.
15. **Already-approved Budget Amendments** - If information is available that a budget amendment (BA) will be continuing through the 2019 biennium and into the 2021 biennium, the projected request is to be submitted during EPP in accordance with 17-7-402(6), MCA.

The NP change package request name should be clear. The BCD reference number, subclass number and name must be included in the narrative justification. If there are any FTE, the current SABHRS position number and attributes must be used.

Continue to submit all BA BCDs as soon as possible throughout budget development and the legislative session.

Processing BA BCDs up until the Legislature Convenes (January 2, 2017)

IF: The BA is a one-time award that will not extend beyond September 30, 2017.

THEN: Agency and OBPP do not need to put any authority into HB 2 (General Appropriations Act) or HB 4 (Budget Amendment Bill). 17-7-402(1)(f) allows the budget amendment to extend to the end of the federal fiscal year.

IF: The BA is a one-time award that goes past the end of the federal fiscal year (September 30, 2017), but does not continue beyond the federal FY 2019.

THEN: OBPP will include language in HB 4 for "...all remaining federal authority from FY 2017 can continue into FY 2019."

IF: This is an award that extends beyond the 2019 Biennium.

THEN: In most cases, the agency should request the amount in IBARS for HB 2.

Again, continue to submit all BA BCDs **as soon as possible** throughout the legislative session.

Processing BA BCDs after the Legislature convenes but before Senate Finance Claims meets to hear HB 4 (approx. April 1, 2017)

For all BAs received during the legislative session, regardless of duration: OBPP will draft an amendment to HB 4, and HB 2 if necessary. BCDs will not be processed until after the Governor has signed HB 4. If an agency receives a federal award during the legislative session and does not submit a BA BCD for inclusion in HB 4, OBPP **can not** approve or process the BCD after session.

Processing BA BCDs after Senate and Finance Committee Meets to hear HB 4 (approx April 1, 2017)

Submit BCDs as usual. The agency may not have had knowledge of the award prior to this date, or OBPP **can not** approve the BCD.

16. **Reauthorization of an OTO** - If a program, activity, or funding for a function sunsets, an EPP request will be required for reauthorization consideration. **If the sunset provision is in HB 2 or another appropriations bill, for example an OTO designation, and there is ongoing statutory authority for the function, the request would be a PL adjustment.** If the sunset provision is in substantive law, then a NP would be required, together with a related legislation concept request. A reauthorization request with FTE should include the current position number and the amount of full-time equivalency, classification title/grade/job code, workers comp code, and other benefit amounts. For the Department of Livestock and the Office of Public Defender, do not enter FTE into the system for existing positions. You may enter the aggregate personal service amount equal to the FY 2017 Starting Point. Existing positions in SABHRS will be automatically loaded for you into IBARS in August.

F. Writing Narrative for PL and NP Change Packages

Please follow the narrative style sheet, which is Attachment 1. Use the IBARS "**Narr**" tab to complete the required narrative. NOTE: To access the Narr tab, you must have a project selected, navigate to the Request Details tab, and then to the Narr tab. See the IBARS EPP Training Manual for further instruction.

Begin with a paragraph that states the what, where, when, why, who, and how of the item(s) proposed. The cost or savings should be stated as a total biennial amount with an indication of how much general fund, if any, supports the DP. Please write this paragraph clearly and concisely. If your request is a placeholder, this information can be input during the August budget submission process.

In the second and following paragraphs, include additional information that explains the development of the request, detailed justification, the demographics, the funding details, and whatever else will provide an explanation of the request, how it relates to mission and goals, what will occur if the item is not approved, and so forth. Categorization and justification of requests that are based on program needs will have more meaning to legislators and will have a better chance of favorable consideration than those listing account expenditure categories. Statistics, charts, or other information can be copied into the Narr tab.

For all approved and pending CPs, the request justification will be sent back to the agency as CP **“Narrative” in August**. The EB instructions may contain some additional information on finalizing the narrative.

G. FTE Screen Technical Details

The EPP FTE screen in IBARS will provide you with an FTE costs for the position requested. For FTE that are requested in both years of the biennium, one record is required for each fiscal year. Notes are provided regarding some of the data elements on the position screen. Other fields may not be mentioned as they will be defaulted by the system. Please reference the IBARS EPP Training Manual for further instruction.

Pos Info Tab:

1. **Position Numbers** – New positions require an eight-digit number, the first three of which are the HR system agency code and the fourth digit should be assigned by the agency. If a position already exists in SABHRS, use the SABHRS position number. A position number can ONLY be used once in an agency. If dividing a position between programs, assign a different position number in the second program.
2. **FTE** – Positive and negative FTE amounts can be entered in either year. When an agency is adding several FTE that are all the same grade and same type of work, the FTE are to be aggregated, up to a maximum of 99.99 FTE for one position for each job code. Populate the FTE field to indicate the total.
3. **Rate** – Type in the hourly rate that is 83% of the market midpoint for the job code of the position.
4. **Job Code**– select the appropriate job code for the position.
5. **Sub Sched Ind** – Select EPP.
6. **Posts To** – Select the correct EPP Request.
7. **SAVE Your Work**

Pos Benefits Tab

1. Select the appropriate Workers Comp, Retirement, Unemployment, and Vacancy Savings rates.
2. **SAVE Your Work**

You must click the Position Detail Data checklist item for the position costs to post to your EPP request.

2. ADDITIONAL REQUIREMENTS

H. Agency Goals and Objectives

OBPP and Governor's Office policy staff will work with agencies throughout the budget development process to develop and/or revise agency goals and objectives for consistency with Governor Bullock's vision and direction.

I. Information Technology Special Provisions

Agencies have until June 1, to complete the detailed project-level information in the IT Initiative Supplement and provide it to SITSD. The IT Initiative Supplement will be the source document for the

state budgeting process for IT investments. The EPP Requests information will be entered into the IBARS EPP module.

All IT investments, projects, or initiatives must be described regardless of their cost and regardless of their source of funding (ie. base budget or new funding request). Projects will be ranked based upon the justification submitted. If additional funding is required, the request should be included in the EPP Module. By statute, if a project is not included in the agency IT plan it may not be funded in the Executive Budget. Total project costs include all hardware, software, telecommunications, maintenance, training, consulting, agency staff time (IT and non-IT staff), SITSD services, and other associated expenditures necessary to complete the project.

Major IT budget requests will still be evaluated on the soundness of their estimates. Agencies should work closely with DOA/SITSD in developing accurate funding requests for high-risk and high expenditure IT projects.

Depending on the size of IT projects and available funding, projects may be presented to the Legislature for consideration in HB 10, the IT bill (similar to HB 5 for building projects), or in HB 2.

SITSD will use the SABHRS 66 IT expenditure accounts to prepare the statewide summary of all budget recommendations. Please make every effort to ensure accurate coding of your base year expenditures using these 66 account codes. Further instructions will be forthcoming from OBPP regarding presentation of IT budgets to the legislature in Volume 10.

SITSD and OBPP will be using three primary sources of information to review the merits of IT projects and construct the Governor's budget.

- IT Projects information in IBARS
- IT Initiative Supplements
- EPP IBARS module

Detailed IT project justifications are to be entered into the IT Initiative Supplements for HB 10 requests. These sources constitute a significant portion of your agency IT plan. Please ensure that your agency IT information is clear, concise, and to the point.

J. Federal Mandates Report

Title 2, Chapter 1, part 4, MCA, the Federal Mandates Act, requires state programs to implement federal statutes and, at the same time, to challenge and scrutinize the extent and scope of authority asserted by federal agencies that may be inconsistent with Montana policy. Two years ago the OBPP surveyed state agencies regarding federal mandates and used that information to publish the report required in 2-1-407, MCA, for the 64th Legislative Assembly.

In an effort to make this task as easy as possible, a two-part survey has been designed in Excel and saved in [\\govquest\obppquest\Federal Mandates\template.xlt](#). You may use your response (if any) from last session as a starting point in the file [\\govquest\obppquest\Federal Mandates\2017 Fed Mandates Summary 17 bien.xls](#) to copy into your survey and edit or amend as necessary. Save your survey in your agency folder located at [\\govquest\obppquest\Federal Mandates](#), save as **XXXX_FM.xls** where XXXX is your four-digit agency code.

The survey is in two parts. **Section A** is a list of the federal mandates and an estimate of the annual cost to your agency. Designate with an asterisk if the cost is one-time. Please edit what has been copied into the form from your last response; add to the list and delete those that no longer apply. If you have no federal mandates, please indicate none. If you will have an EPP present law adjustment or a new proposal due to one of these federal mandates, please note that as well.

Section B is for you, first, to recommend any changes to state statutes that would create savings or mitigate federal mandates if enacted by the next legislature. If none, please indicate. Second, please

indicate any savings that have been achieved by your agency through the development of state policies that meet the intent of applicable federal statutes but do not necessarily meet all federal guidelines or policies.

We request that you go to the guest directory and complete this one-page form **by May 30** with your EPP submission.

For your background reference, the OBPP defines the term federal mandate based upon the federal **Unfunded Mandate Reform Act of 1995** which states:

“The term ‘Federal intergovernmental mandate’ means...any provision in legislation, statute, or regulation that

- (i) would impose an enforceable duty upon States, local governments, or tribal governments...;or
- (ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or...
- (iii) would increase the stringency of conditions of assistance...; or
- (iv) would place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding...; and
- (v) the... governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing services that are affected by the legislation, statute or regulation.”

