

# **Petroleum Tank Release Compensation Board**

## **Meeting**

### **April 22, 2024**

# Zoom Controls

- To mute or unmute – use \*6 on telephone or
  - Go to participant list in Zoom, right click on yourself and choose “unmute”
- You **must** rename yourself in the participants list, so that there is a sign-in record for this meeting.
  - Right click on your phone number/cb name/etc. and choose “rename”. Please type in your first and last name when you do this.
- To be recognized by Presiding Officer, click the “Reactions Icon” and choose the “raise hand” button. This is part of your Zoom window controls, usually at the top or bottom of your Zoom call window.

Pirre, Garnet



Mute



Start Video



Security



Participants



Polls



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Reactions



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End

# **Approval of Minutes**

**February 5, 2024, Board Meeting**

**•Questions / Comments?**

# Eligibility Dispute

Donald Baide Property

Fac #0032518, Rel #6538, Hobson

The above ground storage tank (AST) at this property was not in compliance with the laws and rules the board determines pertain to the prevention and mitigation of a petroleum release (§75-11-308,(1),(ii), MCA.

The laws and rules that the Board uses for AST compliance are adopted from Fire Code and are simplified on the AST Checklist.

# Eligibility Dispute

Donald Baide Property

Fac #0032518, Rel #6538, Hobson

- Release was not reported to DEQ within 24 hrs.  
(ARM 17.56.505)
- The AST was not protected from vehicle impacts  
(ARM 17.58.326(1))
- No overflow protection to prevent filling in excess  
of 90 percent of the capacity. (ARM 17.58.326(1)(a)(vi))  
or
- No impermeable secondary containment.
- Not on a proper foundation  
on wooden cribbing, (ARM 17.58.326(1)(b)(ii))

**ACTION ITEM**  
**April 22, 2024**

# ELIGIBILITY RATIFICATION

Location	Site Name	Facility ID #	DEQ Rel # Release Year	Eligibility Determination – Staff Recommendation Date
Belgrade	Flying J	1605735 TID 21368	6598 July 2023	Reviewed 3/7/24. Recommended Eligible.
Greenough	Paws Up Ranch LLC	3201458 TID 31141	6643 Nov 2023	Reviewed 3/22/24. Recommended Eligible.
Hobson	Donald Baide Property	0032518 TID32518	6538 Mar 2023	Reviewed 1/12/24. Recommended Ineligible.
Whitefish	Two Bear Properties	TID 32480	6312 Sept 2021	Reviewed 5/1/23. Recommended Ineligible – 2 <sup>nd</sup> ineligible letter sent 3/8/24.
Whitefish	Two Bear Properties	TID 32480	6325 Nov 2021	Reviewed 5/1/23. Recommended Ineligible. – 2 <sup>nd</sup> ineligible letter sent 3/8/24.

# WEEKLY AND DENIED CLAIMS FOR REIMBURSEMENTS

**ACTION ITEM**  
**April 22, 2024**

WEEKLY CLAIM REIMBURSEMENTS April 22, 2024, BOARD MEETING		
Week of	Number of Claims	Funds Reimbursed
1-31-24	25	\$94,319.26
2-14-24	25	\$124,851.97
<b>2-28-24</b>	<b>27</b>	<b>\$155,636.22</b>
3-13-24	22	\$134,144.36
3-27-24	12	\$140,985.17
<b>Total</b>	<b>111</b>	<b>\$649,936.98</b>

Claims 20211217L, 20220126G, 20220915E and 20221121B for Swan Valley Centre are pulled from ratification per request of owner.

