Winter 2015

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How Fund Solvency Affects LUST Cleanup Rates

DEQ and the Petro Board (PTRCB) briefed the Environmental Quality Council in July 2014 on the backlog of open petroleum releases and how that number is interrelated with solvency of the PTRCB. Learn the history of the Underground Storage Tank program, and how cleanup costs affect the future liability of the Fund.

Heating Oil and Emergency Power Generators

Colder weather in Montana and heating oil tanks go hand in hand. DEQ's Underground Storage Tank program regulates heating oil tanks and emergency generator tanks in Montana. This article includes a link for more information.

Petroleum Mixing Zone Update

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EPA Proposed Changed to Underground Storage Tank Regulations

This is the latest update on the EPA Office of Underground Storage Tanks proposal to strengthen the 1988 federal underground storage tank regulations by increasing emphasis on properly operating and maintaining UST equipment.

Water in Fuel Tanks

Though not common, the Petroleum Release Section and the Underground Storage Tank Section receive reports in the spring of each year of tank alarms alerting the tank operator of liquid in the tank interstitial space, or if manual interstitial monitoring is employed, then liquid later determined to be water instead of fuel is discovered by the operator during the routine monthly checks of the interstitial space of double wall tanks.

Ask the Expert

Who do we call if our leak system goes into alarm mode?

Enforcement Blotter

Over the past year, the DEQ Enforcement Division has been working with responsible parties by offering settlements with a reduced penalty rather than issuing unilateral Administrative Orders. These settlements are called Administrative Orders on Consent (AOC), where both parties agree to the terms. In some circumstances, the option for an AOC is not a possibility, and a unilateral Administrative Order will be issued. Because of this new approach, DEQ will publish when the terms of the AOC are agreed upon, rather than when the AOC is closed. The Enforcement Blotter will include facilities that have agreed to the terms of an AOC, and Administrative Orders that have passed their time for appeal to the Board of Environmental Review.

Licensee Training

The Annual Underground Storage Tank Licensee training will be held February 26, 2015 from 8 am to 5 pm at the Holiday Inn downtown Helena (22 N. Last Chance Gulch) in the Ballroom. This is the last department sponsored training for the triennial period, so be sure that you have your Continuing Education Credits accounted for. This article contains links to register.

Underground Storage Tank Post Event Checklist

Fund and Release Status Report

Petro Board Meeting Schedule and Minutes

For More Information

- Mike Trombetta (Bureau Chief): 444-6463
  - Hazardous Waste Cleanup Bureau
- Rebecca Ridenour (Section Supervisor): 444-431-5176
  - Petroleum Cleanup Section
- Jeff Kuhn (Section Supervisor): 444-6567
  - Federal Facilities and Brownfields
- Redge Meierhenry (Program Manager): 444-1417
  - Underground Storage Tanks Program
- Terry Wadsworth (Executive Director): 444-9712
  - Petroleum Tank Release Cleanup
- Jeni Garcin-Flatow (Public Information Officer): 444-6469
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How Fund Solvency Affects LUST Cleanup Rates

