Board Members in attendance were Kristi Kline, with John Monahan, Calvin Wilson, Heather Smith, Mark Johnson and Grant Jackson in attendance via Zoom conference call. Board Member Keith Schneider was not in attendance. Also, in attendance were Terry Wadsworth, Executive Director; Garnet Pirre, Board staff; and Ann Root, Board staff, and Aislinn Brown, Attorney for the Board, joining via Zoom.

Acting Presiding Officer, John Monahan, called the meeting to order at 10:00 a.m.

Board Member Mr. Johnson joined the meeting via Zoom at 10:05 am.

Approval of March 28, 2022 Minutes

Mr. Jackson moved to approve the minutes of the March 28, 2022 meeting. Ms. Kline seconded. The motion was unanimously approved by roll call vote, with Mr. Johnson absent.

Guarantee of Reimbursement, WP #716834462, Fac #4303808, Rel #5337, Former Poplar Cenex

Mr. Wadsworth provided the Board with a summary of the matter. The statute, §75-11-309(5), MCA, provides the Board the authority to enter into the agreement for a Guarantee of Reimbursement (Guarantee). The Guarantee was requested by the City of Poplar for an estimated amount of $355,260.82. The staff had reviewed the Guarantee and recommended the approval to the Board. The Board had seen the work plan covered by this release previously, at the March meeting, as a reporting item for work plans greater than $100,000. At the time, there were no bids for the excavation and land fanning of materials. The excavation was estimated at roughly $191,000, and the soil disposal at about $64,000, which would result in the final total of $355,260.82.

Mr. Jackson moved to approve the Guarantee of Reimbursement as presented. Ms. Kline seconded. The motion was unanimously approved by roll call vote, with Mr. Johnson absent.

Weekly Reimbursements and Denied Claims

Mr. Wadsworth presented a summary of weekly claim reimbursements for the weeks of March 16 to May 11, 2022, and recommended the Board ratify the reimbursement of 157 claims, which totaled $1,126,207.49. (see, table below).

<table>
<thead>
<tr>
<th>WEEKLY CLAIM REIMBURSEMENTS</th>
<th>June 13, 2022 BOARD MEETING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week of</td>
<td>Number of Claims</td>
</tr>
<tr>
<td>3-16-22</td>
<td>28</td>
</tr>
<tr>
<td>3-23-22</td>
<td>24</td>
</tr>
<tr>
<td>3-30-22</td>
<td>24</td>
</tr>
<tr>
<td>4-6-22</td>
<td>19</td>
</tr>
<tr>
<td>4-20-22</td>
<td>25</td>
</tr>
<tr>
<td>5-4-22</td>
<td>12</td>
</tr>
<tr>
<td>5-11-22</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td>157</td>
</tr>
</tbody>
</table>

There were five (5) denied claims, as shown, (see, table below).

<table>
<thead>
<tr>
<th>Denied Claims</th>
<th>June 13, 2022 Board Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claim ID</td>
<td>Reason Denied</td>
</tr>
<tr>
<td>20220321D</td>
<td>Duplicate Invoice, reimbursed on Claim 20210301B</td>
</tr>
<tr>
<td>20220314B</td>
<td>Costs incurred before work plan approval</td>
</tr>
<tr>
<td>20220318A</td>
<td>Withdrawn</td>
</tr>
</tbody>
</table>
Mr. Johnson recused himself from voting on any matters associated with RTI and its clients, Yellowstone Soil Treatment and its clients, East Main Plaza Condo Association and Fort Ellis Fire Department. Mr. Wilson recused himself from any matters regarding Parkland U.S.A. and its customers. Mr. Monahan recused himself from voting on any matters that are associated with Hi-Noon Petroleum and its dealer locations. Ms. Smith recused herself from any matters pertaining customers of American Bank. Mr. Jackson and Ms. Kline stated no conflicts of interest.

Mr. Jackson moved to approve the weekly reimbursements and denied claims as presented. Ms. Kline seconded. The motion was unanimously approved by roll call vote.

Board Claims

Mr. Wadsworth presented a summary of the claims over $25,000, (see, table below). There were no questions from the Board.