K. EPP Interim/Study Committee Cost Projections Memo

During the EPP, it is important for agencies and the OBPP to continue planning in anticipation of reports and recommendations from interim committees and advisory councils that will be completing studies later in the year. We are requesting a memo from **all** agencies that are working with any such interim committees to provide your "best-guess" cost outcome that may be anticipated, **whenever there could be a 2019 biennium fiscal impact.** Please attach this memo to your May 30 completion e-mail.

3. Submission of EPP Requests and Other Information

Send an e-mail message to your executive budget analyst with a copy to Jeanne Nevins at the OBPP when your IBARS work is complete and the A01 Version has been submitted. The deadline is **May 30, 2016.** Include in or attach to the message:

- notice that the Federal Mandates Report survey has been updated and saved on the guest directory;
- Memo on Interim/Study Committee Cost Projections

The electronic IBARS copy will be the official copy of all EPP submitted requests. There will be an OBPP working version. In addition, your electronic copy as submitted will be available in a read-only public version for state agencies, the media, legislators, and interested persons.

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PTRCB BUSINESS MEETING DATES for 2017

Subject: Board Meeting dates for 2017:

<u>Agenda Closed*</u>	<u>Packet Mailing</u>	<u>Meeting Date</u>
January 4, 2017	January 11, 2017	January 23, 2017
March 8, 2017	March 15, 2017	March 27, 2017
May 17, 2017	May 24, 2017	June 5, 2017
August 23, 2017	August 30, 2017	September 11, 2017
October 25, 2017	November 1, 2017	November 13, 2017

REFERENCE:

§75-11-318(3), MCA – Powers and duties of Board

The board shall meet at least quarterly for the purposes of reviewing and approving claims for reimbursement from the fund and conducting other business as necessary.

*Materials to be included in the Board’s packet must be received by the Board staff by this date.

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BOARD ATTORNEY REPORT

PTRCB Case Status Report as of August 10, 2016.

Location	Facility	Facility # & Release #	Disputed/ Appointment Date	Status
Miles City	Miles City Short Stop	09-04443 Release 4800	Dispute of reduced reimbursement	Order Dismissing Contested Case Proceedings with Prejudice was signed on April 25, 2016.
Great Falls	Cascade County Shops	07-05708 Release 3051-C1,3051-C2,3051-C3 AND 3051-C4	Denial of applications	Board Decision was rendered at June 6, 2016 meeting and Petition for Judicial Review was filed by Lee Brunner at Montana First Judicial District Court, Lewis and Clark County on June 30, 2016.

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Petroleum Tank Release Compensation Fund						
Budget Status Report						
Operating Statement						
June 30, 2016						
Including FYE Adjustments						
	Legislative Approp.	Standard Budget	Rev/Exp through 6/30/2016	Projected Rev/Exp	Total FY16 Projected Rev/Exp	Projected Fiscal Year End Balance
Revenues:						
MDT Fee Revenue Estimate	7,296,100	7,296,100	7,113,694	0	7,113,694	(182,406)
Estimated STIP interest earnings	5,000	5,000	6,620	0	6,620	1,620
Misc Revenue- Settlements	100,000	200,000	239,065	0	239,065	39,065
Total Revenues:	7,401,100	7,501,100	7,359,378	0	7,359,378	(141,722)
Expenditures:						
(Includes current year expenses only)						
Board						
Personal Services	391,812	391,812	432,873	0	432,873	(41,061)
Contracted Services	100,000	100,000	63,371	0	63,371	36,629
Contingent Contract Services	1,000,000	1,000,000	0	0	0	1,000,000
Operating	150,889	150,889	141,120	0	141,120	9,769
Subtotal	1,642,701	1,642,701	637,364	0	637,364	1,005,337
DEQ Regulatory						
Personal Services	1,004,829	1,004,829	881,027	0	881,027	123,802
Contracted Services	100,000	100,000	14,851	0	14,851	85,149
Operating & Equipment	361,589	361,589	318,694	0	318,694	42,895
Subtotal	1,466,418	1,466,418	1,214,571	0	1,214,571	251,847
Long Term Database Funding Approved Under HB10	123,436	123,436	121,819		121,819	1,617
Administrative Budget Remaining						1,258,801
Claims/Loan						
Regular Claim Payments	5,000,000	4,650,000	3,461,376	0	3,461,376	1,188,624
Accrual - FY16 for use in FY17		350,000	0	570,372	570,372	(220,372)
Loan Repayment (All loans paid in full)		0	0	0	0	0
Subtotal	5,000,000	5,000,000	3,461,376	570,372	4,031,748	968,252
Total Expenses:	8,232,555	8,232,555	5,435,130	570,372	6,005,502	2,227,053
Increase/(Decrease) of Revenues over Exp as of June 30, 2016			\$1,924,248	(\$570,372)	\$1,353,876	

Accrual Information	
	Claims
Accrued in FY2015 for use in FY2016	758,263
Total Payments	525,347
Accrual Balance	232,916

	Fund Balance	Cash Balance
Beginning Balance	-90,143	668,698
Revenues	7,359,378	7,359,378
Expenditures (affecting balance)	5,197,722	5,161,371
Projected Balance at 6/30/16	2,071,513	2,866,705

Revenue	
Revenue & Transportation Interim Committee	
Revenue Estimate set 11/20/14 for FY16	6,675,000
Biennial Report Revenue Estimate for FY16	7,230,000
MDT FY16 Revenue Estimate	7,296,100
MDT FY16 Revenues Collected	97% 7,113,694

Average Monthly Claims	
FY16 to 06/30/16 - Current Year Only	288,448
FY16 to 06/30/16 - Current Year + Accruals	332,227

Settlements	
Settlements received during FY2016	239,065
Settlements received to date	2,361,687

Actual Claims Paid in FY 2016 (Current Year + FY 15 Accruals)	3,986,723
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At \$.0075 per gallon sold, the revenue collected this year is equivalent to	948.5 million gallons sold.
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Cash Flow Analysis - FY16

	Actuals					
	July-14	August-14	September-14	October-14	November-14	December-14
Beginning Cash Balance	668,697.57	282,855.37	570,984.36	836,782.62	1,101,646.65	1,325,341.78
Revenue						
MDT Revenue (\$.0075/gallon)	137.33	639,384.67	731,748.00	691,904.81	613,989.10	608,239.17
STIP Earnings	0.00	66.30	122.70	195.24	278.15	333.83
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	0.00	0.00
Total Revenue	137.33	639,450.97	731,870.70	692,100.05	614,267.25	608,573.00
Expenditures						
Petro Board Claims	0.00	162,750.70	175,973.15	280,676.55	225,086.54	414,471.42
Petro Board Staff	12,308.92	36,188.81	58,491.68	39,484.06	44,061.94	37,489.72
Prior Year Adj & Accrual Payments	344,273.56	45,750.77	82,372.91	-2,660.80	19,320.76	1,992.27
HB10 Database Expenditures						
Remediation	29,397.05	106,631.70	149,234.70	109,736.21	102,102.88	103,703.37
Total Expenditures	385,979.53	351,321.98	466,072.44	427,236.02	390,572.12	557,656.78
Ending Cash Balance	282,855.37	570,984.36	836,782.62	1,101,646.65	1,325,341.78	1,376,258.00

Cash Flow Analysis - FY16

	Actuals					
	January-15	February-15	March-15	April-15	May-15	June-15
Beginning Cash Balance	1,376,258.00	1,548,762.30	1,633,711.94	1,777,870.59	1,699,948.05	2,148,108.42
Revenue						
MDT Revenue (\$.0075/gallon)	541,264.53	526,323.99	509,099.00	519,182.00	578,737.00	1,153,684.00
STIP Earnings	428.91	560.64	695.95	765.84	776.24	2,396.18
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	197,500.00	41,564.79
Total Revenue	541,693.44	526,884.63	509,794.95	519,947.84	777,013.24	1,197,644.97
Expenditures						
Petro Board Claims	176,648.53	216,600.13	146,032.08	436,382.14	181,702.35	474,680.25
Petro Board Staff	42,005.32	47,496.01	155,207.98	48,728.72	47,017.04	68,883.70
Prior Year Adj & Accrual Payments	582.50	1,540.73	8,619.18	17,313.62	0.00	-222,492.61
HB10 Database Expenditures	56,517.26	65,301.30				
Remediation	93,435.53	110,996.82	55,777.06	95,445.90	100,133.48	157,976.66
Total Expenditures	369,189.14	441,934.99	365,636.30	597,870.38	328,852.87	479,048.00
Ending Cash Balance	1,548,762.30	1,633,711.94	1,777,870.59	1,699,948.05	2,148,108.42	2,866,705.39