Mike Trombetta, DEQ

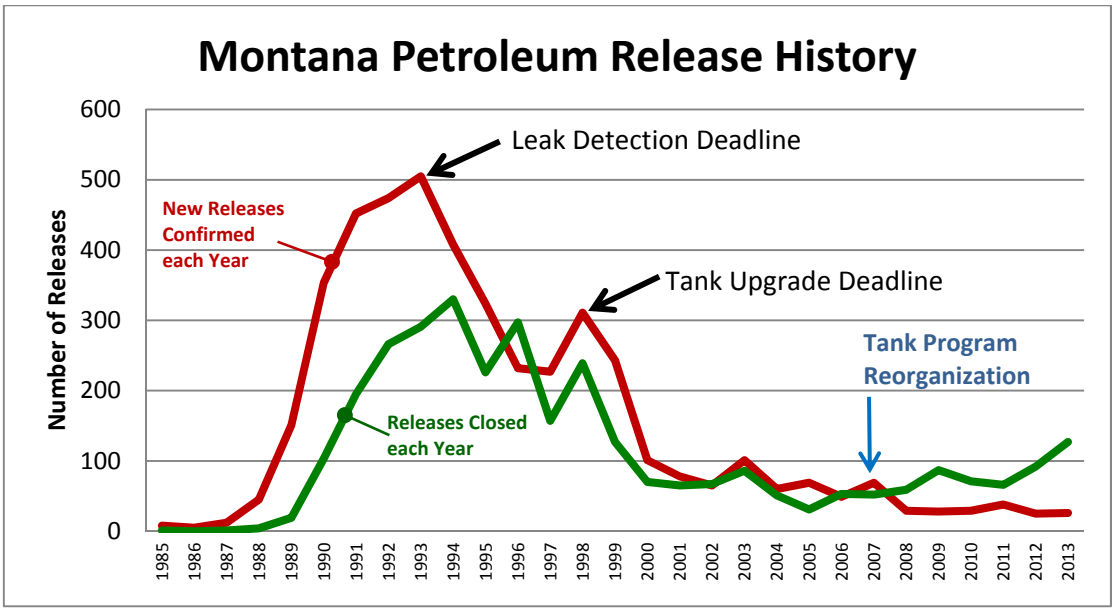
The Department of Environmental Quality (DEQ) and the Petroleum Tank Release Compensation Board (PTRCB) briefed the Environmental Quality Council (EQC) at their July 10, 2014 meeting on the backlog of open petroleum releases and how that number is interrelated with solvency of the PTRCB. On average, Montana's leaking underground storage tank (LUST) cleanups cost less than cleanups across the rest of the country. While DEQ and the PTRCB continue to improve processes and efficiencies, the rate of cleanups appears to be limited primarily by available funding and revenue into the Petroleum Tank Release Cleanup Fund. An analysis of the open LUST sites and the projected PTRCB funding indicates that it could take up to 20 years, or longer, to clean up the current backlog of sites.

Background

To understand this issue, it is important to review the history of the Underground Storage Tank Program. In the 1980s, America recognized that the aging population of underground petroleum storage tanks, many of which had been installed before or shortly after World War II, were deteriorating and leaking. These leaks represented a significant and widespread threat to groundwater and drinking water

supplies across the country. Both the U.S. Congress and the Montana Legislature passed laws mandating construction and operation standards, leak detection requirements, and financial responsibility (insurance) to cover the cost of cleaning up petroleum releases.

As tank owners responded to the new leak detection and tank construction requirements and deadlines, they discovered a significant number of petroleum releases, many of which had been leaking for years.

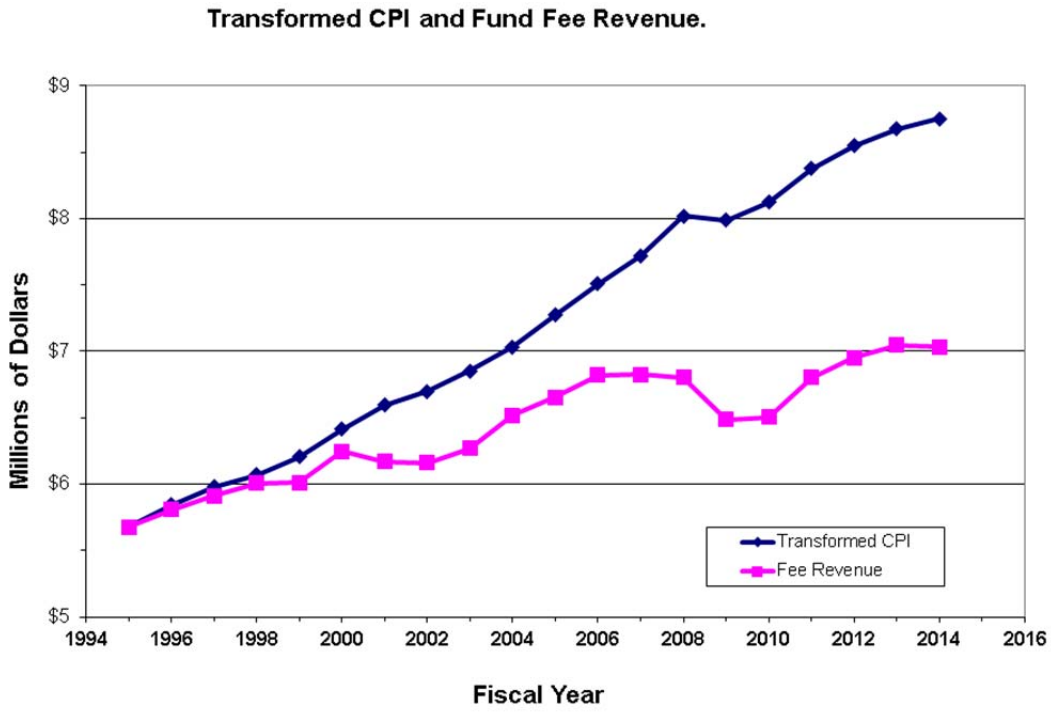


These new standards were phased in over several years, and resulted in two large peaks in the discovery of petroleum leaks.