<table>
<thead>
<tr>
<th>Facility Name Location</th>
<th>Facility-Release ID#</th>
<th>Claim#</th>
<th>Claimed Amount</th>
<th>Adjustment s</th>
<th>Penalty</th>
<th>Co-pay</th>
<th>**Estimated Reimbursement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Mutual Gas Co, Butte</td>
<td>4702577 116</td>
<td>20220201B</td>
<td>$46,331.85</td>
<td>$1,561.50</td>
<td>-0-</td>
<td>-0-</td>
<td>$44,770.35</td>
</tr>
<tr>
<td>City Service West, Kalispell</td>
<td>1502330 1608</td>
<td>20210329F</td>
<td>$25,263.11</td>
<td>$2,652.65</td>
<td>-0-</td>
<td>-0-</td>
<td>$9,076.59</td>
</tr>
<tr>
<td>City Service West, Kalispell</td>
<td>1502330 1047</td>
<td>20210329G</td>
<td>$25,263.11</td>
<td>$2,652.65</td>
<td>-0-</td>
<td>-0-</td>
<td>$11,305.23</td>
</tr>
<tr>
<td>Town Pump Inc Dillon 2</td>
<td>108696 5350</td>
<td>20220309D</td>
<td>$75,276.50</td>
<td>$64,464.75</td>
<td>-0-</td>
<td>-0-</td>
<td>$5,405.88</td>
</tr>
<tr>
<td>Holiday StationStore 272, Havre</td>
<td>2108068 5212</td>
<td>20220428G</td>
<td>$54,640.81</td>
<td>$685.51</td>
<td>-0-</td>
<td>-0-</td>
<td>$5,395.53</td>
</tr>
<tr>
<td>H&amp;R #4 - Formerly Gasamat 572, Great Falls</td>
<td>700090 3334</td>
<td>20220228A</td>
<td>$73,947.95</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>$73,947.95</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$300,723.33</strong></td>
<td><strong>$72,017.06</strong></td>
<td><strong>$5,395.53</strong></td>
<td><strong>$25,787.70</strong></td>
<td><strong>$197,523.04</strong></td>
</tr>
</tbody>
</table>

* In accordance with Board delegation of authority 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 $25,000.00 or greater, the claim must be approved and ratified by the Board at a regularly scheduled meeting before reimbursement can be made.

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

Board Attorney Report

Ms. Brown presented the Board Attorney Report as of May 25, 2022, as shown below.

- **Active Cases**
Cascade Co v. PTRCB: PTRCB submitted its response brief on May 11, 2022. Cascade County requested and received an extension for its reply, which is now due June 24, 2022.

Ms. Brown provided an update on the active Cascade County case. She stated that she had filed a response brief, on behalf of PTRCB, in the Cascade County case, and that the opposing council then requested an extension for their reply brief. The reply brief will be due on June 24, 2022.

**Fiscal Report**

Mr. Wadsworth presented the Board with the Fiscal Report through April 2022, FY22. There were no questions or comments.

**Board Staff Report**

Mr. Wadsworth presented the Board with a summary of the board staff eligibility information. There were months during which no applications were submitted. These included April, May, and June of 2021, as well as January, March, and April of 2022.

Mr. Monahan asked Mr. Wadsworth what caused gaps in the applications. Mr. Wadsworth explained that the gaps meant that no applications to the Fund had been received during those months. He wasn’t sure if it was a slowing of release discovery or just timing of submittal. Some months in 2021 had several applications and others had none. He noted he had drawn the Board’s attention to the data on the graph for two reasons. One pertained to a change in underground storage tank (UST) requirements that occurred in October 2021. This change was being monitored to see if it would cause an increase in the number of releases discovered and thus the number of eligibility applications submitted. The second thing being watched was Petroleum Brownfields. Petroleum Brownfields are federal dollars that were being used to investigate sites that could have potential contamination. If Petroleum Brownfields started to be used frequently by the State, the number of applications for release eligibility could potentially increase or decrease over the next year.

**Audit Corrective Action Plan Report**

Mr. Wadsworth presented a summary of the audit’s corrective action plan (CAP) report. He explained that the Board staff and Department of Environmental Quality (Department) had been looking into other states’ bidding process and that they were planning to conduct a stakeholder outreach meeting on Friday, July 22, 2022. All interested parties would be sent a notice of the meeting based on that individual’s subscription to the State’s listserv. He further stated that anyone could sign-up for the list service by using the subscribe button on the lower right-hand side of PTRCB’s website.

Mr. Monahan asked Mr. Wadsworth if the outreach meeting would focus on the competitive bid concept that was mentioned during the audit report. Mr. Wadsworth confirmed that it would.