**Petroleum Tank Release Compensation Fund
Budget Status Report
Monthly Expenditure/Projection Summary
June 30, 2016**

EXPENDITURE SUMMARY		PERIOD ENDING 07/31/15	PERIOD ENDING 08/31/15	PERIOD ENDING 09/30/15	PERIOD ENDING 10/31/15	PERIOD ENDING 11/30/15	PERIOD ENDING 12/31/15	PERIOD ENDING 01/31/16	PERIOD ENDING 02/29/16	PERIOD ENDING 03/31/16	PERIOD ENDING 04/30/16	PERIOD ENDING 05/31/16	PERIOD ENDING 06/30/16	FY16 TOTALS
REVENUE														
	MDT Fees	137.33	639,384.67	731,748.00	691,904.81	613,989.10	608,239.17	541,264.53	526,323.99	509,099.00	519,182.00	578,737.00	1,153,684.00	7,113,693.60
	Stip Earnings		66.30	122.70	195.24	278.15	333.83	428.91	560.64	695.95	765.84	776.24	2,396.18	6,619.98
	Misc Revenue											197,500.00	41,564.79	239,064.79
	Total Revenue	137.33	639,450.97	731,870.70	692,100.05	614,267.25	608,573.00	541,693.44	526,884.63	509,794.95	519,947.84	777,013.24	1,197,644.97	7,359,378.37
BOARD														
	Personal Services	11,074.88	26,876.02	38,326.09	27,374.43	27,165.52	27,403.98	27,607.73	28,615.38	114,960.45	28,032.52	28,444.42	46,991.73	432,873.15
	Contracted Services			6,707.41	1,232.37	9,281.01	52.50	7,437.14	9,246.04	514.06	12,225.70	10,680.90	5,993.79	63,370.92
	Contingent Contract Services													0.00
	Operating	1,234.04	9,312.79	13,458.18	10,877.26	7,615.41	10,033.24	6,960.45	9,634.59	39,733.47	8,470.50	7,891.72	15,898.18	141,119.83
	Subtotal	12,308.92	36,188.81	58,491.68	39,484.06	44,061.94	37,489.72	42,005.32	47,496.01	155,207.98	48,728.72	47,017.04	68,883.70	637,363.90
CLAIMS														
	Regular CY Claim Payments	0.00	162,750.70	175,973.15	280,676.55	225,086.54	414,471.42	176,648.53	216,600.13	146,032.08	436,382.14	181,702.35	1,045,052.57	3,461,376.16
	Subtotal	0.00	162,750.70	175,973.15	280,676.55	225,086.54	414,471.42	176,648.53	216,600.13	146,032.08	436,382.14	181,702.35	1,045,052.57	3,461,376.16
DEQ Regulatory														
	Personal Services	29,151.13	72,628.81	108,477.54	76,884.87	76,452.85	76,349.34	71,658.08	78,091.58	40,430.92	72,877.61	71,986.11	106,037.83	881,026.67
	Contracted Services	41.92	2,244.21	2,071.70	1,779.53	31.07	0.00	21.11	828.32	2,861.62	886.40	715.81	3,369.03	14,850.72
	Operating	204.00	31,758.68	38,685.46	31,071.81	25,618.96	27,354.03	21,756.34	32,076.92	12,484.52	21,681.89	27,431.56	48,569.80	318,693.97
	Subtotal	29,397.05	106,631.70	149,234.70	109,736.21	102,102.88	103,703.37	93,435.53	110,996.82	55,777.06	95,445.90	100,133.48	157,976.66	1,214,571.36
CURRENT YEAR EXPENDITURE TOTALS		41,705.97	305,571.21	383,699.53	429,896.82	371,251.36	555,664.51	312,089.38	375,092.96	357,017.12	580,556.76	328,852.87	1,271,912.93	5,313,311.42
PRIOR YEAR EXPENDITURES		-90.81	-60.89	-2.29	-4,948.42	-381.42	939.52						-232,916.48	
TOTAL EXPENDITURES		41,615.16	305,510.32	383,697.24	424,948.40	370,869.94	556,604.03	312,089.38	375,092.96	357,017.12	580,556.76	328,852.87	1,038,996.45	5,313,311.42
Board & DEQ Non-Claim costs		41,705.97	142,820.51	207,726.38	149,220.27	146,164.82	141,193.09	135,440.85	158,492.83	210,985.04	144,174.62	147,150.52	226,860.36	1,851,935.26
Claims Accrual Payments		344,505.89	45,469.91	82,327.10	2,335.72	19,324.67	1,000.00	582.50	1,540.73	8,619.18	17,313.62	0.00	2,327.28	525,346.60
0.00														
PROJECTION SUMMARY		PERIOD ENDING 07/31/15	PERIOD ENDING 08/31/15	PERIOD ENDING 09/30/15	PERIOD ENDING 10/31/15	PERIOD ENDING 11/30/15	PERIOD ENDING 12/31/15	PERIOD ENDING 01/31/16	PERIOD ENDING 02/29/16	PERIOD ENDING 03/31/16	PERIOD ENDING 04/30/16	PERIOD ENDING 05/31/16	PERIOD ENDING 06/30/16	FY16 TOTALS
REVENUE														
	MDT Fees													0.00
	Stip Earnings													0.00
	TOTAL REVENUE PROJECTED	0.00	0.00											
BOARD														
	Personal Services													0.00
	Contracted Services													0.00
	Contingent Contract Services													0.00
	Operating													0.00
	Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CLAIMS														
	Regular CY Claim Payments													0.00
	FYE16 Accrual												570,372.32	570,372.32
	Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	570,372.32	570,372.32
DEQ Regulatory														
	Personal Services													0.00
	Contracted Services													0.00
	Operating													0.00
	Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
PROJECTION TOTALS		0.00	570,372.32	570,372.32										

**Petroleum Tank Release Compensation Fund
Budget Status Report
Operating Statement
July 31, 2016**

	Legislative Approp.	Standard Budget	Rev/Exp through 7/31/2016	Projected Rev/Exp	Total FY17 Projected Rev/Exp	Projected Fiscal Year End Balance
Revenues:						
MDT Fee Revenue Estimate	7,332,100	7,332,100	(1)	7,147,047	7,147,046	(185,054)
Estimated STIP interest earnings	1,500	1,500	0	7,723	7,723	6,223
Misc Revenue- Settlements	100,000	100,000	0	0	0	(100,000)
Total Revenues:	7,433,600	7,433,600	(1)	7,154,770	7,154,769	(278,831)
Expenditures:						
(Includes current year expenses only)						
Board						
Personal Services	405,347	405,347	9,737	390,000	399,737	5,610
Contracted Services	65,000	65,000	0	65,000	65,000	0
Contingent Contract Services	1,000,000	1,000,000	0	0	0	1,000,000
Operating	185,889	185,889	0	180,000	180,000	5,889
Subtotal	1,656,236	1,656,236	9,737	635,000	644,737	1,011,499
DEQ Regulatory						
Personal Services	1,047,621	1,047,621	0	1,000,000	1,000,000	47,621
Contracted Services	16,500	16,500	0	16,500	16,500	0
Operating & Transfers	477,581	477,581	2,112	390,000	392,112	85,469
Subtotal	1,541,702	1,541,702	2,112	1,406,500	1,408,612	133,090
Long Term Database Funding Approved Under HB10	1,617	1,617	1,617	1,617	3,234	(1,617)
Administrative Budget Remaining						1,142,973
Claims/Loan						
Regular Claim Payments	4,990,000	4,590,000	18,568	3,986,724	4,005,292	584,708
Accrual - FY16 for use in FY17		400,000	0	400,000	400,000	0
Loan Repayment (All loans paid in full)		0	0	0	0	0
Subtotal	4,990,000	4,990,000	18,568	4,386,724	4,405,292	584,708
Total Expenses:	8,189,555	8,189,555	32,034	6,429,841	6,461,875	1,727,681
Increase/(Decrease) of Revenues over Exp as of July 31, 2016			(\$32,035)	\$724,929	\$692,894	

Accrual Information	
	Claims
Accrued in FY2016 for use in FY2017	570,372
Total Payments	59,520
Accrual Balance	510,852

	Fund Balance	Cash Balance
Beginning Balance	2,071,513	2,866,705
Revenues	7,154,769	7,154,769
Expenditures (affecting balance)	6,235,897	6,346,749
Projected Balance at 6/30/17	2,990,385	3,674,725

Revenue	
Revenue & Transportation Interim Committee Revenue Estimate set 11/20/14 for FY17	6,665,000
Biennial Report Revenue Estimate for FY17	7,290,000
MDT FY17 Revenue Estimate	7,332,100
MDT FY17 Revenues Collected	0%
	-1

Average Monthly Claims	
FY17 to 07/31/16 - Current Year Only	18,568
FY17 to 07/31/16 - Current Year + Accruals	78,089

Settlements	
Settlements received during FY2017	0
Settlements received to date	2,361,687

Actual Claims Paid in FY 2017 (Current Year + FY 16 Accruals)	78,089
--	--------

At \$.0075 per gallon sold, the revenue collected this year is equivalent to	0.0	million gallons sold.
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Cash Flow Analysis - FY17