**Claim 20240129D Denied-duplicate of Claim 20240126A**

**ACTION ITEM**  
**April 22, 2024**

# CLAIMS OVER \$25,000

Facility Name Location	Facility- Release ID#	Claim#	Claimed Amount	Adjustments	Penalty	Co-pay	**Estimated Reimbursement
Coulter Automotive Charlo	2404615 6505	20240131A	\$25,259.80	\$2,219.02	-0-	\$11,520.39	\$11,520.39
Circle K Store 2746059 Great Falls	0713729 6497	20240125A	\$27,051.92	\$0.00	-0-	\$13,525.96	\$13,525.96
Friendly Corner Hysham	5206316 2589	20240229C	\$44,506.63	\$0.00	-0-	\$16,713.50	\$27,793.13
MDT 43 Ingomar Ingomar	4409687 934	20240205B	\$51,642.01	\$2,869.50	-0-	\$10,589.57	\$38,182.94
Former Cardinal Hardware Kalispell	1512787 1275	20240112J	\$26,398.20	\$260.00	-0-	\$0.00	\$26,138.20
H and R #3 Shelby	5100104 3333	20240112D	\$25,762.71	\$143.00	-0-	\$0.00	\$25,619.71
<b>Total</b>			\$200,621.27	\$5,491.52	-0-	\$52,349.42	\$142,780.33

\* 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.

\*\*If 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.



# Release Response Discussion

Bennett Motors, Great Falls  
Release 5093,  
WP 716834817

Release expected to exceed \$100K in costs.

## Release Response Discussion

Former Bair's Truck Stop, Hardin  
Release 2603,  
WP 716834805

Release expected to exceed \$100K in costs.

# Release Response Discussion

Pro Coop, Richland  
Release 3837,  
WP 716834806

Release expected to exceed \$100K in costs.

# Attorney Report

REPORT ITEM  
April 22, 2024

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## Other

- Board Counsel has been litigating the Board's position in a Writ of Mandate filed in the First Judicial District Court by Cascade County, Oral Argument was held on March 28, 2024.
- The Administrative Rule Package MAR 17-440, adopted by the Board at the February 5, 2024, meeting, was filed, and published through the Secretary of State's office on February 23, 2024.

# Fiscal Report

REPORT ITEM  
April 22, 2024

	Legislative Approp.	Standard Budget	Rev/Exp through 3/31/2024	Projected Rev/Exp	Total FY24 Projected Rev/Exp	Projected Fiscal Year End Balance
<b>Revenues:</b>						
MDT Fee Revenue Estimate	8,436,524	8,436,524	6,094,669	1,666,015	7,760,684	(675,840)
Estimated STIP Interest earnings	10,000	10,000	222,757	52,812	275,569	265,569
Misc Revenue & Settlements	3,000	3,000	0	0	0	(3,000)
<b>Total Revenues:</b>	<b>8,449,524</b>	<b>8,449,524</b>	<b>6,317,426</b>	<b>1,718,827</b>	<b>8,036,253</b>	<b>(413,271)</b>
<b>Expenditures:</b>						
<i>(Includes current year expenses only)</i>						
<b>Board</b>						
Personal Services*	539,948	539,948	381,411	153,144	534,555	5,393
Contracted Services	20,000	20,000	9,307	4,500	13,807	6,193
Operating	317,294	317,294	148,460	45,000	193,460	123,834
Subtotal	877,242	877,242	539,179	202,644	741,823	135,419
<b>DEQ Regulatory</b>						
Personal Services*	1,270,030	1,270,030	843,520	375,000	1,218,520	51,510
Contracted Services	25,000	25,000	48,250	6,000	54,250	(29,250)
Operating & Transfers	914,799	914,799	307,404	120,000	427,404	487,395
Subtotal	2,209,829	2,209,829	1,199,173	501,000	1,700,173	509,656
<b>Administrative Budget Remaining</b>						<b>645,075</b>
<b>Claims/Loan</b>						
Regular Claim Payments	4,480,000	4,480,000	2,559,893	1,200,000	3,759,893	720,107
Accrual - FY24 for use in FY25	770,000	770,000	0	770,000	770,000	0
Subtotal	5,250,000	5,250,000	2,559,893	1,970,000	4,529,893	720,107
<b>Total Expenses:</b>	<b>8,337,071</b>	<b>8,337,071</b>	<b>4,298,245</b>	<b>2,673,644</b>	<b>6,971,889</b>	<b>1,365,182</b>