1. 1993 EPA requirement for leak detection: The first significant discovery of releases came about due to a deadline to begin implementing an approved method of leak detection. The deadline to bring all tanks and piping into compliance with this requirement was December 22, 1993, and resulted in Montana's peak of 505 releases being discovered that year.
2. 1998 EPA requirement for new tank construction: The second peak in release discoveries was due to the deadline to upgrade, replace, or remove all older tanks by December 22, 1998. Many owners chose to get out of the petroleum business rather than upgrade to new systems or tanks, and those sites evolved into other businesses or uses.

The "flurry" of tank work caused a total of over 3,800 releases to be discovered in Montana from 1989 to 2001. Several of these releases were minor, and over 2,300 (approximately 60%) were cleaned up and resolved during this same timeframe. Over 4,500 releases have been confirmed during the life of the program (1985 to 2014). DEQ continues to address the remainder of open releases following that peak period, in addition to approximately 20 to 30 new releases currently being discovered each year. Less than 1,250 releases (or 28% of the total) remain open.

Federal law required owners and operators to possess $1,000,000 financial responsibility (insurance) on active UST systems. Private insurance was difficult to find, expensive, and would not cover prior releases. In response, the Montana's Legislature enacted the Petroleum Storage Tank Cleanup Act (75-11-301, MCA) in 1989 to fund the cleanup of petroleum releases. The ongoing fee of $0.0075 (¾ cent) on each gallon of fuel distributed in the state generates approximately $7,000,000 annually. After approximately $2,000,000 is appropriated to fund DEQ's regulatory program and the Montana's Petroleum Tank Release Cleanup Fund (Petro Fund) operating expenses, approximately $5,000,000 is available to fund cleanup activities at eligible release sites each year. No increase in the fee has been enacted since the Petro Fund's inception. The only increase in revenue has been through higher fuel usage and sales within the State. As the Petro Fund's biennial report has indicated, the revenue source has not kept pace with inflation (the Consumer Price Index or "CPI").



Adapting to Change

Montana initially faced a huge number of new releases being discovered – far more than could be addressed by staff or available funding. DEQ shaped its LUST program during this time to prioritize work and available funds primarily by the highest risks to human health, concurrent site construction opportunities, and to a lesser extent, to assist with property transfers and redevelopment. As new release discoveries tapered off and most of the high-risk releases had been brought under control, a significant number of open releases remained. In 2007, DEQ restructured its organization and work priorities to focus on reducing the backlog of open releases. One goal became taking a more holistic and strategic approach to addressing the backlog of over 1,600 open releases at the time. The reduction in newly discovered high-risk release discoveries now allows the bulk of work plans to focus on resolving

the greatest number of releases, while still prioritizing adequate resources on fewer releases that posed significant and imminent risks to human health and the environment.

DEQ currently addresses petroleum releases in coordination with the Petroleum Tank Cleanup Section. It oversees cleanups being completed by owners and operators of facilities as well as federal LUST Trust grant funds used to directly address releases where an owner or operator has not been identified or is not addressing the release in a timely manner. DEQ uses a consistent enforcement strategy to compel identified responsible parties to clean up their releases. DEQ's Federal Facilities and Brownfields Section works with property owners, developers, and local governments to identify funding assistance to cleanup and redevelop former petroleum facilities. With these two sections, DEQ effectively addresses open releases discovered early in the program and new releases occurring today.

Since the 2007 reorganization, DEQ has resolved over 500 petroleum releases working within the constraints of the yearly cash flow of the Petroleum Tank Release Cleanup Fund. It is important to understand that the current high rate of releases being resolved is primarily due to closure of many low-risk open releases that needed very little cleanup. As these releases are closed and taken off the books, the more complex, expensive, and long-term cleanup sites remain. Many of these larger sites require excavations, where a single project can consume all funding available from the Petro Fund for one or more months.

