

AGENDA

PETROLEUM TANK RELEASE COMPENSATION BOARD MEETING

August 22, 2022

10:00 a.m.

Teleconference Information Available Upon Request

Contact: gpirre@mt.gov or taylor.pirre@mt.gov

Lee Metcalf Building, Room 111, 1520 E 6th Ave, Helena, MT

NOTE: Individual agenda items are not assigned specific times. For public notice purposes, the Board will begin the meeting at the time specified. However, the Board might not address the specific agenda items in the order they are scheduled. The Board may take action on any of the items on the agenda. The Board encourages public participation in Board Discussions. Persons who wish to participate should identify themselves to the Board Presiding Officer or Executive Director prior to the Board's consideration of the matter in which the persons are concerned. Anyone wishing to participate in Board discussions will be recognized by the Presiding Officer in keeping with normal Board parliamentary procedure. For disability accommodation, please contact DEQ Personnel at 444-4218.

10:00 Board Meeting

I. ADMINISTRATIVE AGENDA ITEMS

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V. Public Forum

Under this item, members of the public may comment on any public matter within the jurisdiction of the Board that is not otherwise on the agenda of the meeting. Individual contested case proceedings are not public matters on which the public may comment.

VI. Next Proposed Board Meeting date: November 7, 2022

VII. Adjournment

PETROLEUM TANK RELEASE COMPENSATION BOARD
MINUTES
June 13, 2022
IN-PERSON AND TELECONFERENCE HYBRID MEETING

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 Schnider 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 farming 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).

<i>WEEKLY CLAIM REIMBURSEMENTS</i>		
June 13, 2022 BOARD MEETING		
<i>Week of</i>	<i>Number of Claims</i>	<i>Funds Reimbursed</i>
3-16-22	28	\$201,365.72
3-23-22	24	\$102,182.83
3-30-22	24	\$118,008.19
4-6-22	19	\$118,772.32
4-20-22	25	\$221,158.83
5-4-22	12	\$142,708.78
5-11-22	25	\$222,010.82
Total	157	\$1,126,207.49

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

<i>Denied Claims</i>			
June 13, 2022 Board Meeting			
Claim ID	Reason Denied	Claim ID	Reason Denied
20220321D	Duplicate Invoice, reimbursed on Claim 20210301B	20200918F	Test not requested or required
20220314B	Costs incurred before work plan approval	20220125C	Withdrawn
20220318A	Withdrawn		

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.

Facility Name Location	Facility- Release ID#	Claim#	Claimed Amount	Adjustment s	Penalty	Co-pay	**Estimated Reimburseme nt
Community Mutual Gas Co, Butte	4702577 116	20220201B	\$46,331.85	\$1,561.50	-0-	-0-	\$44,770.35
City Service West, Kalispell	1502330 1608	20210329F	\$25,263.11	\$2,652.65	-0-	\$9,076.59	\$13,533.87
City Service West, Kalispell	1502330 1047	20210329G	\$25,263.11	\$2,652.65	-0-	\$11,305.23	\$11,305.23
Town Pump Inc Dillon 2	108696 5350	20220309D	\$75,276.50	\$64,464.75	-0-	\$5,405.88	\$5,405.87
Holiday StationStore 272, Havre	2108068 5212	20220428G	\$54,640.81	\$685.51	\$5,395.53	-0-	\$48,559.77
H&R #4 - Formerly Gasamat 572, Great Falls	700090 3334	20220228A	\$73,947.95	-0-	-0-	-0-	\$73,947.95
Total			\$300,723.33	\$72,017.06	\$5,395.53	\$25,787.70	\$197,523.04

* 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.

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 claims over \$25,000 as presented. Mr. Wilson seconded. The motion was unanimously approved by roll call vote.

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 20P-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.

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 Boards Attorney. He added that the expense of her review would hinge on what was discussed at the stakeholder outreach meeting.

Mr. Monahan asked if the stakeholder meeting was the Board's response to the audit, and if the Department would be involved with the meeting. Mr. Wadsworth confirmed that it was a meeting open to all stakeholders and that the Department would be participating. He added that they hoped to see owners and consultants as well as other interested parties such as tribal representatives or county sanitarians. The outreach extended to any interested party, and the Department's interested parties lists were anticipated to be used in an effort to reach even more individuals.

Ms. Kline asked about Wyoming's bid process and if they qualified bidders or if they addressed any of Mr. Johnson's concerns. Ms. Mavencamp answered that in their study of Wyoming's process, they had a couple of tiers for their bid process that they would put out for a project and receive solicitations back. She added that part of the process of reviewing incoming proposals in Wyoming was looking at the qualifications of the consultants, but that other states such as Utah and Colorado had more of an approved contractor list. In this, the Department was hoping to craft a better bid process that would be more agreeable, should the proposed process not align with what the Board felt could work. She stated that they were open to alternative ideas to the bid process, and that they had other ideas to consider that may meet the intent of what the audit had asked. She explained that this was why they had looked to Wyoming, Utah, and Colorado, as they had models that could be implemented in Montana.

