Montana Department of Environmental Quality

The Outreach

Montana's Source for Brownfields Information

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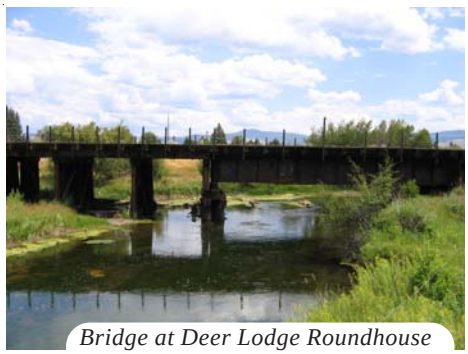
Congratulations to Montana's Newest Grantees!

Lewis and Clark County


Bridge at Deer Lodge Roundhouse

ASSESSMENT GRANT - $200,000 for hazardous substances
The U.S. Environmental Protection Agency selected Lewis and Clark County for a brownfields assessment grant. Hazardous substances grant funds will be used to inventory and prioritize brownfield sites, conduct at least six Phase I and at least two Phase II environmental site assessments, develop cleanup plans, and perform community outreach activities. The target area is the Helena Valley, which includes the cities of Helena and East Helena.

COMMUNITY DESCRIPTION
Lewis and Clark County (population 55,716) includes the Helena Valley, which is the primary population center and economic hub of Lewis and Clark, Jefferson, and Broadwater counties. Mining and manufacturing operations in Helena and East Helena have significantly decreased over the past several years, leaving behind contaminated soil and groundwater. Since 2000, key employers have closed or relocated, resulting in an estimated loss of more than 800 jobs and $25 million in annual earnings in the region. The per capita income in the county is 86.2 percent of the national average, and 13 percent of residents live below the poverty level. Growth in the region is largely occurring outside Helena and East Helena, placing increasing demands on the county to provide services to unincorporated areas. Brownfields include mine and mill sites, former dumps, sawmills, and at least 17 known methamphetamine labs in the county. When brownfields are revitalized, they will be used as sites for affordable housing and mixed-use development. Brownfields redevelopment will create jobs, increase the tax base, remove blight and sources of contamination, limit sprawl, and improve the quality of life for residents.

Inside this Issue

Newest Grantees 1
Lewis & Clark County 1
Powell County 1
Miles City Housing Authority 2
Petroleum News 2

Powell County

CLEANUP GRANT - $200,000 for hazardous substances
EPA selected Powell County for a brownfields cleanup grant. Hazardous substances grant funds will be used to clean up the Deer Lodge Roundhouse site, which is contaminated with hazardous substances co-mingled with petroleum, including heavy petroleum fuels, diesel fuel, and solvents. The site has been unused since 1980, and is contaminated from former rail maintenance, refueling, and locomotive repair operations. Grant funds will be used to remove fuel oil tanks, excavate and dispose of contaminated soil, and conduct community outreach activities.

COMMUNITY DESCRIPTION
Located in western Montana, Powell County (population 7,076) historically depended on its railroad and natural resource industries, but has been severely affected by the loss of jobs in

continued on page 2

Congratulations to Montana's Newest Grantees - *continued from page 1*

these industries. The decline of the timber, railroad, and natural resources industries has left behind vacant properties and more than 50 brownfields sites throughout the region that have reduced the tax base, stalled economic development, and become a detriment to human health. Powell County's per capita income is $13,816, which is significantly less than the state and national averages. The county's unemployment rate is 8.1 percent. The county plans to redevelop the Deer Lodge Roundhouse property to be a business park and regional job training facility. After redevelopment, the site also is expected to become an integral part of the River Trail System, which follows the Clark Fork River and provides pedestrian access to Deer Lodge's business and commercial areas. Brownfields redevelopment is expected to create more than 100 jobs and increase the local tax base.

Miles City Housing Authority

CLEANUP GRANT - $200,000 for hazardous substances
EPA selected the Miles City Housing Authority for a brownfields cleanup grant. Hazardous substances grant funds will be used to clean up the Old Holy Rosary Hospital site at 310 North Jordan and the 2000 block of Clark Street. The site contains three buildings built before 1950 that have been vacant for over a decade. Grant funds will be used to remove drums and waste materials from the former hospital buildings.