Cleanup Costs and Future Liability of the Fund

DEQ only schedules cleanup work plans based upon risk to human health and the environment and at a rate consistent with the funds available to reimburse work for eligible releases (approximately $5,000,000 each year). Montana's average cleanup costs are less than the national average cleanup cost. Calculating precise average cleanup costs is complicated by the fact that many larger and expensive cleanups are still open. Montana's range of average cleanup costs range from $64,000 to $120,000 depending on how it is calculated. This is below the national average of $144,183[1]. These figures demonstrate that the primary factor limiting the number of cleanups in Montana is the cash flow of the Petroleum Tank Release Cleanup Fund.

Given this liability of the open releases, it is estimated to take between 12 and 22 years to clean up all the releases eligible for funding. This timeframe is based on the approximately 1,000 fund-eligible releases and does not include the 250 ineligible open releases.

DEQ and the Petro Board staff work closely to balance the need to clean up these large sites while still keeping funds flowing to less complicated, more easily closeable sites. DEQ and the Petro Board staff are also currently engaged in strategic planning on how to best apply this process to the backlog of releases.

[1] Average National cleanup costs reported in the Association of State and Territorial Solid Waste Management Official's 2013 State Fund Survey.
http://www.astswmo.org/Pages/Policies_and_Publications/Tanks.htm

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Heating Oil and Emergency Power Generators

Seth Hendrix, DEQ

Colder weather in Montana and heating oil tanks go hand in hand. The Montana Department of Environmental Quality's Underground Storage Tank (UST) Program regulates heating oil tanks and emergency generators tanks in Montana. It is important for owners and operators to know how the underground tank requirements relate to your tank and how to maintain compliance with the department regulations.

Click here to access further information on heating oil and emergency generator tanks.

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Petroleum Mixing Zone Update

Mike Trombetta, DEQ

Administrative rules that address what conditions may be appropriate to resolve a petroleum release with a Petroleum Mixing Zone (PMZ) have been updated. The previous rules excluded the use of PMZs at some sites where risks to potential water bodies or drinking water wells were based on set distances rather than site specific factors. Petroleum contamination that is proved to be degrading naturally and shrinking back toward the source can now be managed under a PMZ at distances less than the previous exclusion distance of 500 feet, so long as doing so does not pose a threat to human health or the environment When PMZ applications are evaluated for these set distances, the Department of Environmental Quality (DEQ) will require a higher degree of scientific certainty to demonstrate the receptors are not unreasonably threatened.

PMZs can be approved by DEQ to issue "No Further Action" letters at release sites where all reasonable cleanup actions have been accomplished and the residual petroleum contamination in groundwater is naturally degrading.

The new rules state that PMZs can be approved within 500 feet of existing drinking water wells and surface water bodies only if they ensure present and long-term protection to human health, safety, and the environment. In making this determination, DEQ is required to consider specific conditions of the contaminants, the aquifer, the wells or surface water potentially affected and any other relevant factors to ensure protection. The rules have also been amended to apply the same evaluation criteria to allow PMZs to be approved if they are larger than 500 feet measured from the point of release.

The rule amendment notice is available on DEQ's web site at: http://www.deq.mt.gov/dir/legal/Notices/17-364Apro.pdf. While these rule amendments were formally adopted on November 7, 2014 and in effect as law, the official replacement pages are still in being published and will be available on DEQ's web site shortly. The rule adoption notice can be viewed at: http://www.deq.mt.gov/dir/legal/Notices/17-364adp.pdf.

These amendments allow owners and operators of facilities with petroleum releases to manage the cleanup of those releases in a scientifically sound manner that allows the property and businesses to develop while ensuring protection of human health and the environment.

The Montana Legislature will hear and consider a DEQ proposed bill to clarify some of the language in the PMZ statute this year. Senate Bill 49 expands the type of agreement that a down-gradient land owner can grant the tank owner to allow a PMZ on their property. It also removes the requirements for

PMZs to be approved only when they are in unconfined aquifers. These amendments should assist with approving PMZ closures while still ensuring the same level of protection to human health and the environment.