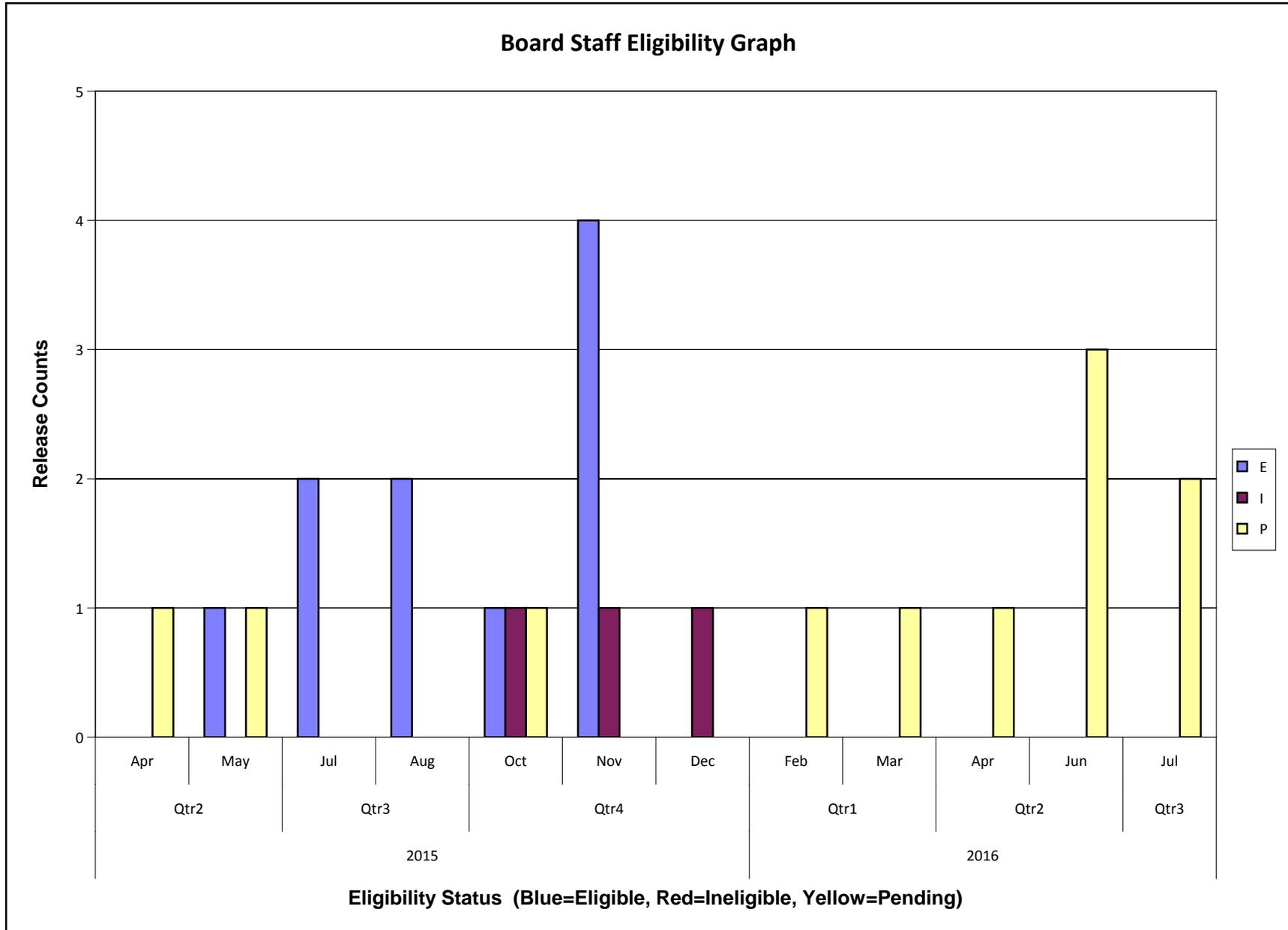
	Actuals July-16	August-16	September-16	Projected October-16	November-16	December-16
Beginning Cash Balance	2,866,705.36	2,549,796.35	2,641,238.95	2,880,111.95	3,078,984.95	3,199,857.95
Revenue						
MDT Revenue (\$.0075/gallon)	-1.00	669,047.00	732,000.00	692,000.00	614,000.00	609,000.00
STIP Earnings	0.00	1,122.60	600.00	600.00	600.00	600.00
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	0.00	0.00
Total Revenue	-1.00	670,169.60	732,600.00	692,600.00	614,600.00	609,600.00
Expenditures						
Petro Board Claims	18,568.43	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00
Petro Board Staff	9,736.64	75,000.00	50,000.00	50,000.00	50,000.00	50,000.00
Prior Year Adj & Accrual Payments	286,491.07	0.00	0.00	0.00	0.00	0.00
HB10 Database Expenditures						
Remediation	2,111.87	171,500.00	111,500.00	111,500.00	111,500.00	111,500.00
Total Expenditures	316,908.01	578,727.00	493,727.00	493,727.00	493,727.00	493,727.00
Ending Cash Balance	2,549,796.35	2,641,238.95	2,880,111.95	3,078,984.95	3,199,857.95	3,315,730.95