STIP = Short Term Investment Portfolio

# Fiscal Report

REPORT ITEM  
April 22, 2024

4/3/2024  
REPORT ITEM  
INFORMATIONAL

## Cash Flow Analysis - FY24

	July-23	August-23	September-23	Actual October-23	November-23	December-23
<b>Beginning Cash Balance</b>	<b>5,446,773.02</b>	<b>5,673,173.60</b>	<b>5,577,476.12</b>	<b>5,922,865.76</b>	<b>6,125,513.96</b>	<b>6,555,564.33</b>
<b>Revenue</b>						
MDT Revenue (\$.0075/gallon)	673,794.00	700,001.00	788,724.00	783,638.08	700,457.00	669,601.00
STIP Earnings	2,523.45	20,890.02	26,896.76	26,150.41	27,566.43	29,649.90
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Revenue</b>	<b>676,317.45</b>	<b>720,891.02</b>	<b>815,620.76</b>	<b>809,788.49</b>	<b>728,023.43</b>	<b>699,250.90</b>
<b>Expenditures</b>						
Petro Board Claims	49,603.84	431,040.27	177,665.10	329,771.34	109,737.92	334,911.11
Petro Board Staff	23,839.17	57,686.43	85,477.60	78,430.31	59,596.65	65,278.88
Prior Year Adj & Accrual Adj	-48,491.04	184,598.41	140,322.03	63,596.21	6,027.50	0.00
DEQ Regulatory	424,964.90	143,263.39	66,766.39	135,342.43	122,610.99	170,245.52
<b>Total Expenditures</b>	<b>449,916.87</b>	<b>816,588.50</b>	<b>470,231.12</b>	<b>607,140.29</b>	<b>297,973.06</b>	<b>570,435.51</b>
<b>Ending Cash Balance</b>	<b>5,673,173.60</b>	<b>5,577,476.12</b>	<b>5,922,865.76</b>	<b>6,125,513.96</b>	<b>6,555,564.33</b>	<b>6,684,379.72</b>



# Fiscal Report

REPORT ITEM  
April 22, 2024

4/3/2024

REPORT ITEM  
INFORMATIONAL

## Cash Flow Analysis - FY24

	January-24	February-24	March-24	April-24	Projected May-24	June-24
<b>Beginning Cash Balance</b>	<b>6,684,379.72</b>	<b>6,557,675.21</b>	<b>6,459,698.39</b>	<b>6,752,372.74</b>	<b>6,654,827.74</b>	<b>6,574,570.74</b>
<b>Revenue</b>						
MDT Revenue (\$.0075/gallon)	625,899.00	577,654.00	574,901.00	519,399.00	536,687.00	609,929.00
STIP Earnings	30,647.03	30,617.38	27,815.69	17,604.00	17,604.00	17,604.00
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Revenue</b>	<b>656,546.03</b>	<b>608,271.38</b>	<b>602,716.69</b>	<b>537,003.00</b>	<b>554,291.00</b>	<b>627,533.00</b>
<b>Expenditures</b>						
Petro Board Claims	597,308.74	405,002.60	124,851.97	400,000.00	400,000.00	400,000.00
Petro Board Staff	53,394.79	59,462.52	56,012.63	67,548.00	67,548.00	67,548.00
Prior Year Adj & Accrual Adj	0.00	900.00	0.00	0.00	0.00	0.00
DEQ Regulatory	132,547.01	240,883.08	129,177.74	167,000.00	167,000.00	167,000.00
<b>Total Expenditures</b>	<b>783,250.54</b>	<b>706,248.20</b>	<b>310,042.34</b>	<b>634,548.00</b>	<b>634,548.00</b>	<b>634,548.00</b>
<b>Ending Cash Balance</b>	<b>6,557,675.21</b>	<b>6,459,698.39</b>	<b>6,752,372.74</b>	<b>6,654,827.74</b>	<b>6,574,570.74</b>	<b>6,567,555.74</b>