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Revision of Administrative Rule of Montana (ARM) 17.56.502

Reporting of Suspect Releases

Redge R. Meierhenry, DEQ

ARM 17.56.502, Reporting of Suspect Releases, is being examined by DEQ for revision. The re-visit of this administrative rule follows on the announcement in the last MUST News issue that DEQ and the Petroleum Tank Release Compensation Board are conducting a unified strategic plan to improve the three primary programs that work with petroleum tanks. These three programs are the Underground Storage Tank Section, Petroleum Release Cleanup Section and Petroleum Release Compensation Board. The strategic planning effort draws all three programs together to improve our delivery of services and speed cleanup efforts.

The strategic planning sessions have, as a primary goal, DEQ business process optimization. The department believes that the "suspect release rule" may require intervention by the department to reconstruct it to make it less difficult for underground storage tank owners and operators.

The department is interested in your views as to how the suspect release rule may be improved. Your ideas will be helpful to ensure that the rule is user-friendly and so that owners and operators know who to call with concise reporting triggers.

The suspect release rule, ARM 17.56.502, is found at http://deq.mt.gov/dir/legal/Chapters/Ch56-05.pdf, and is repeated below so you may copy this into an email with your proposed edits or revision ideas.

Please send your comments or ideas to rmeierhenry@mt.gov .

17.56.502 REPORTING OF SUSPECTED RELEASES

(1) Owners and operators, any person who installs or removes an UST, or who performs subsurface investigations for the presence of regulated substances, and any person who performs a tank tightness or line tightness test pursuant to ARM 17.56.407 or 17.56.408, must report suspected releases to a person within the Remediation Division of the department and the implementing agency or to the 24-hour Disaster and Emergency Services officer available at telephone number (406) 324-4777 within 24 hours of discovery of the existence of any of the following conditions:

(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 the tank system;

(c) a failed tightness test, performed in accordance with subchapter 4, 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;

(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;

(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;

(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;

(j) analytical results from soil samples that exceed 200 milligrams per kilogram for extractable petroleum hydrocarbons (EPH); and

(k) activation of a leak detection equipment monitoring alarm, or activation of flow restriction mode for a mechanical line leak detector, unless:

(i) within 24 hours of the occurrence of the condition, the condition is investigated, the cause of the condition is discovered, corrected, and a release to the environment or to secondary containment has not occurred;

(ii) the leak detection system is returned to a fully operational condition within 24 hours; and

(iii) records documenting the cause of the condition and the investigative and corrective actions undertaken in response to the condition are maintained for a one-year period at the facility, or at a readily available alternative site, where the records may be provided for inspection by the department upon request.

(2) Messages left on answering machines, received by facsimile, e-mail, voice mail, or other messaging device are not adequate 24-hour notice. For further assistance, the department's release reporting hotline may be reached at 1 (800) 457-0568.

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Update on EPA Proposed Changes to Underground Storage Tank Regulations

Redge R. Meierhenry, DEQ

The Department of Environmental Quality Underground Storage Tank Program has, for the last two+ years, alerted underground storage tank owners and operators that the Environmental Protection Agency (EPA) Office of Underground Storage Tanks is proposing revisions to strengthen the 1988 federal underground storage tank regulations by increasing emphasis on properly operating and maintaining UST equipment.

According to the Office of Management and Budget (OMB) website, the proposed rule formally submitted to OMB for review May 13, 2014, is subject to "extended review." This is a category reserved for rules that are still subject to review beyond the 90 day review deadline set by various executive orders governing White House scrutiny of agency regulations. Moreover, the rule is not subject to either a statutory or court-ordered deadline, making it easier for OMB to delay the measure.

"EPA will submit the rule to Congress before publication," said Elizabeth McDermott, EPA Office of Underground Storage Tanks contact for the proposed regulatory changes." "Whether this changes the pace of publication is up to Congress."

Congress enacts the legislation that mandates or authorizes agencies to issue regulations. Through the Administrative Procedures Act and other laws, Congress also establishes the procedures that govern agency rulemaking. Congress may use a variety of processes as part of its oversight of agency action, including holding hearings or informal meetings, issuing reports, or adopting legislation. In addition, Congress, through the Congressional Review Act (CRA) (5 U.S.C. Chapter 8), may review and choose to reject new regulations issued by Federal agencies. The CRA requires Federal agencies to submit all new final rules to both the House and Senate. After submission, Congress may begin a process to reconsider and vote to overturn the rule.