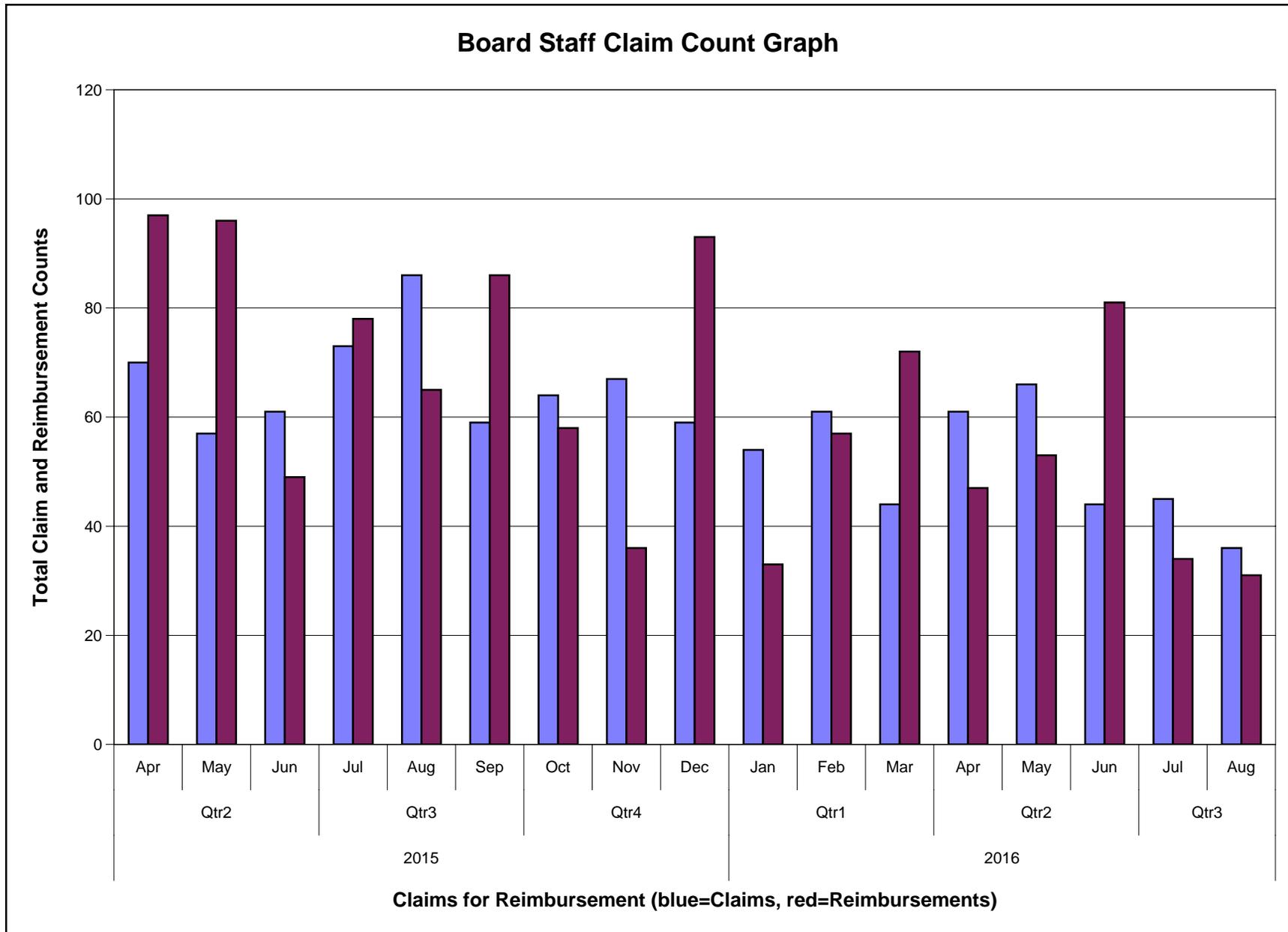
Cash Flow Analysis - FY17

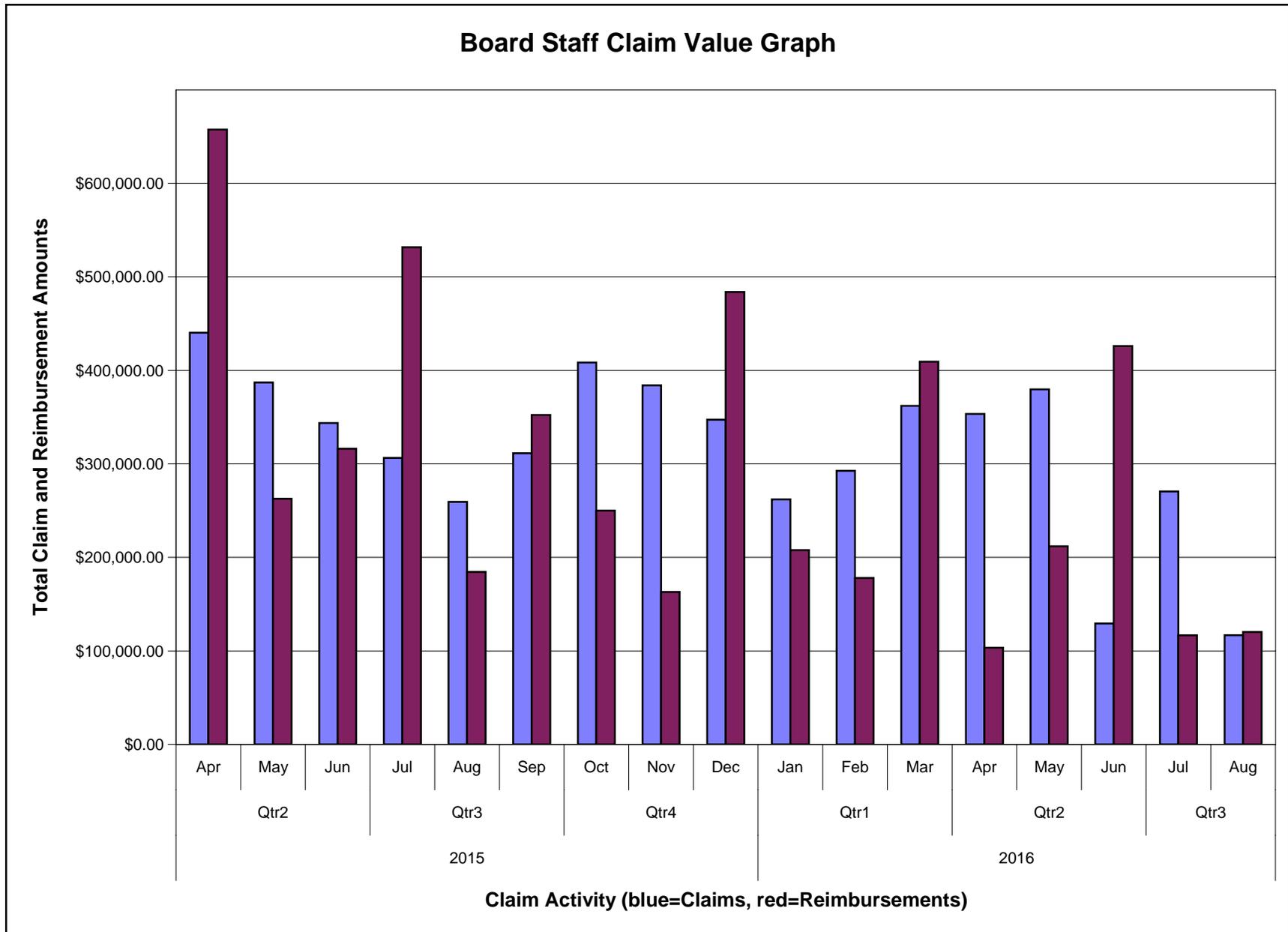
	January-17	February-17	March-17	April-17	May-17	June-17
Beginning Cash Balance	3,315,730.95	3,363,603.95	3,396,476.95	3,333,349.95	3,360,222.95	3,446,095.95
				Projected		
Revenue						
MDT Revenue (\$.0075/gallon)	541,000.00	526,000.00	510,000.00	520,000.00	579,000.00	1,155,000.00
STIP Earnings	600.00	600.00	600.00	600.00	600.00	1,200.00
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	0.00	0.00
Total Revenue	541,600.00	526,600.00	510,600.00	520,600.00	579,600.00	1,156,200.00
Expenditures						
Petro Board Claims	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	664,454.00
Petro Board Staff	50,000.00	50,000.00	70,000.00	50,000.00	50,000.00	90,000.00
Prior Year Adj & Accrual Payments	0.00	0.00	0.00	0.00	0.00	0.00
HB10 Database Expenditures						1,617.00
Remediation	111,500.00	111,500.00	171,500.00	111,500.00	111,500.00	171,500.00
Total Expenditures	493,727.00	493,727.00	573,727.00	493,727.00	493,727.00	927,571.00
Ending Cash Balance	3,363,603.95	3,396,476.95	3,333,349.95	3,360,222.95	3,446,095.95	3,674,724.95

**Petroleum Tank Release Compensation Fund
Budget Status Report
Monthly Expenditure/Projection Summary
July 31, 2016**

EXPENDITURE SUMMARY		PERIOD ENDING 07/31/16	PERIOD ENDING 08/31/16	PERIOD ENDING 09/30/16	PERIOD ENDING 10/31/16	PERIOD ENDING 11/30/16	PERIOD ENDING 12/31/16	PERIOD ENDING 01/31/17	PERIOD ENDING 02/28/17	PERIOD ENDING 03/31/17	PERIOD ENDING 04/30/17	PERIOD ENDING 05/31/17	PERIOD ENDING 06/30/17	FY17 TOTALS
REVENUE														
	MDT Fees	-1.00												-1.00
	Stip Earnings													0.00
	Misc Revenue													0.00
	Total Revenue	-1.00	0.00	-1.00										
BOARD														
	Personal Services	9,736.64												9,736.64
	Contracted Services	0.00												0.00
	Contingent Contract Services													0.00
	Operating	0.00												0.00
	Subtotal	9,736.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,736.64
CLAIMS														
	Regular CY Claim Payments	18,568.43												18,568.43
	Subtotal	18,568.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18,568.43
DEQ Regulatory														
	Personal Services													0.00
	Contracted Services													0.00
	Operating	2,111.87												2,111.87
	Subtotal	2,111.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,111.87
CURRENT YEAR EXPENDITURE TOTALS		30,416.94	0.00	30,416.94										
PRIOR YEAR EXPENDITURES		2,524.96												
TOTAL EXPENDITURES		32,941.90	0.00	30,416.94										
Board & DEQ Non-Claim costs		11,848.51	0.00	11,848.51										
Claims Accrual Payments		59,520.38												59,520.38
0.00														
PROJECTION SUMMARY		PERIOD ENDING 07/31/16	PERIOD ENDING 08/31/16	PERIOD ENDING 09/30/16	PERIOD ENDING 10/31/16	PERIOD ENDING 11/30/16	PERIOD ENDING 12/31/16	PERIOD ENDING 01/31/17	PERIOD ENDING 02/28/17	PERIOD ENDING 03/31/17	PERIOD ENDING 04/30/17	PERIOD ENDING 05/31/17	PERIOD ENDING 06/30/17	FY17 TOTALS
REVENUE														
	MDT Fees		669,047.00	732,000.00	692,000.00	614,000.00	609,000.00	541,000.00	526,000.00	510,000.00	520,000.00	579,000.00	1,155,000.00	7,147,047.00
	Stip Earnings		1,122.60	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	1,200.00	7,722.60
	TOTAL REVENUE PROJECTED	0.00	670,169.60	732,600.00	692,600.00	614,600.00	609,600.00	541,600.00	526,600.00	510,600.00	520,600.00	579,600.00	1,156,200.00	7,154,769.60
BOARD														
	Personal Services		50,000.00	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	50,000.00	30,000.00	30,000.00	50,000.00	390,000.00
	Contracted Services		10,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	10,000.00	65,000.00
	Contingent Contract Services													0.00
	Operating		15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	30,000.00	180,000.00
	Subtotal	0.00	75,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	70,000.00	50,000.00	50,000.00	90,000.00	635,000.00
CLAIMS														
	Regular CY Claim Payments		332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	664,454.00	3,986,724.00
	FYE16 Accrual												400,000.00	400,000.00
	Subtotal	0.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	332,227.00	1,064,454.00	4,386,724.00
DEQ Regulatory														
	Personal Services		120,000.00	80,000.00	80,000.00	80,000.00	80,000.00	80,000.00	80,000.00	120,000.00	80,000.00	80,000.00	120,000.00	1,000,000.00
	Contracted Services		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	16,500.00
	Operating		50,000.00	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	50,000.00	30,000.00	30,000.00	50,000.00	390,000.00
	Subtotal	0.00	171,500.00	111,500.00	111,500.00	111,500.00	111,500.00	111,500.00	111,500.00	171,500.00	111,500.00	111,500.00	171,500.00	1,406,500.00
PROJECTION TOTALS		0.00	578,727.00	493,727.00	493,727.00	493,727.00	493,727.00	493,727.00	493,727.00	573,727.00	493,727.00	493,727.00	1,325,954.00	6,428,224.00









Petroleum Tank Release Compensation Board

Work Plans Reviewed and Owner Informed Funds NOT Obligated by Priority as of 8/11/2016

DATE RECEIVED	FACILITY ID	WORKPLAN NAME	WP ID	RELEASE ID	PRIORITY (Proj Officer)	COST EST.	FACILITY NAME	WORKPLAN DATE	REGION	
3/28/2016	3203617	R-B-WI/SVE/AS	10207	4769	1.3 (Kinney)	\$128,200.46	Swan Valley Centre	3/25/2016	1	
7/27/2016	3208475	R-W-GWM	10352	4778	1.3 (Miner)	\$2,335.80	Dales Dairy	7/25/2016	1	
Total \$130,536.26		SubTotal Number of Workplans: 2								
2/9/2015	9995083	R-B-SB/WI/GWM/RAA	8701	4702	1.4 (Bergum)	\$0.00	Gust Hauf Restaurant	10/31/2014	3	
9/10/2015	4209718	C-S-SR/EB/PT	10105	4282	1.4 (McCurry)	\$136,459.70	Superpumper Inc 23	9/4/2015	3	
12/4/2015	9995118	R-B-S/OI	8501	4835	1.4 (Pankratz)	\$99,651.96	CarQuest Store	11/23/2015	2	
12/18/2015	1410407	R-B-SB-MWI/GWM	8153322	3322	1.4 (Janssen)	\$38,418.00	Ernies Auto	8/1/2015	2	
4/6/2016	5613771	R-B-SB/WI/GWM	10202	3034	1.4 (Opp)	\$40,904.05	Keenan & Associates	4/5/2016	3	
Total \$315,433.71		SubTotal Number of Workplans: 5								
3/16/2015	907773	C-S-SR	7631	1669	2.0 (Shearer)	\$90,041.00	Miles City Laundry	3/10/2015	3	
Total \$90,041.00		SubTotal Number of Workplans: 1								
2/2/2016	6015226	R-B-SB/WI/GWM	9842	5042	4.0 (Stremcha)		Former Barry O'Leary Site	11/11/2014	3	
5/18/2016	3708692	F-W-GWM	10222	1277	4.0 (Bergum)	\$5,901.00	Town Pump Inc Conrad	3/25/2016	1	
Total \$5,901.00		SubTotal Number of Workplans: 2								
6/30/2016	4406618	F-B-AS/SVE/WA	10336	3966	5.0 (Shearer)	\$7,709.33	Amerigas Propane LP	6/30/2016	3	
6/30/2016	4406618	F-B-AS/SVE/WA	10335	1090	5.0 (Shearer)	\$7,166.50	Amerigas Propane LP	6/30/2016	3	
7/5/2016	9995105	F-W-WA	10324	4787	5.0 (Cala)	\$4,199.00	State Bank of Townsend	6/28/2016	2	
Total \$19,074.83		SubTotal Number of Workplans: 3								
Total Number of Workplans: 13					Total \$560,986.80					