# Fiscal Report

REPORT ITEM  
April 22, 2024

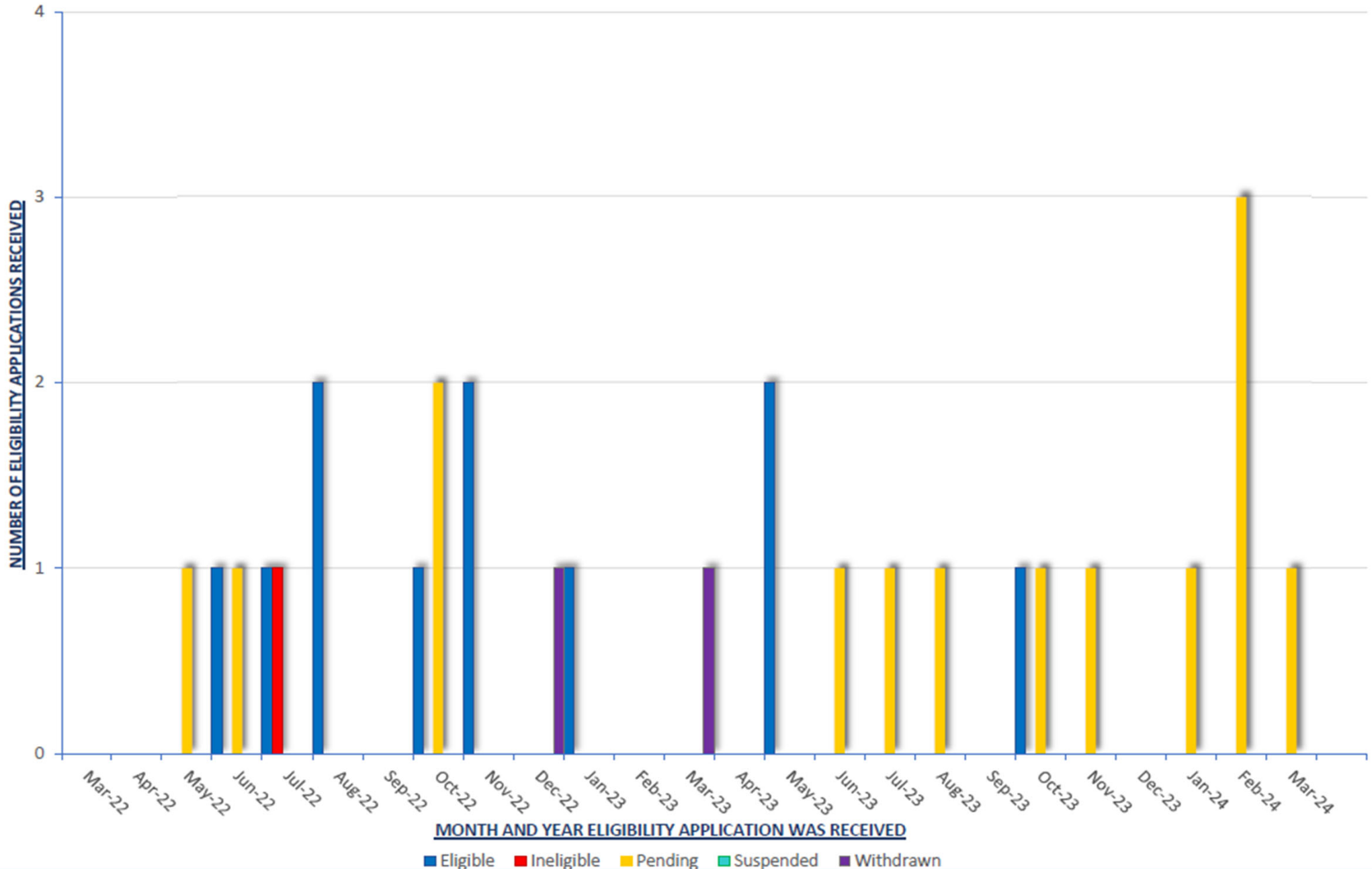
EXPENDITURE SUMMARY		PERIOD ENDING 07/31/23	PERIOD ENDING 08/31/23	PERIOD ENDING 09/30/23	PERIOD ENDING 10/31/23	PERIOD ENDING 11/30/23	PERIOD ENDING 12/31/23	PERIOD ENDING 01/31/24	PERIOD ENDING 02/29/24	PERIOD ENDING 03/31/24	PERIOD ENDING 04/30/24	PERIOD ENDING 05/31/24	PERIOD ENDING 06/30/24	FY24 TOTALS
<b>REVENUE</b>														
	MDT Fees	673,794.00	700,001.00	788,724.00	783,638.08	700,457.00	669,601.00	625,899.00	577,654.00	574,901.00				6,094,669.08
	Stip Earnings	2,523.45	20,890.02	26,896.76	26,150.41	27,566.43	29,649.90	30,647.03	30,617.38	27,815.69				222,757.07
	Misc Revenue	0.00	0.00	0.00										0.00
	<b>Total Revenue</b>	<b>676,317.45</b>	<b>720,891.02</b>	<b>815,620.76</b>	<b>809,788.49</b>	<b>728,023.43</b>	<b>699,250.90</b>	<b>656,546.03</b>	<b>608,271.38</b>	<b>602,716.69</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>6,317,426.15</b>
<b>BOARD</b>														
	Personal Services	23,839.17	41,454.03	42,304.69	61,896.13	38,990.22	42,755.40	41,766.25	45,992.33	42,413.18				381,411.40
	Contracted Services				4,757.30	4,550.00								9,307.30
	Operating		16,232.40	43,172.91	11,776.88	16,056.43	22,523.48	11,628.54	13,470.19	13,599.45				148,460.28
	<b>Subtotal</b>	<b>23,839.17</b>	<b>57,686.43</b>	<b>85,477.60</b>	<b>78,430.31</b>	<b>59,596.65</b>	<b>65,278.88</b>	<b>53,394.79</b>	<b>59,462.52</b>	<b>56,012.63</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>539,178.98</b>
<b>CLAIMS</b>														
	Regular CY Claim Payments	49,603.84	431,040.27	177,665.10	329,771.34	109,737.92	334,911.11	597,308.74	405,002.60	124,851.97				2,559,892.89