Given scrutiny by OMB and that any changes to the existing rule goes back to Congress, all this seems to indicate that there is a lengthy interval of time and process ahead before tank operators would see anything definitive with regard to the EPA rule proposal. How much longer is anyone's guess.

For those of you not following the scope of the underground storage rule changes proposed by EPA, below is a generalized recap to 40 CFR part 280:

- Adding secondary containment requirements for new and replaced tanks and piping
- Adding operator training requirements for UST system owners and operators
- Adding periodic operation and maintenance requirements for UST systems
- Removing certain deferrals
- Adding new release prevention and detection technologies
- Updating codes of practice
- Making editorial and technical corrections.

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Spring Melt May Create Tank Interstitial Alarms

Redge Meierhenry, DEQ

Though not common, the Petroleum Release Section and the Underground Storage Tank Section receive reports in the spring of each year of tank alarms alerting the tank operator of liquid in the tank interstitial space, or if manual interstitial monitoring is employed, then liquid later determined to be water instead of fuel, is discovered by the operator during the routine monthly checks of the interstitial space of double wall tanks.

The first step for a tank operator is to verify that the liquid found in the interstitial space is indeed water. This is accomplished by using a water-finding paste. These pastes are inexpensive and easily found on the web for purchase. Google “water finding paste” and many options come up.

If the liquid is verified to be water, the Underground Storage Tank Program has learned from past investigations that if the liquid is verified to be water, steel double wall tanks or jacketed tanks are particularly susceptible to water ingress into the interstitial space from the tank topside.

How does this happen and why in the spring?

Many rural facilities in Montana are configured to have asphalt for driving surfaces, while the tank basin is off pavement and topped with gravel and/or native soil. The tank configuration (steel double wall or jacketed tank), facility physical setup, and the vacant area on top of the tank basin that makes a convenient place to push the season’s snow off pavement; all make for a perfect setup for water ingress into the tank interstitial space through the tank bungs.

It is tempting to push the winter snow to the most accessible and least used location at the facility. This often will be the tank basin. However, for double wall steel tank or jacketed tank owners, this practice often presages in the spring of the year, the discovery of water in their tank interstitial space. The entry point for water into the tank interstitial space is unsealed or improperly sealed tank bungs at the tank top. See the picture below that shows a typical steel tank with temporary plugs installed at each of the tank bungs.

As the ground thaws and snow melts at the surface, melting water infiltrates the softening soils. Eventually, the soils will saturate and water is able to leak past the tank bung threads and reach the interstitial space. If the soils are fully saturated, hydrostatic pressure at the tank bungs adds to the ability of water to leak past the unsealed or improperly sealed bung threads.

Suspect Release Reporting

Be aware that Administrative Rules of Montana (ARM)17.56.502, "Reporting of Suspect Releases," requires owners and operators to report suspected releases to a person within the Remediation Division of the department and the implementing agency, or to the 24-hour Disaster and Emergency Services officer available at telephone number (406) 324-4777 within 24 hours of discovery of the existence of an unexplained presence of water in the tank or in the interstitial space between the tank and the tank secondary containment.

Once a suspect release event is triggered, DEQ is able to assist the owner in determining the proper course of action to determine if the tank is compromised or if water is reaching the space from the tank top.

Prevent Water Ingress

Prevent water ingress into your tank interstitial space by periodically removing accumulated snow away from the tank basin. Additionally, improve the drainage by grading approximately a 1% slope away from the tank basin to facilitate water runoff. These preventative measures will help keep water from where the operator least desires it, helping prevent compromised corrosion protection of the inner tank wall and the inability of the leak detection equipment to properly function.

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Ask the Expert

Who do we call if our leak system goes into alarm mode?

Call the hotline for reporting leaks:

Monday through Friday 8 a.m. to 5 p.m. call 1-800-457-0568.

After hours and holidays call 1-406-324-4777.

This call is answered by staff in the Remediation Division. If Remediation Division staff answering the call needs technical assistance, they will call one of the technical staff in the DEQ Underground Storage Tank Section of the Permitting and Compliance Division.