Board Staff Report

**PTRCB ELIGIBLE FACILITIES
 THAT MAY HAVE SUSPENDED OR ADJUSTED CLAIMS
 DUE TO SYSTEM VIOLATIONS
 As of August 1, 2016**

FID	City	Facility Number	Site Name	Order Date	Suspension Letter date	Order Resolved date
643	Dillon	01-05401	Dietrich's College Exxon	10/25/05	8/8/06	3/29/2016
984	Kalispell	15-09820	Mulligan's Conoco	10/14/05	8/22/06	11/13/07
1105	Billings	56-05491	Dons Car Wash Grand Ave	6/12/06	6/15/06	12/8/06
1118	Missoula	32-01356	Frontier Gas and Grocery	10/25/06	10/30/06	9/12/08
1123	Hysham	52-01905	Farmers Union Oil	9/1/06	9/6/06	1/11/07
1469	Wibaux	55-02446	Wibaux County Shop	7/2/08		3/6/09
	Ryegate	19-05338	Ryegate Conoco	Violation letter 8/4/03	8/4/03 DEQ letter	11/8/11
2019	Winifred	14-01870	Ehlert Brothers Service Center	03/02/2011	03/04/2015	02/12/2015
2281	Fairview	42-03914	Mini Mart 714 (Loaf N Jug)	8/25/2014	9/4/2014	9/9/2014
2301	Billings	56-06609	Short Stop	7/25/2014	8/21/14	12/17/2015
2301	Billings	56-04839	Stockton Oil Co	7/25/2014	8/21/14	12/17/2015
2301	Billings	56-05074	Lockwood Interstate Exxon	7/25/2014	8/21/14	12/17/2015
2417	Billings	56-06594	Caseys Corner Store	7/30/2015	9/22/2015	12/01/2015

[Back to Agenda](#)



Petroleum Tank Cleanup Activity Report

August 16, 2016

Summary of Confirmed and Resolved Petroleum Releases

Petroleum Release Activity since Last Board Meeting – June 6, 2016 to August 16, 2016

Release Status	Activity
Confirmed Releases	3
Releases Resolved (Closed)	39

Petroleum Release Activity from - Jan 01, 2016 to August 16, 2016

Release Status	Activity
Confirmed Releases	12
Releases Resolved (Closed)	64

Summary of All Petroleum Release Activity to August 16, 2016

Total Confirmed Releases	4,651
Total Resolved Releases	3,477
Total Active Releases	1,123
Total Active and Eligible	708
Active Ineligible	106
Active Undetermined	292



Facility Name: Bob's Chevron
Physical Address: 201 North Central Avenue, Harlowton, Montana
Facility ID: 54-05552
Release Number: 719
Work Plan ID: 10136
Priority: 2.0 – Medium Priority Characterization
Page 1 of 2

Work Plan 10136

This Work Plan (WP) is required to move Release 719 toward closure. WP 10136 includes the removal and landfarm remediation of petroleum-impacted soil from the Former Bob's Chevron facility. An estimated 180 cubic yards of impacted soil will be excavated from the Facility and will undergo landfarm treatment. Six (6) soil borings, three (3) of which to be completed as monitoring wells will be installed to define the horizontal extent of soil contamination associated with the former dispenser islands and determine the impact to groundwater. High and low groundwater monitoring will be conducted to evaluate seasonal variations in groundwater elevations, groundwater flow direction, and contaminant concentrations. The area to be excavated (former dispenser islands) and the proposed well locations are identified on the attached Figure. The total estimated cost to complete this WP is \$110,000.

Remedial Alternatives Analysis (RAA)

Several remedial options such as SVE, ISCO, and excavation were evaluated, and soil removal is a readily implemental remedial option. The lot is free of buildings and the contamination is readily accessible as it extends from near surface beneath the dispenser islands to approximately 20 feet bgs.

History

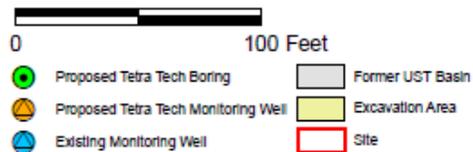
Bob's Chevron is located in the town of Harlowton. The Harlowton Chamber of Commerce is the property owner and responsible party for the petroleum release. The property has been used to distribute petroleum products under various owners since at early 1960's. The facility ceased petroleum distribution in the early 1970's and the building was used as a vehicle repair facility until late 2013. The property was purchased for redevelopment by the Harlowton Chamber of Commerce on January 13, 2014.

During April and May 1991, eight underground storage tanks were removed. On April 23, 1991, DEQ was notified of petroleum contamination in the soil beneath the USTs in the northwest tank basin and below the north and south dispensers. Release 719 was assigned. Approximately 100 cubic yards of impacted soil were removed from the UST basin and land farmed.

During August 2014, an additional RI was conducted at Bob's Chevron to determine the extent of soil contamination associated with the former fueling and vehicle repair activities. Twenty three (23) soil borings were advanced in and around the former UST basins and proximal to the former product fuel lines and dispenser islands. Analytical results of the soil samples obtained from the borings revealed RBSL exceedances in the soil limited to the around and beneath the north and south dispenser islands.



Document Path: O:\H-M\Harlowton Area Chamber Of Commerce\114-560513 - Bob's Chevron\120-GIS\CAP_Fig 1.mxd



January 2016

Figure 1
Former Bob's Chevron
201 North Central Ave
Harlowton, Montana



Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 5405552

FacilityName: Bobs Chevron

City: Harlowton

Release ID: 719

WP ID: 10136

WP Name: R-B-SR/MWI/GWM/

WP Complete:

WP Date:

01/15/2016

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan		\$2,400.00			
2	Project Management		\$4,614.40			
3	Soil Removal		\$40,544.98			
4	Mobilization		\$529.40			
5	Fieldwork		\$3,384.00			
6	Equipment		\$296.64			
7	Laboratory Analysis w/fee		\$2,886.65			
8	Lodging/Per Diem		\$515.00			
9	Mobilization		\$495.36			
10	Fieldwork		\$3,077.64			
11	Well Installation		\$7,917.47			
12	Equipment		\$2,553.27			
13	Laboratory Analysis w/fee		\$2,274.90			
14	Lodging/Per Diem		\$515.00			
15	Survey		\$1,605.00			
16	Mobilization		\$990.72			
17	Monitoring		\$2,100.00			
18	Laboratory Analysis w/fee		\$6,219.00			
19	Lodging/Per Diem		\$292.00			
20	Report		\$2,800.00			
21	Report		\$2,890.00			
22	Report		\$1,430.00			
Total:			\$90,331.43			



Facility Name: Flying J Inc. Havre
Physical Address: 607 1st Street; Havre MT 59601-3605
Facility ID: 21-08665
Release Number: 475
Priority: 1.4
Page 1 of 2