	<b>Subtotal</b>	<b>49,603.84</b>	<b>431,040.27</b>	<b>177,665.10</b>	<b>329,771.34</b>	<b>109,737.92</b>	<b>334,911.11</b>	<b>597,308.74</b>	<b>405,002.60</b>	<b>124,851.97</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2,559,892.89</b>
<b>DEQ Regulatory</b>														
	Personal Services	56,855.35	99,878.17	52,920.51	107,651.82	86,832.00	92,854.99	96,398.25	155,511.52	94,617.05				843,519.66
	Contracted Services		331.41	2,064.32	8,751.39	4,929.54			30,239.00	1,934.08				48,249.74
	Operating	1,481.48	43,053.81	11,781.56	18,939.22	30,849.45	77,390.53	36,148.76	55,132.56	32,626.61				307,403.98
	<b>Subtotal</b>	<b>58,336.83</b>	<b>143,263.39</b>	<b>66,766.39</b>	<b>135,342.43</b>	<b>122,610.99</b>	<b>170,245.52</b>	<b>132,547.01</b>	<b>240,883.08</b>	<b>129,177.74</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,199,173.38</b>
<b>CURRENT YEAR EXPENDITURE TOTALS</b>		<b>131,779.84</b>	<b>631,990.09</b>	<b>329,909.09</b>	<b>543,544.08</b>	<b>291,945.56</b>	<b>570,435.51</b>	<b>783,250.54</b>	<b>705,348.20</b>	<b>310,042.34</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>4,298,245.25</b>
<b>PRIOR YEAR EXPENDITURES</b>		<b>-48,491.04</b>	<b>9.17</b>	<b>371.40</b>									<b>0.00</b>	<b>-48,110.47</b>
<b>TOTAL EXPENDITURES</b>		<b>83,288.80</b>	<b>631,999.26</b>	<b>330,280.49</b>	<b>543,544.08</b>	<b>291,945.56</b>	<b>570,435.51</b>	<b>783,250.54</b>	<b>705,348.20</b>	<b>310,042.34</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>4,250,134.78</b>
Board & DEQ Non-Claim costs		82,176.00	200,949.82	152,243.99	213,772.74	182,207.64	235,524.40	185,941.80	300,345.60	185,190.37	0.00	0.00	0.00	1,738,352.36
Claims Accrual Payments			184,589.24	139,950.63	63,596.21	6,027.50			900.00					395,063.58
Guarantee of Reimbursement (A Accruals)														0.00