Mr. Johnson asked Mr. Wadsworth if the audit CAP report was the only thing the Board was looking at under this discussion item, if the Board staff was looking at anything else, and if any response had come from the Board. Mr. Wadsworth explained that Board staff, along with the Board Chairman, and the Department, had put together a response to the legislature. There were two parts to the responses. The first was information contained in the back of the report that showed the responses to the Audit, the Department’s response and the Board’s response to the Performance Audit 20F-01. The second part was the CAP report, which was an excel workbook the legislature obtained from the agencies. This CAP report had been provided to the Board during the January meeting for their review. Mr. Wadsworth added that the staff could send a copy of CAP report submitted to the legislature to the board members.

Mr. Johnson asked Mr. Wadsworth if the CAP was a joint CAP between the Department and the Board. Mr. Wadsworth answered that it was a joint CAP that had been submitted to the legislature. He added that there were a few things of note in the CAP. On the first recommendation (brief description of recommendation), the Department is working on getting Board staff involved and that they were coordinating on fulfilling the response in the CAP. The second recommendation (brief description) was to wait on the legislature for any further activity. The third recommendation was to have the Department and Board staff look at other states’ competitive bid process. He added that Board staff had a list of states with competitive bid processes, and that they were going to communicate with these other states to gain further information. He added that they had already reached out to, and heard back from, a few states. Additionally, they had reached out to and had already heard back from The Association of Solid Waste Management. Mr. Wadsworth stated that they were currently in the process of looking through the information obtained so far. However, part of the proposed CAP response was to involve stakeholders and obtain their recommendations, which is why the July 22, 2022 meeting was being conducted.

Mr. Johnson asked to what population of stakeholders the meeting invitation would extend. Mr. Wadsworth answered that the announcement would be sent out to every contact on the electronic listserv. The lists consisted of interested parties, interested owners of petroleum storage tanks, and interested consultants.

June 13, 2022
Mr. Johnson asked if someone had to request entry to get onto one of the listservs and if all of the registered facilities and consultants that did business with the Fund were already on the lists. Mr. Wadsworth answered that it was most likely that the interested facility owners and the consultants were on the lists, as the lists are fairly comprehensive and are maintained by the interested parties. Board staff had been circulating how to sign up through various activities and have encouraged interested parties to sign up. Additionally, notice of the outreach and instructions on how to sign up had been shared with attendees of the June 7, 2022 Petroleum Marketers meeting. He added that an additional outreach to spread the word about signing up for the listserv was shared at the consultant’s day outreach meeting. Finally, he stated that Board staff was interested in any feedback or ideas the Board had on what they’d like to see done.

Mr. Monahan asked Mr. Wadsworth if the Board was allowed to see who was in the listserv contacts and what would be sent out. Mr. Wadsworth answered that the meeting information would be available to those who requested to be on the list, but that it was easy to subscribe or unsubscribe to that list.

Ms. Pirre clarified that the list was required by law to be self-subscribing and self-maintaining, and it was up to people to subscribe and unsubscribe. She added that if anyone wanted to, she could add them onto the list.

Ms. Pirre asked Mr. Monahan if he wanted to see the draft notice for the stakeholder’s meeting before she sent it out. Mr. Monahan answered that he was not concerned about the draft, but that he thought it would be good for the Board to see that they were moving ahead in reaching out to stakeholders and being kept in the loop, so as to fulfill their requirements to the audit. Mr. Wadsworth stated that when the staff sent out the list serve message, staff would email a copy to the Board members.