COMMUNITY DESCRIPTION
Formed in 1978, the Miles City Housing Authority works to provide safe, decent, and affordable housing for families in Miles City (population 8,500). The poverty rate in Miles City is 15.1 percent, and the majority of jobs are minimum-wage service-sector positions. The city's overall housing market is 97.4 percent occupied, and there has been no new apartment development in the past 30 years. The Housing Authority intends to convert two of the former buildings at the target site into 21 affordable apartments for low-income families, and to demolish a third building to create greenspace for families living in the new apartments and surrounding neighborhoods. Brownfields redevelopment is expected to expand the tax base, increase property values, create jobs, remove environmental and human health threats, create greenspace, and provide much-needed housing. ■

Petroleum News: Contamination Discovered During a Targeted Brownfields Assessment may Trigger DEQ Reporting Requirements

RELEASE REPORTING AND DEQ ENFORCEMENT

Failure to report suspected and confirmed releases in accordance with timeframes set forth in the Administrative Rules of Montana (ARM) Title 17, Chapter 56, sub-chapter 5 is a violation of the Montana Underground Storage Tank Act, §75-11-501, MCA et seq and rules adopted thereunder. The Montana Department of Environmental Quality (DEQ) may take formal enforcement action against all alleged violators of legal requirements to report releases and suspected releases from underground storage tanks and petroleum storage tanks. Reporting requirements in Montana statutes and rules and in federal regulations are designed to ensure prompt response that, in many cases, could minimize or eliminate environmental damage, or human health impacts. Therefore, proper reporting is not only important to save you from enforcement action, but also to protect human health and Montana's environment.

Reporting requirements are set forth in Title 17, Chapter 56, Sub-Chapter 5 of the Administrative Rules of Montana (ARM 17.56.501 thorough 507). DEQ updated these rules in March 2005. To be sure that you have the most current version, you can get a copy from the Secretary of State at http://arm.sos.state.mt.us/17/17-6001.htm, or you can request a copy by calling DEQ at (406) 841-5000.

What is a release?

The term "release" is used in many different ways in the English language. In normal conversation many people just refer to tank releases as "spills" or "leaks." But for the purposes of reporting releases it is important to understand the legal definition. With respect to USTs and PSTs, Montana tank rules (specifically, ARM 17.56.101(54)) define a release as "any spilling, leaking, emitting, discharging, escaping, leaching or disposing from a tank system into groundwater, surface water, or subsurface soils."

Who must report?

It's not just the owners and operators of USTs and PSTs who are required to report releases. Just about every type of professional trained or employed in the operation of storage tanks, or the environmental industry must report a release when they become aware of its existence. The following persons are all required under Montana tank rules (specifically ARM 17.56.502 and 506) to report suspected and confirmed releases:

- Owners and operators of PSTs and USTs,
- Any person who installs or removes USTs
- Any person who performs subsurface investigations for the presence of regulated substances (DEQ interprets this to include consultants performing

Petroleum News - *continued from page 2*

environmental assessments at PST and UST sites for any reason),

- Any person who performs a tank tightness or line tightness tests pursuant to ARM 17.56.407or 17.56.408.

What constitutes a suspected release?

The following conditions constitute a suspected release under Montana tank rules (ARM 17.56.502):

(a) Visual or olfactory observations, field monitoring results or other indicators of the presence of regulated substances in soil or nearby surface or ground water, or the presence of free product or vapors in basements, sewer or utility lines;

(b) The sudden or unexplained loss of product from a tank system;

(c) A failed tightness test, performed in accordance with subchapter 4 of the UST rules, unless the tank system is found to be defective but not leaking and is immediately repaired or replaced;

(d) Sampling, testing or monitoring results from a release detection method, performed in accordance with subchapter 4, that indicate a release may have occurred, unless the release detection or monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and subsequent monitoring, sampling or testing indicates that the system is not leaking;

(e) The presence of product in the tank secondary containment system (including all spaces between double-wall tanks and pipes, areas inside turbine sumps and sumps beneath dispensers, and any other area designed to contain product when a primary container leaks or when maintenance activities spill product);

(f) Erratic behavior of product dispensing equipment or automatic release detection equipment unless the equipment is found to be defective but not leaking, and is immediately repaired or replaced (this includes anything out of the ordinary from how the equipment is designed to function);

(g) An unexplained presence of water in the tank or in the interstitial space between the tank and the tank secondary containment;

(h) Inconclusive results from a tank tightness test, performed in accordance with subchapter 4, unless the tank system is found to be defective but not leaking (if the tester cannot verify that an UST is tight, then it is a suspected release);

(i) Sampling, testing or monitoring results from a release detection method, required under subchapter 4, that are inconclusive and cannot rule out the occurrence of a release, unless the monitoring device is found to be defective and is immediately repaired, recalibrated or replaced, and subsequent monitoring, sampling or testing indicates that the system is not leaking (again; if the release detection results cannot verify that a release has not occurred, then it is a suspected release); and

(j) Analytical results from contaminated soils that exceed 50 milligrams per kilogram for extractable petroleum hydrocarbons (EPH).