PROJECTION SUMMARY		PERIOD ENDING 07/31/23	PERIOD ENDING 08/31/23	PERIOD ENDING 09/30/23	PERIOD ENDING 10/31/23	PERIOD ENDING 11/30/23	PERIOD ENDING 12/31/23	PERIOD ENDING 01/31/24	PERIOD ENDING 02/29/24	PERIOD ENDING 03/31/24	PERIOD ENDING 04/30/24	PERIOD ENDING 05/31/24	PERIOD ENDING 06/30/24	FY24 TOTALS
<b>REVENUE</b>														
	MDT Fees										519,399.00	536,687.00	609,929.00	1,666,015.00
	Stip Earnings										17,604.00	17,604.00	17,604.00	52,812.00
	<b>TOTAL REVENUE PROJECTED</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>537,003.00</b>	<b>554,291.00</b>	<b>627,533.00</b>	<b>1,718,827.00</b>
<b>BOARD</b>														
	Personal Services										51,048.00	51,048.00	51,048.00	153,144.00
	Contracted Services										1,500.00	1,500.00	1,500.00	4,500.00
	Operating										15,000.00	15,000.00	15,000.00	45,000.00
	<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>67,548.00</b>	<b>67,548.00</b>	<b>67,548.00</b>	<b>202,644.00</b>
<b>CLAIMS</b>														
	Regular CY Claim Payments										400,000.00	400,000.00	400,000.00	1,200,000.00
	FYE24 Accrual												770,000.00	770,000.00
	<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>400,000.00</b>	<b>400,000.00</b>	<b>1,170,000.00</b>	<b>1,970,000.00</b>
<b>DEQ Regulatory</b>														
	Personal Services										125,000.00	125,000.00	125,000.00	375,000.00
	Contracted Services										2,000.00	2,000.00	2,000.00	6,000.00
	Operating										40,000.00	40,000.00	40,000.00	120,000.00
	<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>167,000.00</b>	<b>167,000.00</b>	<b>167,000.00</b>	<b>501,000.00</b>
<b>PROJECTION TOTALS</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>634,548.00</b>	<b>634,548.00</b>	<b>1,404,548.00</b>	<b>2,673,644.00</b>