Ms. Mavencamp, the Department’s Contaminated Site Cleanup Bureau Chief, presented an update on the Department’s responsibilities under the audit CAP. She noted that both the Board and the Department had submitted a response for each item on the report. As of the last update given to the Board, the Department had been primarily focused on addressing Recommendation #3 from the audit, which involved the Department and Board working together to examine a competitive bid process for remediation projects in accordance with existing state procurement laws. She added that the Department’s CAP suggested learning about other states that used a competitive bid process to bring releases to closure. The three states that the Department had spoken with were Wyoming, Utah, and Colorado. Wyoming used a competitive bid process while Utah and Colorado use an approved contractor list with set reimbursement rates for fund sites. For the 2nd quarter, the Department’s CAP stated that the Department would determine the approaches most likely to work in Montana and would involve the Board and stakeholders in the discussion. On May 12, 2022, the Department had met with the Board staff to discuss the Department’s summaries of Utah, Colorado, and Wyoming’s bid processes, information on which could also now be found on the Department’s website. The Board staff had also presented preliminary results of their state interviews, and the programs are working together to assess a bid process. Board staff stated they had a process in mind, which the Department asked them to share, and highlights were shared at the May 3, 2022 internal meeting. The information was being shared and reviewed at the regular audit touch-based meetings as well as the next meeting that would be happening on Friday, June 17, 2022. During this time, the Department would provide additional feedback that could be shared with the Board. The Board staff had set a date of July 22, 2022 to hold a stakeholder meeting to discuss a proposed bid process as well as hear feedback. The Department would be updating their audit CAP and planned to have a discussion about the information with the Board staff at the end of July 2022.

Mr. Johnson asked if it was a foregone conclusion that they would be moving to a competitive bid process, as owners and operators historically preferred the ability to select their own consultants to have control over who would be on their property. He noted that although Wyoming’s bid process appeared to work well, it left the owners out of the financial loop on how a release would be handled. He stated that his concerns may be more appropriate for the stakeholder’s meeting itself but asked if the competitive bid process would be workable in the end considering the history of the fund.

Mr. Wadsworth answered that the intent was to investigate all aspects of the recommendation. Board staff would do extensive research and provide a recommendation based on their findings unless the Board and the Department were to decide not to proceed with a competitive bid process. He noted that the stakeholder outreach would result in obtaining the owners and other perspectives on the competitive bid process, which will help in the assessment and contribute to the completeness of the research as a whole. It remained to be seen whether a competitive bid recommendation would make its way to the legislature as a proposal.

Mr. Johnson noted that bidding professional services had been considered before back in the 1990s, but that there were legal constraints on professional services that prevented the proposal from going forward. Constraints were in place that required professional services to be based on qualifications rather than a bid process. He added that qualifications would be a hurdle that would have to be met by anyone who bid on this kind of work. Mr. Wadsworth agreed and indicated that a review of the proposed activity would need to be conducted by the Board’s Attorney. He added that the expanse of her review would hinge on what was discussed at the stakeholder outreach meeting.
special legislation was used to conduct the initial investigation in 2021 due to the owner's inability to pay for those costs.

Ms. Stremcha added that Ms. Stremcha clarified that there were two (2) underground storage tanks on the site currently, and that the tanks would be removed prior to soil excavation.

Mr. Wadsworth noted that the release at Ted's Car Wash was discovered in March of 1998, and that the owner requested application to the fund in November of 2021, with the WP having been requested in March of 2022. Ms. Stremcha added that special legislation was used to conduct the initial investigation in 2021 due to the owner’s inability to pay for those costs.

Ms. Stremcha stated that a Release Closure Plan (RCP) completed in May 2021 evaluated the potential remedial strategies of actions in the plan would remediate petroleum source areas and promote resolution of the release. Ms. Stremcha clarified that there were two (2) underground storage tanks on the site currently, and that the tanks would be removed prior to soil excavation.

Mr. Wadsworth noted that the release at Ted's Car Wash was discovered in March of 1998, and that the owner requested application to the fund in November of 2021, with the WP having been requested in March of 2022. Ms. Stremcha added that special legislation was used to conduct the initial investigation in 2021 due to the owner’s inability to pay for those costs.

Petroleum Tank Cleanup Section (PTCS) Report

Ms. Stremcha presented the Board with the petroleum tank cleanup activity report. She noted that between March 10, 2022 and May 25, 2022, there had been six (6) confirmed releases, with five (5) releases that were closed. There had been 3,881 releases resolved out of the total 4,802 releases that had occurred since the beginning of the Department’s tracking. This left a total of 921 active releases open at the time.