Any of the above-described conditions must be reported to DEQ within 24 hours of its discovery. Even though many of the situations listed above could turn out not to be a release, it is important to notify DEQ of them and take appropriate action to prove that they are not actual releases. Once notified, DEQ will be able to assist and advise the owners and operators on what actions to take to verify whether the condition is an actual release or not. If it turns out to be a release, then you will be in a good position to take early actions to stop any continuing release of product and to better clean up released product before it spreads further into the environment and causes health impacts or safety hazards.

How do I confirm a suspected release?

Once a suspected release has been reported, DEQ will assign a Petroleum Release Section (PRS) project manager to assist and direct the tank owner or operator. The owner or operator of the tank must either initiate corrective action (investigation and cleanup) or immediately investigate and confirm the release within seven days of its discovery. The PRS project manager will notify the owner or operator of what specific steps to take next. Under some situations, this may entail conducting tightness testing to determine whether a leak exists in any portion of the tank that routinely contains product. Depending on the circumstances of why a release is suspected, DEQ may require a site check. Site checks entail measuring for the presence of a release where contamination is most likely to be present at the site.

What constitutes a confirmed release?

Confirmed releases include suspected releases that have been confirmed through the process described above and in ARM 17.56.504 or a release identified in any other manner. If you see, smell, or detect petroleum in the environment outside of a UST or PST, then it is a confirmed release. If you are unsure, you should report the condition to DEQ as a suspect release and a PRS project manager will advise you.

Releases are often confirmed through environmental samples collected from water or soil at a tank site. When these laboratory results exceed reporting values, then a release is confirmed. Reporting values for tank releases are defined in ARM 17.56.506(1)(b) and include:

(i) Risk-based screening levels (RBSLs) established for petroleum contaminants in surface soil at UST sites, published in Table 1 of Montana Tier 1 Risk-based Corrective Action Guidance for Petroleum Releases (RBCA) for petroleum compounds and mixtures in surface and subsurface soil (located at http://www.deq.state.mt.us/rem/hwc/rbca/NewRBCA11-2003/revSurfSoilRBSLs10-03.pdf);

Petroleum News: - *continued from page 3*

(ii) Preliminary remediation goals or soil screening levels published in the United States Environmental Protection Agency, region 9 Preliminary Remediation Goals for soil analyses of contaminants in soil that are not listed in RBCA.

(iii) Contaminant levels in water that exceed background levels in the receiving water (this includes any contamination, regardless of quantity, reaching groundwater or surface water).

What about spills and overfills?

Spills and overfills must also be reported at tank sites with few exceptions. Petroleum spills and overfills do not need to be reported if they: are under 25 gallons, do not cause a sheen on nearby surface water, and are entirely cleaned up within 24 hours. It is important to note that even a spill less than 25 gallons must be reported if it causes a sheen on surface water or the entire release cannot be cleaned up within 24 hours.

How must releases be reported?

Montana tank rules (specifically, ARM 17.56.502 and 506) define specific requirements for reporting suspected and confirmed releases. Reporting parties must report to a live person within the DEQ Remediation Division, or the 24-hour Disaster and Emergency Services duty officer available at telephone number (406) 841-3911. Messages left on answering machines, received by facsimile, e-mail, voice mail, or other messaging devices are not adequate.

What timeframes are releases to be reported in?

All suspected releases, confirmed releases, spills and overfills must be reported within 24 hours of discovery with one exception. When a release is confirmed through laboratory sample results and there are no other circumstances indicating a release, then it must be reported within seven days of the release confirmation (or within seven days of the date the soil sample results from the lab are received).

You could be subject to enforcement including a fine!

DEQ is authorized to seek an administrative or judicial penalty from any person who does not comply with reporting requirements. Montana law allows DEQ to seek an administrative penalty of up to $500 or a judicial penalty not to exceed $10,000 for each violation. Each day of violation constitutes a separate violation. Failure of any of the required persons to notify a release or suspected release may also jeopardize tank owner or operator's reimbursement of corrective action costs by the Petroleum Tank Release Cleanup Fund. In addition, failure to address an ongoing release in a timely fashion may cause or exacerbate impacts human health and environmental receptors, and possibly reduce reimbursement. Timely reporting of releases is in everyone's best interests, and delaying may increase costs. ■