Work Plan

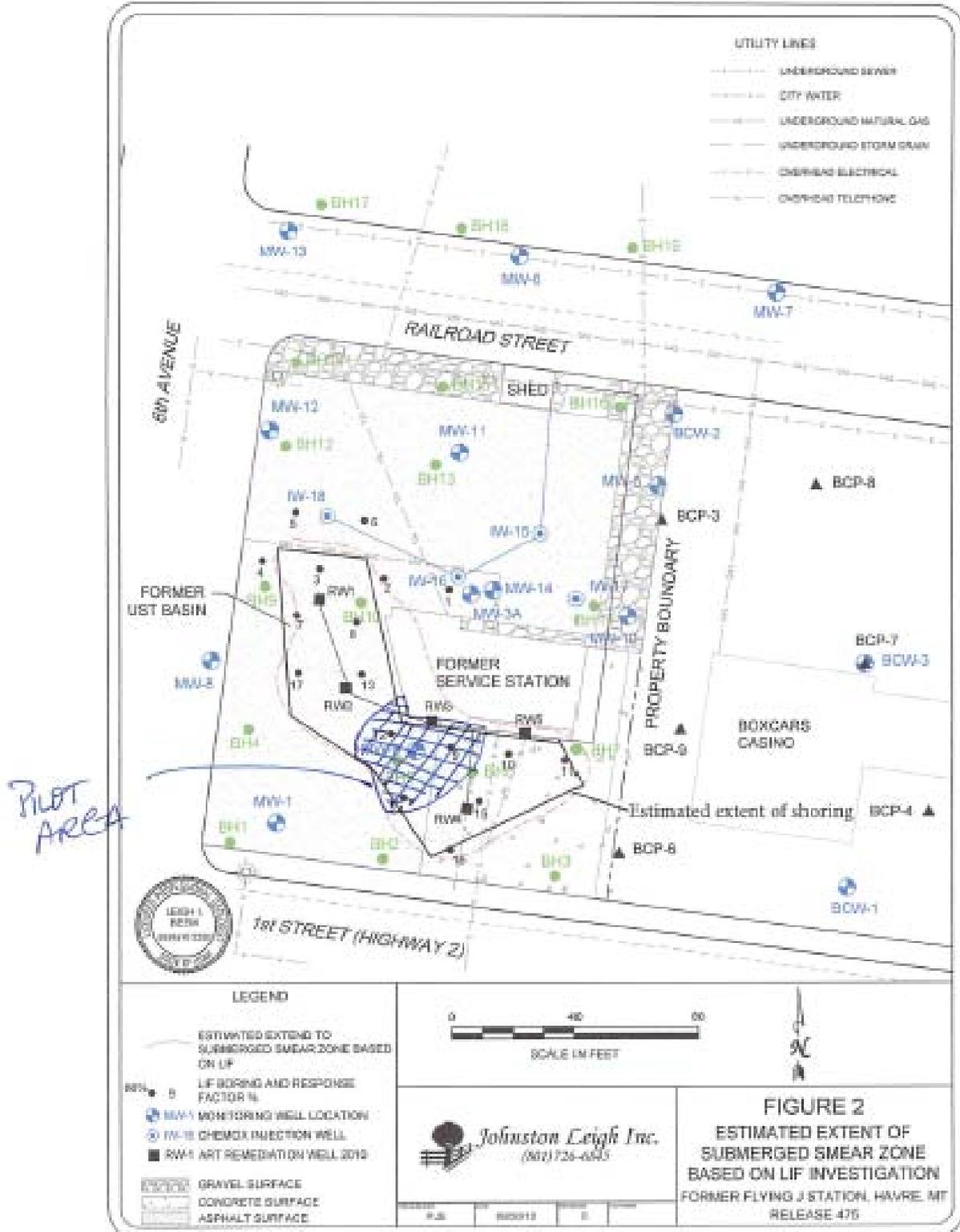
This Work Plan (WP) is required to move Release 475 toward closure. WP 10084 includes the continued operation of the currently in place in-situ system known as an ART (Accelerated Remediation Technologies) system, advanced investigation using LIF, pilot testing the selected cleanup alternative (BOS 200, a carbon injection technology), and monitoring and reporting. The ART system is an in-well air stripper, air sparge (AS), and soil vapor extraction (SVE) system. The ART system has been effective in keeping groundwater contamination limited to the facility boundaries. An LIF is required to determine where the remaining source mass is, which continues to significantly contribute to the degraded groundwater quality. An old building exists on-site, and based on groundwater numbers, it is believed that a significant source exists under the building. The LIF will attempt to define the source mass under the building, the information gained will be used to properly design a full-scale cleanup plan, and also assess the effectiveness of all other cleanup techniques used to date. The total estimated cost to complete this WP is \$167,500.

Alternatives Analysis

Based on the complexity of the site, the alternatives for cleanup are limited based on the following: a nearby chlorinated solvent plume, an MTBE plume, access to the contamination, and this release has an unstable petroleum plume. The following alternatives were reviewed: No Action; MNA; AS/SVE; InSitu Thermal; InSitu Soil Blending; Soil Excavation with Landfarm; and Injection BOS 200. As stated above, BOS 200 is a carbon-based injection with a proprietary blend of nutrients and microbiology. The technology is commonly referred to as “trap and treat” because the carbon attracts the hydrocarbon through adsorption (trap) and the nutrients and microbiology “treats” the hydrocarbon through biological processes. The BOS 200 Injection is the selected alternative based on safety, ease of implementation, effectiveness, efficiency, and cost to implement.

Release History

Petroleum impacted soil was discovered during the removal of four gasoline underground storage tanks (USTs) and associated piping on March 5, 1991. Since the discovery of the contamination the following work has been completed: excavation of approximately 1,550 cubic yards of soil; 3,000 gallons of groundwater that was impacted with free-product and free-product emulsion was pumped from the excavation; a limited LIF investigation of the accessible areas on-site; the ART system was installed, and continues to be operated and maintained; and three chemical oxidation pilot studies have been completed.





Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 2108665

FacilityName: Flying J Inc Havre

City: Havre

Release ID: 475

WP ID: 10084

WP Name: C-B-OI/GWM

WP Complete: WP Date: 05/06/2016

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan		\$1,056.00			
2	Project Management		\$3,560.00			
3	Project Management		\$3,056.00			
4	Rem Sys Op & Maint		\$16,024.00			
5	Rem Sys Op & Maint		\$9,523.00			
6	Rem Sys Modification/Repair		\$7,043.76			
7	Miscellaneous		\$4,800.00			
8	Mobilization		\$332.76			
9	Fieldwork		\$1,440.00			
10	Miscellaneous		\$14,535.95			
11	Lodging/Per Diem		\$226.00			
12	Project Management		\$704.00			
13	Mobilization		\$332.76			
14	Fieldwork		\$1,728.00			
15	Miscellaneous		\$6,874.75			
16	Equipment		\$2,213.00			
17	Lodging/Per Diem		\$904.00			
18	Laboratory Analysis w/fee		\$1,560.00			
19	Project Management		\$1,056.00			
20	Mobilization		\$1,331.04			
21	Fieldwork		\$2,880.00			
22	Miscellaneous		\$65,501.30			
23	Equipment		\$4,296.00			
24	Monitoring		\$5,425.00			
25	Laboratory Analysis w/fee		\$3,980.00			



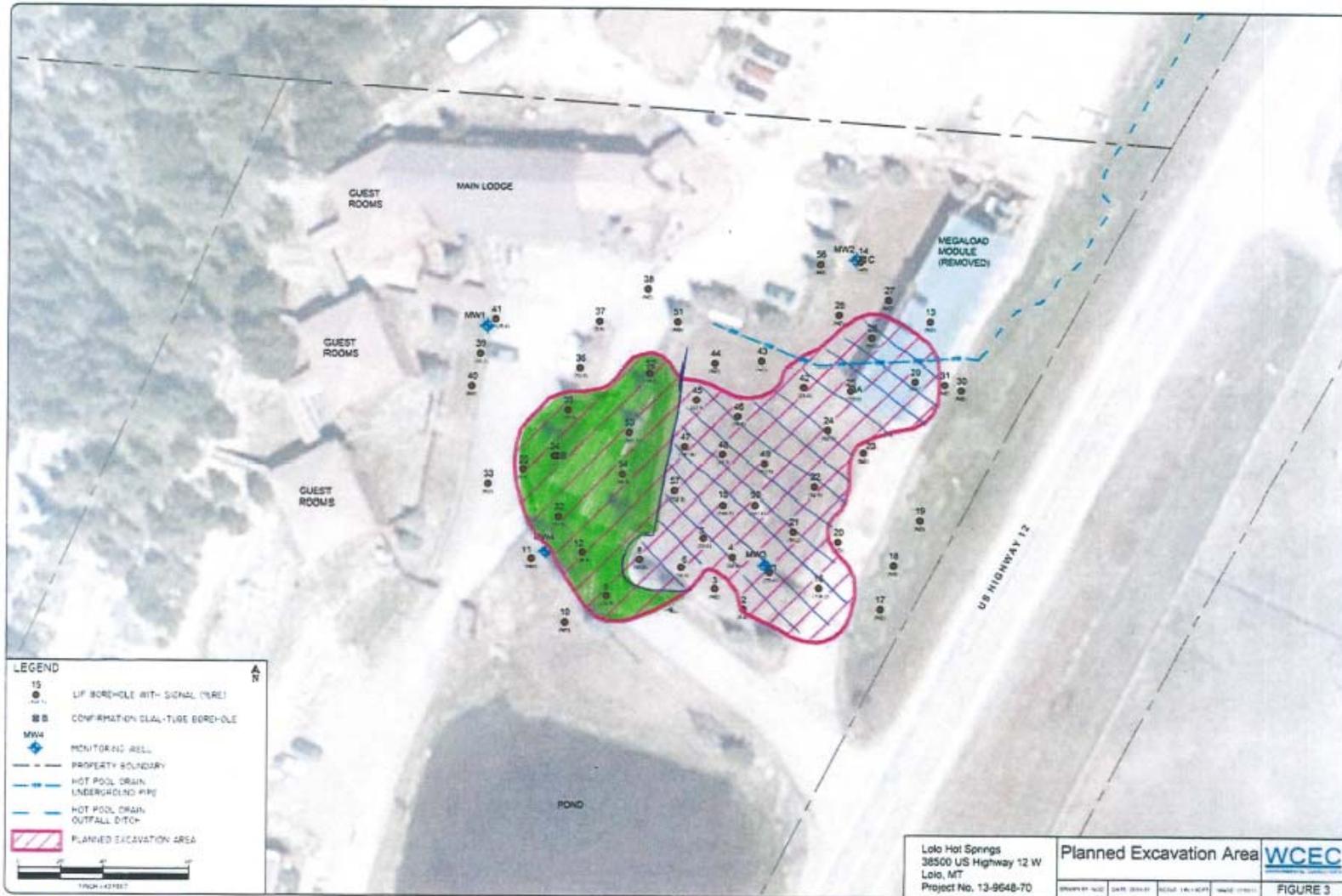
Work Plan: DEQ briefed the board in January 2016 on a work plan for this release to excavate up to 1,000 cubic yards of petroleum contaminated soil. That work plan was approved by DEQ in August 2015. Per DEQ's request, the consultant originally submitted an excavation work plan in April 2015 that was for a larger excavation (to 1,500 cubic yards) and the installation of a passive hot water system (naturally heated geothermal groundwater). After the August approval of the smaller excavation, DEQ engaged in discussions with the consultant over the next several months and determined that a former work plan (the April, not the August 2015 approved work plan) would be the best alternative for removing the source mass and moving the release to closure.