Ted's Car Wash, Facility #2808832, TID 24724, Release #3404, Twin Bridges, Priority 1.4

Ms. Stremcha presented the Board with the work plans (WP) near or over $100,000. She stated that Ted’s Car Wash in Twin Bridges, Montana was one such facility, as it had a current estimated work plan cost of over $99,000. The estimated cost for the Department-approved WP for Release 3404 was $99,208.00 and was expected to remediate petroleum-contaminated soil and groundwater identified during the 2021 Remedial Investigation (RI). The RI confirmed that petroleum-contaminated soil and groundwater persisted at the site and was likely in contact with the water main. Two underground storage tanks (USTs) were scheduled to be removed from the Facility in the summer of 2022, allowing an opportunity to excavate petroleum-contaminated soil. WP tasks included the following: project management; excavation and soil screening; separation and stockpiling of clean overburden soil; disposal of petroleum-contaminated soil at the nearest class II landfill; application of PetroFix®; monitoring well installation; laboratory analyses and data validation; site restoration; and data analysis, conclusions, recommendations, and reporting. Approximately 300 cubic yards were expected to be excavated to depths between the surface and 10 feet below ground surface to remove petroleum-contaminated soil in the source area. PetroFix®, a soil amendment, would be placed into the excavation prior to backfilled being placed. The Department expected the proposed actions in the plan would remediate petroleum source areas and promote resolution of the release.

Ms. Stremcha stated that a Release Closure Plan (RCP) completed in May 2021 evaluated the potential remedial strategies of excavation with ORC, soil vapor extraction and air sparge system installation/operation, and in-situ chemical oxidation. PetroFix® and the soil backfill of the excavation was the best opportunity and most cost-effective method for cleaning the release up.

Ms. Stremcha clarified that there were two (2) underground storage tanks on the site currently, and that the tanks would be removed prior to soil excavation.

Mr. Wadsworth noted that the release at Ted’s Car Wash was discovered in March of 1998, and that the owner requested application to the fund in November of 2021, with the WP having been requested in March of 2022. Ms. Stremcha added that special legislation was used to conduct the initial investigation in 2021 due to the owner’s inability to pay for those costs.
Mr. Johnson asked Ms. Stremcha for an explanation regarding the Department’s priority ranking system, having noted that an explanation could benefit the newer Board members. Ms. Stremcha explained that the ranking system was based on risk. For example, releases ranked at a one (1) to a one-point-four (1.4) were investigations. Releases priority could also be two (2), three (3), four (4), or five (5). This could include cleanup to groundwater or compliance monitoring at four (4), with five (5) being a site that was being considered for closure. Rankings were assigned based on risk and the type of work that was being conducted on a site at the time.

Mr. Johnson asked if this meant that a release ranked at one (1) was a high priority. Ms. Stremcha explained that a release ranked with a one (1) was a high priority, however it depended on its ranking within that category. One-point-one (1.1) was an emergency response, while a one-point-four (1.4) (the rank assigned to most new releases) was that the release needed additional investigation work.

Mr. Monahan asked what a priority level of two (2) represented. Ms. Stremcha answered that she was unsure as she did not have the ranking chart in front of her at the moment. However, she stated that she believed it represented a site needing cleanup, but there was no threat to sensitive receptors. She added that a document that explained priority rankings was available on the Department’s webpage, (Montana Priority Ranking Guidance for Petroleum Tank Releases).

### Public Forum

Mr. Monahan asked if there were any comments for the public forum portion of this meeting.

Brad Longcake, Executive Director, Petroleum Marketers Association addressed the Board.

Mr. Longcake: Okay. I just wanted to take a quick moment to thank the PTRCB staff, Terry, Garnet, also members from DEQ - Marla, Brett, Emily, and Neil - they all participated in our Petroleum Marketer’s Convention last week. I think it was a huge success and having an opportunity to get a number of interested individuals together. Again, I think someone had mentioned we were able to get the MUST News brought up again where it’s an opt-in versus an opt-out. I think it’s just a great opportunity to put a name to a face and try to figure out ways where we can, you know, can continue that connectivity across all the different aspects within DEQ, the owner-operators, and the PTRCB. So, I just wanted to give everybody a quick shout-out and a thank you for participating, and I look forward to continuing our actions not only with this group, but our work groups and continuing the ways to, you know, build those relationships moving forward. So, with that, that’s all I have, but again, just a big thank you to everybody for participating. We can’t do these things without you, so thank you again.

Mr. Monahan: Thank you Mr. Longcake. Any other comments for the public forum? I would second Brad’s comments about the meetings in Fairmont last week. It was great to get to meet everyone and get to, like Brad had said, again, put faces with names and just chat informally and realize that we all have the same goal in mind here. We just need to make sure we work on it together. So, any other comments on the public forum? Hearing none.

The next Board Meeting is scheduled for August 22, 2022.

The meeting adjourned at 10:51 a.m.

Signature - Presiding Officer

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