IMPORTANT! Messages left on answering machines, received by facsimile, e-mail, voice mail, or other messaging device are not adequate 24-hour notice. For further assistance, the department's release reporting hotline may be reached at 1 (800) 457-0568.

EXCEPTION
Administrative Rule of Montana 17.56.502(k) states that when there is "activation of a leak detection equipment monitoring alarm, or activation of flow restriction mode for a mechanical line leak detector" then it is NOT REQUIRED TO REPORT THE EVENT IF ALL OF THE CONDITIONS ARE MET.

Conditions:

- Within 24 hours of the occurrence of the condition, the condition is investigated, the cause of the condition is discovered, corrected, and a release to the environment or to secondary containment has not occurred;
- The leak detection system is returned to a fully operational condition within 24 hours; and
- Records documenting the cause of the condition and the investigative and corrective actions undertaken in response to the condition are maintained for a one-year period at the facility, or at a readily available alternative site, where the records may be provided for inspection by the department upon request.

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Enforcement Blotter

Shasta Steinweden, DEQ

Over the past year, the DEQ Enforcement Division has been working with responsible parties by offering settlements with a reduced penalty rather than issuing unilateral Administrative Orders. These settlements are called Administrative Orders on Consent (AOC), where both parties agree to the terms. In some circumstances, the option for an AOC is not a possibility, and a unilateral Administrative Order will be issued. Because of the new approach, DEQ will publish when the terms of the AOC are agreed upon, rather than when the AOC is closed. From this point forward, the Enforcement Blotter will include facilities that have agreed to the terms of an AOC, and Administrative Orders that have passed their time for appeal to the Board of Environmental Review.

JM & JM Enterprises, LLC (JM & JM), was issued an Administrative Order for failure to conduct leak detection at Gillys Gas and Grocery in Missoula. The Administrative Order required JM & JM to conduct 12 months of leak detection, obtain a re-inspection, and pay a $1,680 penalty. JM & JM violated the terms of the Administrative Order by not sending 12 months of leak detection records, but paid the $1,680 penalty. On February 2, 2014, JM & JM entered into an AOC that required them to conduct 12 months of leak detection monitoring, obtain a re-inspection, and pay a $3,000 penalty for violation of the Administrative Order.

Crumley's Inc., doing business as Keneco Petroleum Equipment, entered into an AOC to resolve violations for installing an underground storage tank (UST) system without a permit. The AOC required payment of a $3,000 penalty and for Jozeph Crumley to attend three consecutive years of DEQ-sponsored courses.

Gas and Cast Property Management, LLC entered into an AOC to resolve violations that occurred at the Arends Gas and Cast facility. The violations were for failure to have an inactive inspection, and failure to empty inactive tanks. The AOC requires payment of a $500 penalty and to obtain the next inactive inspection by April 20, 2015.

Hotel West, LLP entered into an AOC to resolve violations at the Holiday Inn Billings. The violations were for failure to conduct leak detection monitoring and failure to obtain a re-inspection within the allotted timeframe. The AOC requires payment of a $1,140 penalty, submission of leak detection records, and submittal of a re-inspection.

Brett Smith entered into an AOC to resolve violations for installation of UST system components without a permit and failure to comply with permit conditions. The AOC requires payment of a $715 penalty and for Mr. Smith to attend three consecutive years of Department sponsored courses.

Stockton Oil Company has been issued an Administrative Order for numerous violations at six different facilities. The Administrative Order requires corrective actions to be taken and payment of an $8,535 penalty.

High Altitude Enterprises, Inc. entered into an AOC to resolve violations that occurred at the Glacier Center facility. Violations were for failure to obtain a compliance inspection 90 days prior to the Operating Permit expiration, failure to conduct leak detection monitoring, and failure to correct the violations within the allotted timeframe. The AOC requires payment of a $750 penalty, submittal of leak detection records, and submittal of a re-inspection.

Town Pump, Inc. entered into an AOC to resolve violations that occurred at the Eureka Town Pump facility. The violations were for operating an UST without a valid Operating Permit. The AOC required payment of a $450 penalty.

Sorco, Inc., doing business as Sorensen Trucking, entered into an AOC to resolve violations that occurred at the Eureka Town Pump facility. The violations were for placing a regulated substance into an UST without a valid Operating Permit. The AOC required payment of a $450 penalty.