Mr. Johnson asked about what the consideration had been for the owner and operator's liability. He noted that as it stood, the owner and operator had the ability to choose who performed work on their property and stated that there could be concerns with the state choosing who entered their property as well as potential insurance liabilities that would jeopardize the owner's eligibility. He stated that there were too many variables that could remove the owner out of the loop and expose them. He asked if owners would be protected from these potential liabilities. Mr. Wadsworth answered that this was also one of his concerns, and that it would depend on how the bid process was implemented into the statutory framework. He added that it was a component that the Board attorney would help them walk through, and that it all boiled down to what model of competitive bid could be implemented. He felt it was important to see what other concerns the stakeholders would bring up.

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 backfill 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

RATIFICATION OF WEEKLY REIMBURSEMENTS

WEEKLY CLAIM REIMBURSEMENTS June 13, 2022 BOARD MEETING		
Week of	Number of Claims	Funds Reimbursed
5-25-22	17	\$119,582.95
6-8-22	14	\$106,382.92
6-15-22	23	\$168,421.36
6-29-22	11	\$55,598.43
7-20-22	18	\$74,941.19
7-27-22	19	\$79,903.41
Total	102	\$604,830.26



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 5/25/2022

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20220304B	6015354	6254	Eslick Property Sugar Plum Jewlery	Glendive	10/13/2021	\$9,834.24	\$33,037.25	\$516.85	Fieldwork
20220420A	4703757	4368	Vogue Cleaners Corp	Butte	8/8/2005	\$7,290.12	\$236,813.51		Laboratory Analysis w/fee
20220505C	2108068	5212	Holiday Stationstore 272	Havre	8/15/2019	\$3,732.07	\$86,191.34	\$442.67	Miscellaneous
20220510E	2108068	5212	Holiday Stationstore 272	Havre	8/15/2019	\$2,236.50	\$86,191.34	\$248.50	Miscellaneous
20220510F	2108068	5212	Holiday Stationstore 272	Havre	8/15/2019	\$1,221.30	\$86,191.34	\$135.70	Report
20220317A	6015308	5215	Janet Martinson	Whitefish	11/13/2017	\$8,266.10	\$140,417.69		Well Installation
20220321C	6015354	6254	Eslick Property Sugar Plum Jewlery	Glendive	10/13/2021	\$8,532.50	\$33,037.25	\$90.00	Report
20220321J	4301508	640	Butchs Exxon Service	Poplar	10/30/1990	\$18,657.69	\$303,930.03	\$13.50	Well Installation
20220413A	2508708	4793	Town Pump Inc Helena 3	Helena	5/2/2011	\$2,115.00	\$76,803.78		Laboratory Analysis w/fee
20220422B	5614033	5388	Northwest Petroleum Facility	Butte	3/1/2021	\$18,038.55	\$70,848.73		Well Installation
20220505E	9995049	4586	Duck Inn	Havre	12/12/2007	\$762.87	\$136,104.90		Report
20220427A	1113942	3767	Realty One	Glendive	5/23/2001	\$14,300.41	\$138,618.36	\$356.50	Laboratory Analysis w/fee
20220413D	2503466	3677	Conoco Pop Inn	Helena	3/23/1999	\$865.00	\$688,957.97	\$45.00	Project Management
20220510A	708700	2584	Town Pump Inc Great Falls 1	Great Falls	8/14/2000	\$7,195.69	\$302,510.88		Rem Sys Op & Maint
20220516B	4405097	890	Pit Stop 23	Forsyth	11/4/1992	\$3,858.00	\$116,105.77		Laboratory Analysis w/fee
20220509A	4300901	3080	Svo Specialty Products	Culbertson	7/16/1998	\$11,236.91	\$38,515.05		Well Installation
20220513A	3602371	1830	Greens Exxon	Malta	4/27/1994	\$1,440.00	\$319,969.05		Laboratory Analysis w/fee

17 claims in the report

Total Reimbursement: \$119,582.95

Reviewed for Reimbursement by: Ann R. Root

Date 6-2-2022

Approved for Reimbursement by: Tracy Wadsworth

Date 6/6/2022

Wednesday, May 25, 2022

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Payment Reports _ Weekly Reimbursement by Date