# Board Staff Report

REPORT ITEM  
April 22, 2024

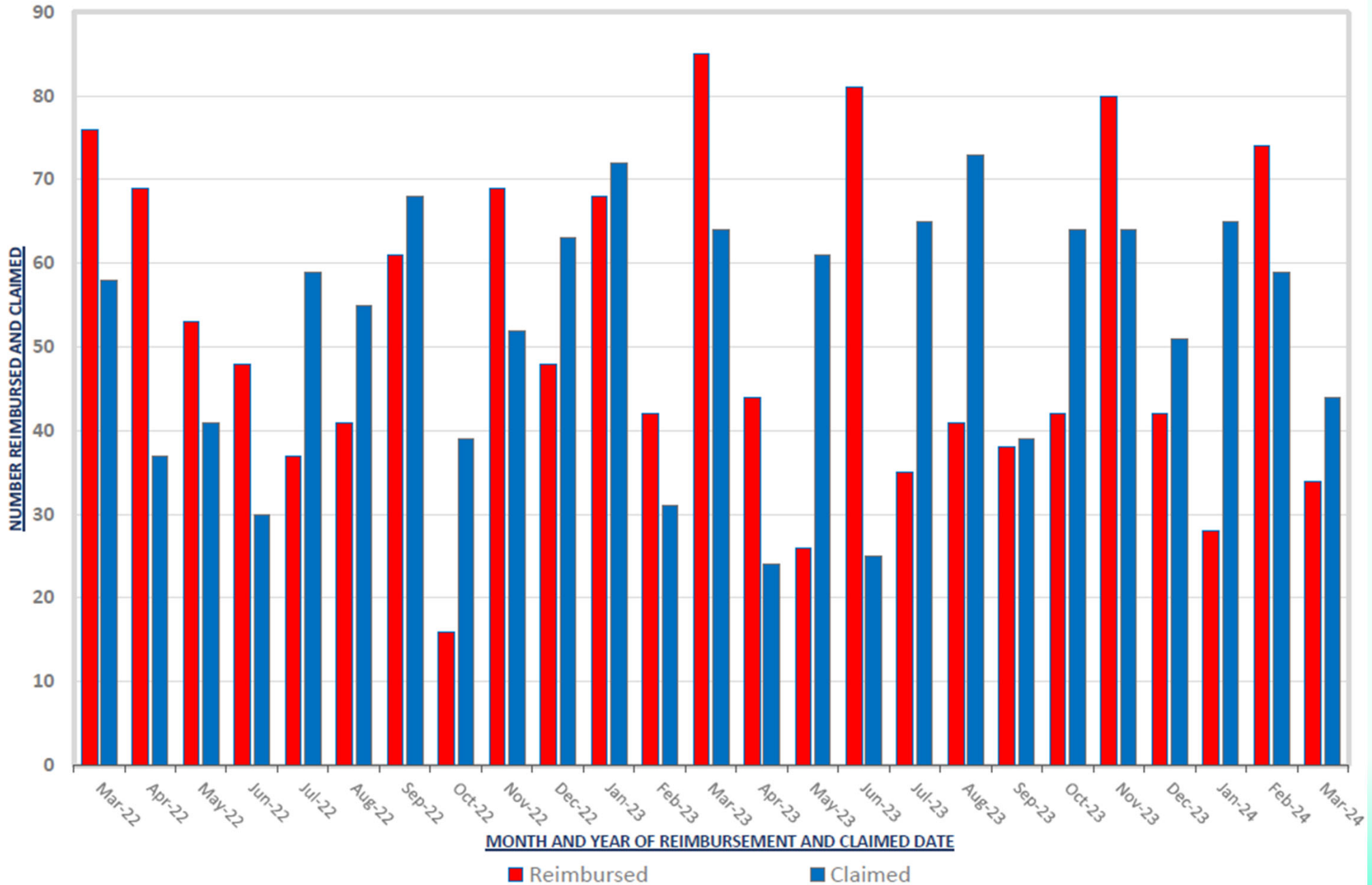
## Board Staff Eligibility Graph



# Board Staff Report

REPORT ITEM  
April 22, 2024

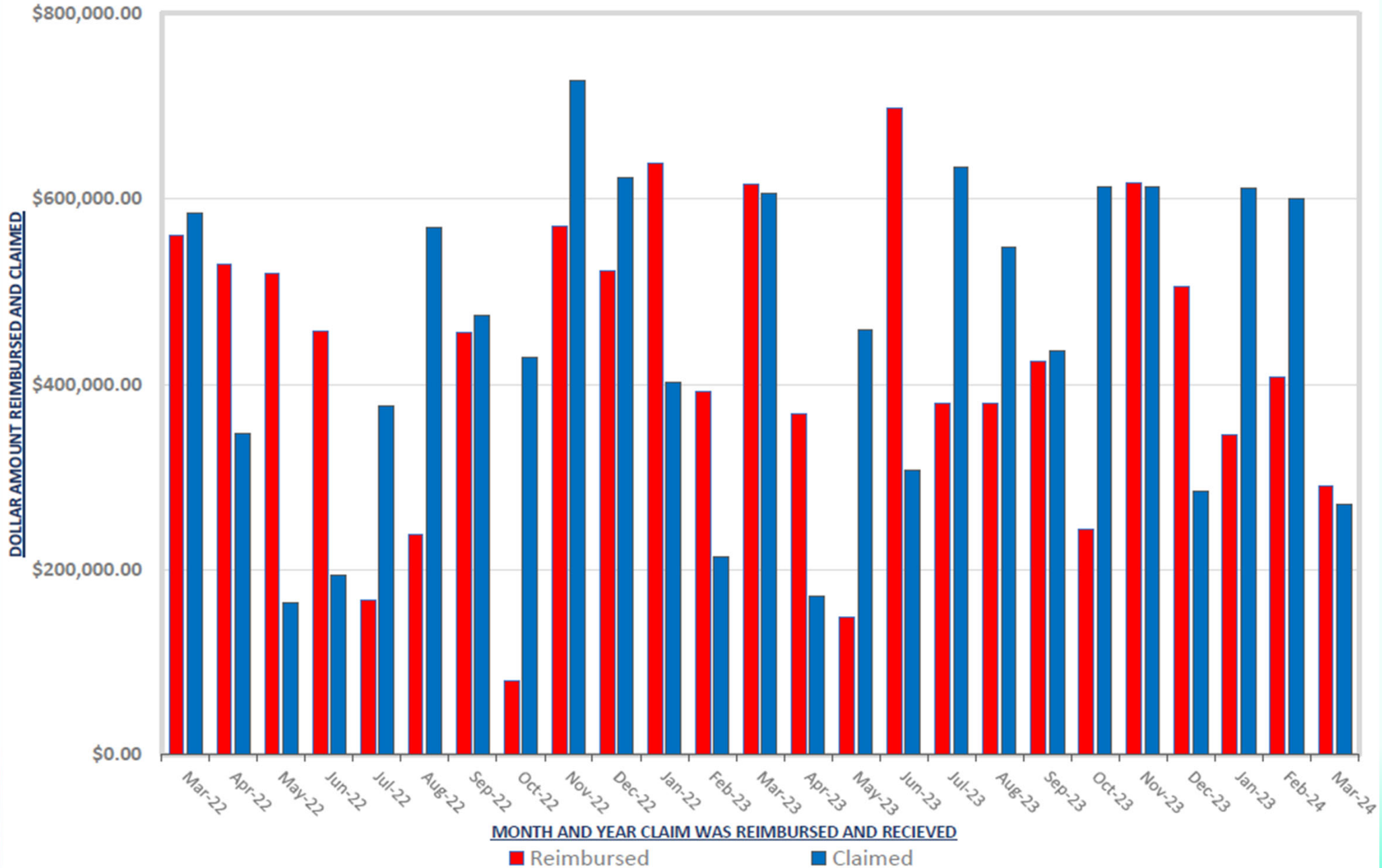
### Board Staff Claim Count Graph



# Board Staff Report

REPORT ITEM  
April 22, 2024

## Board Staff Claim Value Graph



# Board Staff Report

Activity Status Report  
Through March 2024

REPORT ITEM  
April 22, 2024

Reporting Category	Status
Amount of Fund balance in Petroleum Tank Release Cleanup Fund	\$6,752,372.74
Portion of the Fund balance that is allocated or encumbered Encumbrance is based on DEQ requesting and approving Work Plans and Board staff setting aside money for those WPs through an “obligation” process.	\$7,141,634.88
Timeliness of Board Payments for completed corrective action plans (Reimbursement for corrective action plans is through the claim process).	
Average processing days for non-suspended claims since 1989	30 days
Average processing days for non-suspended claims in past 12 months	33 days

# PTCS Report

REPORT ITEM