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UST Licensee Training

The annual Underground Storage Tank Licensee training will be held **February 26, 2015** from 8am to 5pm at the Holiday Inn downtown Helena (22 N Last Chance Gulch) in the Ballroom. This is the last department sponsored training of the triennial period, so be sure that you have your Continuing Education Credits accounted for.

New Licensee testing will be offered **February 24th and 25th, 2015.** You can register online for an exam when you register for the annual training or call (406) 444-5300.

Register for the Annual Licensee training online by February 20, 2015

In conjunction with Windsor Solutions, the program will be conducting an additional training on the new UST database processes on **February 27, 2015** at the Department of Transportation (2701 Prospect Ave, Helena) from 8:30am to 4:30pm. This training will cover the new processes for online permitting and mobile compliance inspections. The program highly recommends attendance at this training for all active licensees, as it will significantly impact how you perform your job and interact with the department.

Register for the New Database Process Training by February 20, 2015

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POST-SEVERE WEATHER CHECKLIST

U.S. Environmental Protection Agency (EPA), Office of Underground Storage Tanks (OUST)

(A) UST/FACILITY REGISTRATION NUMBER(S)	(B) LAT/LONG	(C) INSPECTION DATE	(D) FACILITY ADDRESS/CONTACT NAME AND MOBILE NUMBER

(A) **UST/Facility Registration Number(s).** Enter the registration number (or other unique identifier) for the facility and/or all the USTs at the site. This will help with recordkeeping and tracking follow-up activities.
(B) **LAT/LONG**. Enter coordinates if available.
(C) **Inspection Date**. Enter date of post-event inspection.
(D) **Facility Address; Contact Name and Mobile Number.** Enter facility address and contact information. This will help with potential follow-up activities.

Extent of Damage. 1. None ☐ 2. Minimal ☐ 3. Extensive ☐	[Are the dispensers upright and anchored with operational shear values, sump and spill bucket lids present, sedimentation in sumps, ATGs and sump sensors or other release detection equipment operational, did the tank lift up, etc.}
Extent of Flooding. 1. None ☐ 2. Minimal ☐ 3. Extensive ☐	[Describe the extent of flooding. This likely depends on best estimate of case manager. It is possible the facility owner will not know how high the water rose. Unless the facility can describe the height of the water (e.g., < 5 ft., etc.), provide a narrative description (e.g., over the dispensers, over the tank field, etc.).]
Status of Electricity. The site is: ☐ 1. On the grid ☐ 2. Using generator(s) ☐ 3. Neither _____	
Status of Fuel and Power in Tank(s). 1. The tank(s) ☐ **do** ☐ **do not** have fuel. 2. The tank(s) ☐ **do** ☐ **do not** have power. 3. Status of fuel or power in tank(s) cannot be determined. ☐	
Did a Release Occur? ☐ 1. Yes ☐ 2. No ☐ 3. Unknown	
Occurrence of Release (equipment/tanks). [If a release occurred, provide as much detail as possible. Did the facility notify authorities? If so, note which authority the facility contacted so that agencies can follow up and coordinate (e.g., did facility receive a tracking number for the incident?).]	

(continued on next page)

Did the site have active on-going on-site remediation prior to the event?

☐ 1. Yes ☐ 2. No ☐ 3. Unknown

Status of Active Remediation Activities. [Did the site have active on-going on-site remediation prior to the event? If so, try to assess and describe whether the remediation activity may have been affected by the event (e.g., damage to remediation system; did monitoring wells get flooded?).]

Additional Notes:

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Fund and Release Status Report

Petroleum Fund Financial Status – Through December 31, 2014, Fiscal Year 2015 (July 1, 2014 – December 31, 2014)

Total Revenue: $3,335,703.00

Current and prior year claims expenditures: $2,176,040.00

Outstanding work waiting to be obligated: $1,396,533.00

Petroleum Releases – Through December 31, 2014, Fiscal Year 2015 (July 1, 2014 – December 31, 2014)

New Releases: 29
Releases Resolved (Closed): 48

Summary of Total Petroleum Release Activity

Total Confirmed Releases: 4635
Total Active Releases: 1295
Total Releases Resolved (Closed): 3340

*Please note that this number includes sites with the status “Transferred to Another Program or Agency.” The other agency or program could be the EPA or another state-lead program (e.g. the DEQ State Superfund Program).