

2015 Brownfields Legislative Wrap-Up

- SB 355 – Montana Petroleum Brownfields Revitalization Act
- SB 49 – Petroleum Mixing Zone Updates
- SB 96– Orphan Share Account Funding

Montana Petroleum Brownfields Revitalization Act

Senate Bill 355

- **Signed into law by Governor Bullock
April 24, 2014**
- **Effective Upon Signature**

What Does it Do?

- **Authorizes DEQ's Petroleum Brownfields Program in Montana Law**
- **Provides Criteria for Petroleum Brownfields (PBF) eligibility and Petro Fund Leveraging**

PBF Eligibility

(Same as Federal Law)

- **Site is Relatively Low Risk**
- **No Viable Responsible Party**
- **Will Not Be Assessed, Investigated, or Cleaned Up By a Potentially Liable Person**
- **Site is Not Subject to An Order Under Tank Law**

DEQ

- **Will not limit BF grant funds**
- **Will coordinate with local grant recipients before expending DEQ's grant funding.**
- **Allows remediation exceeding DEQ standards**

PTRCB

- **Costs for all work must be actual, reasonable, and necessary to be reimbursed**
- **Grant funds count toward co-pay**
- **Petro Fund can reimburse grantee for eligible costs**

Petroleum Mixing Zones

SB 49

PMZ Refresher

- **NFA Letter with groundwater exceedances**
 - **Only for Petroleum Storage Tank Releases**
 - **Source Removed (including Free Product)**
 - **Plume is Shrinking (Natural Breakdown)**
 - **No Unacceptable Risks**
 - **Deed Notice (possible other restrictions)**

What Does the Bill Do?

- **Allows PMZs at Confined and Semi-Confined Aquifers**
- **Broadens Easements for Off-Site Plumes**

2014 Rule Change

- **Loosens 500 foot restriction for:**
 - **Drinking Water Well**
 - **Surface Water Body**
 - **Total Plume Length**

Orphan Share Account

SB 96

What Does the Bill Do?

- **Allows DEQ to use the Orphan Share Account to Cleanup Sites and Conduct Other Work**
- **Not a Grant Program**
- **Cleanup Completed by DEQ Contractors**

Type of Sites

- **A Release or Substantial Threat of a Release**
- **Posing an Imminent and Substantial Endangerment**
- **No Readily Apparent Person Who is Financially Viable and Potentially Liable under CECRA**

Funding

- **≥ 80% Boots on the Ground Cleanup**
 - **< 20% Initial Assessment**

- **\$7 Million Next 2 Years**