The estimated cost for this work plan is \$310, 710.73. This work plan consists of excavation of up to 1,500 cubic yards of soil, installation and operation of a thermal remediation system, installation and/or replacement of monitoring wells and two years of semiannual groundwater monitoring. The impacted soil will be transported to the Allied Waste facility in Missoula. Overburden will be stockpiled onsite for reuse as fill during reconstruction. Trees, asphalt and fencing removal will be conducted during overburden removal and replaced during reconstruction. This work plan will remove the bulk of the source mass and move the release toward closure.

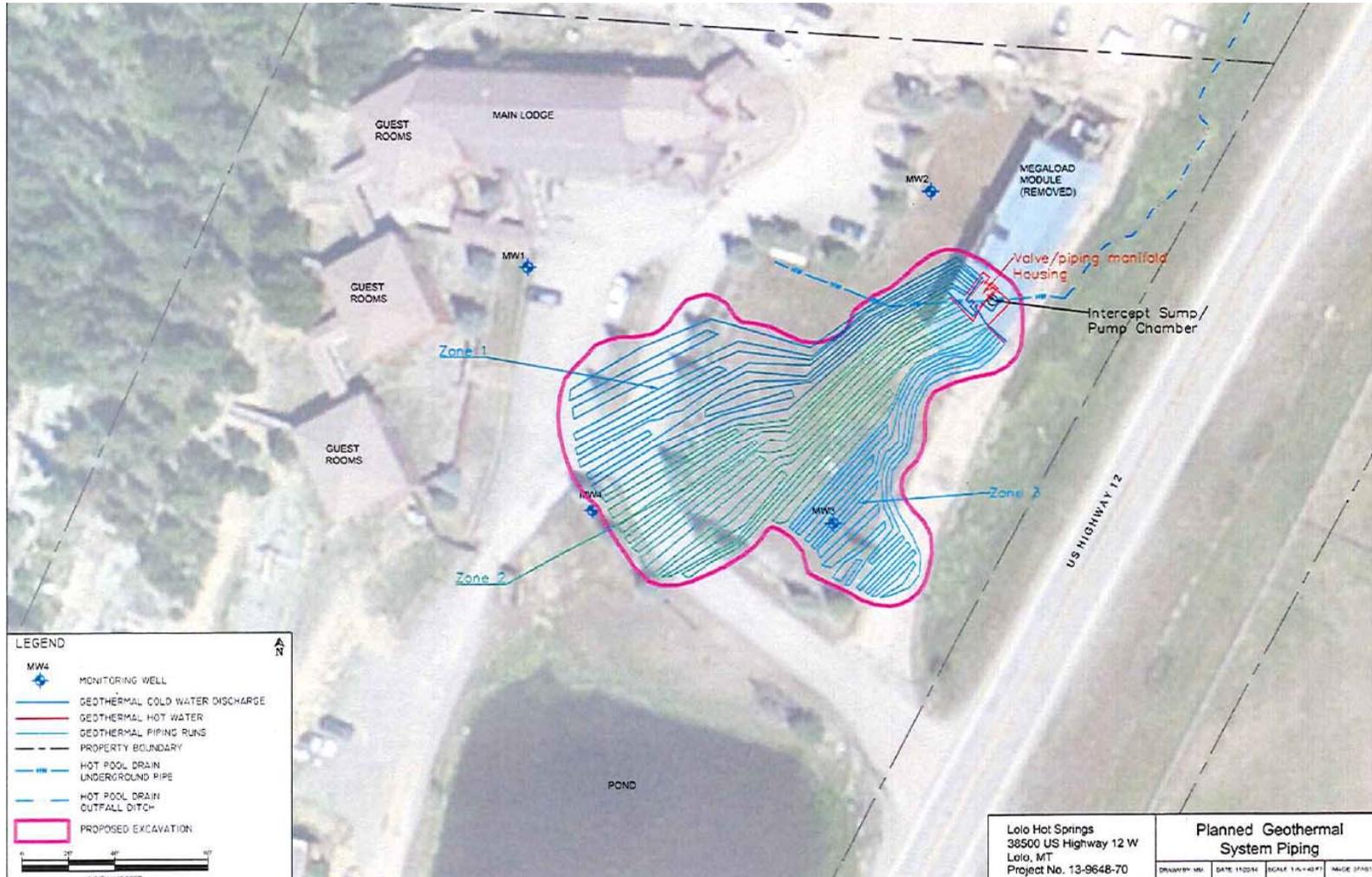
A remedial alternatives analysis (RAA) was completed for the site. The RAA indicated that excavation followed by groundwater monitoring was the most effective remedy for this site. In addition, installation of a thermal treatment system may decrease groundwater monitoring activities at the site by as much as two years.

Release 4280 was discovered in March 2003 when a water sample collected from a public water supply well was impacted by gasoline range hydrocarbons. The release is the result of a faulty supply system. The UST system was removed in 1988. Four groundwater monitoring wells were installed in 2003 and analysis indicated that all four wells were impacted by gasoline range hydrocarbons. Additional sampling occurred in 2013 with three of the four wells continuing to have concentration above RBSLs. Based on an LIF performed in 2014, excavation was determined to be the most effective alternative to expedite closure.

A site map is attached and includes the proposed excavation boundary and the current well locations. Additional wells will be installed to confirm excavation and thermal remediation activities were effective at reducing groundwater concentrations throughout the site.



Area of Aug 2015 DEQ-approved work plan (DEQ added detail to map for the 8/29/16 Board mtg)
 Area of additional excavation (original Apr 2015 work plan volume)



Fort Lolo Hot Springs
Facility ID #32-09722, Release 4280
Work Plan Overview
WPID: 9966

Details	6/12/15 Work Plan	4/15/2015 Work Plan
DEQ Request Date	Late May 2015	23-Feb-15
DEQ Approval Date	4-Aug-15	10-Jun-16
Board Review Date	25-Jan-16	29-Aug-16
Obligation Date	8-Feb-16	
Volume of Contaminated Soil	1000 cy	1500 cy
Volume of Overburden	2000 cy	3300 cy
Volume of Soil Disposal	1000 cy	1500 cy
Volume of Backfill	900 cy	800 cy
Volume of Gravel for pipe bedding	0 cy	700 cy
Volume of Topsoil	increased - no figure	200 cy
Thermal System	-	Design, Install, O&M
Asphalt Repaving	0 sq ft	4500 sq ft
Reconstruction	1 tree	14 trees
Monitoring well installation	0 wells	5 wells
Groundwater monitoring	0 events	2 events
Total WP Cost	\$ 161,360.30	\$ 310,710.73

Monitoring well installation and monitoring events to be requested at a later date

Fort Lolo Hot Springs
Facility ID #32-09722, Release 4280
Work Plan Overview
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Tasks	6/12/15 WP (DEQ approved)	4/15/2015 WP (proposal)
Total Budget	\$ 161,360.30	\$ 310,710.73
Excavation		
Subcontractor	\$ 80,867.39	\$ 143,516.64
Equipment	\$ 3,751.75	\$ 3,511.75
Fieldwork	\$ 14,400.00	\$ 14,400.00
Disposal - Landfill	\$ 42,900.00	\$ 64,350.00
Disposal Sampling	\$ 548.20	\$ 548.20
Landscape (Subcontractor)	\$ 1,990.20	\$ 6,751.70
Fencing (Subcontractor)	\$ 1,245.16	\$ 4,012.50
Lab fees (confirm & disposal)	\$ 4,030.00	\$ 6,350.00
Work Plan Prep	\$ 3,450.00	\$ 3,450.00
PM	\$ 2,990.00	\$ 3,565.00
Mobilization	\$ 1,982.60	\$ 3,837.00
Lodging / Per Diem	\$ 460.00	\$ 552.00
Report Cost	\$ 2,745.00	\$ 4,170.00
Subtotal	\$ 161,360.30	\$ 259,014.79
Thermal System		
Installation (Labor)		\$ 5,600.00
O&M		\$ 3,068.00
Equipment		\$ 8,075.00
Mob		\$ 1,052.80
Subtotal		\$ 17,795.80
Monitoring Well Installation		
Installation (Subcontractor)		\$ 5,769.44
Fieldwork		\$ 3,600.00
Materials/Equipment		\$ 730.80
Mob		\$ 1,025.40
Subtotal		\$ 11,125.64
Groundwater Monitoring		\$ 16,558.80
Power Supply		
Installation		\$ 1,615.70
Hookup & Monthly Elec		\$ 4,600.00
Subtotal		\$ 6,215.70
Total	<u>\$ 161,360.30</u>	<u>\$ 310,710.73</u>