April 22, 2024

## Summary of Confirmed and Resolved Petroleum Releases

### New Petroleum Release Activity January 1, 2024 – April 8, 2024

<b>Release Status</b>	<b>Activity</b>
Suspect Releases	8
Confirmed Releases	4
Resolved Releases	1

### Summary of All Petroleum Release Activity January 1, 2024 – April 8, 2024

<b>Release Status</b>	<b>Activity</b>
Total Confirmed	3853
Total Resolved	3948
Total Open	906

## WPs Over \$100,000

- S 27<sup>th</sup> Express Center, Billings*
- Facility #56-04955, Rel #2853*
- WP#716834796*
  - *Cleanup – Excavation, ORC, well replacement, and GWM*
  - *Requested Budget \$272,773.71.*

## WPs Over \$100,000

❑ *Community Oil Co, Reserve*

❑ *Fac #99-95156, Rel #5029*

❑ *WP#716834598*

- *Enhanced Bioremediation System (TersOx liquid, nutrients and microbes) and GWM*
- *Requested WP Budget \$177,910.00*
- *Consultant believes that initial budget may expand up to a total of ~\$150,000*
- *Alternatives considered; were ORC only, AS/SVE, and pump and treat.*

# **Public Forum**

Next Scheduled Board Meeting

is

June 17, 2024