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 6/8/2022

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20220525B	2108068	3537	Holiday Stationstore 272	Havre	4/16/1999	\$906.58	\$129,865.55		Mobilization
20220525C	708065	2597	Holiday Stationstore 267	Great Falls	10/25/1996	\$1,391.66	\$601,940.58		Mobilization
20220527A	2108705	4167	Town Pump Inc Havre	Havre	6/25/2003	\$872.00	\$71,797.02		Work Plan
20220527B	1408711	5278	Town Pump Inc Lewistown	Lewistown	2/6/2019	\$3,012.15	\$114,009.45		Laboratory Analysis w/fee
20220527C	708700	2584	Town Pump Inc Great Falls 1	Great Falls	8/14/2000	\$7,460.58	\$309,971.46		Rem Sys Install
20220121C	1508709	2567	Town Pump Inc Kalispell 1	Kalispell	3/8/1996	\$3,061.00	\$165,917.61		Report
20220525A	2108068	5212	Holiday Stationstore 272	Havre	8/15/2019	\$3,263.71	\$89,455.05	\$362.63	Mobilization
20171006A	3602359	4957	Packys	Malta	7/15/2014	\$34,172.16	\$246,368.09	\$7,922.63	Well Installation
20210813D	2501313	4412	E Z Stop West	Helena	8/9/2005	\$4,768.00	\$53,835.46		Report
20220311F	4308725	4110	Town Pump Inc Wolf Point	Wolf Point	9/6/2002	\$1,386.00	\$402,235.62	\$791.50	Work Plan
20220420B	805931	3645	Chouteau County EOC	Fort Benton	9/20/2000	\$15,084.78	\$562,017.96	\$78.00	Well Installation
20220428F	2108068	3537	Holiday Stationstore 272	Havre	4/16/1999	\$13,751.80	\$129,865.55	\$107.80	Well Installation
20220506A	1408711	5278	Town Pump Inc Lewistown	Lewistown	2/6/2019	\$15,820.69	\$114,009.45		Well Installation
20220510B	701418	3212	Keiths Country Store	Great Falls	10/5/2000	\$1,431.81	\$584,256.77		Rem Sys Op & Maint

14 claims in the report

Total Reimbursement: \$106,382.92

Reviewed for Reimbursement by: Ann R. Root

Date 6-24-2022

Approved for Reimbursement by: Jeff Madenath

Date 6/27/2022

Hold from ratification.



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 6/15/2022

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20210329F	1502330	1608	City Service West	Kalispell	6/23/2006	\$13,533.87	\$21,957.29	\$11,729.24	Monitoring
20210329G	1502330	1047	City Service West	Kalispell	6/23/2006	\$11,305.23	\$16,069.35	\$13,957.88	Monitoring
20220201B	4702577	116	Community Mutual Gas Co	Butte	8/17/1990	\$44,770.35	\$518,529.03	\$1,561.50	Well Installation
20220309D	108696	5350	Town Pump Inc Dillon 2	Dillon	3/1/2021	\$5,405.87	\$5,405.87	\$69,870.63	Survey
20220318B	2412285	4456	Big Arm General Store	Big Arm	4/25/2007	\$2,460.00	\$280,906.47	\$492.25	Report
20220428G	2108068	5212	Circle K Store 2746272	Havre	8/15/2019	\$48,559.77	\$138,014.82	\$6,081.04	Well Installation
20220328A	704772	4325	Rapley Property	Great Falls	11/21/2007	\$3,825.50	\$635,286.33		Report
20220411B	4702577	116	Community Mutual Gas Co	Butte	8/17/1990	\$3,238.86	\$518,529.03		Monitoring
20220503A	2509772	3406	Noons 422	Helena	6/23/1998	\$5,474.25	\$382,698.94		Miscellaneous
20220505F	1808666	3836	Flying J Inc Cut Bank	Cut Bank	2/27/2001	\$1,222.94	\$310,326.46		Report
20220516C	306204	1547	Conoco C Store	Chinook	9/3/2013	\$2,140.00	\$279,377.66	\$60.00	Survey
20220523A	4804575	4482	Platinum Motors	Columbus	8/9/2007	\$4,481.75	\$139,684.77		Laboratory Analysis w/fee
20220523B	4200825	1141	Blue Rock Products Co	Sidney	9/27/2001	\$325.00	\$3,175.50	\$325.00	Work Plan
20220602A	5600251	2655	Greens Service & Repair Inc	Huntley	11/20/2006	\$6,011.70	\$119,498.13		Report
20220606B	4708591	955	Lyons Motor Inc	Butte	3/31/1992	\$3,001.98	\$290,454.63	\$46.41	Laboratory Analysis w/fee
20220606E	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$1,364.61	\$282,381.80	\$24.75	Miscellaneous
20220606F	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$259.09	\$282,381.80		Miscellaneous
20220606G	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$526.37	\$282,381.80		Water Level Measurements
20220606H	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$1,085.80	\$282,381.80		Water Level Measurements
20220606I	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$1,635.03	\$282,381.80	\$4.19	Rem Sys Op & Maint
20220606J	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$4,488.97	\$282,381.80		Report
20220606L	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$1,371.39	\$282,381.80		Water Level Measurements
20220603C	701418	3212	Keiths Country Store	Great Falls	10/5/2000	\$1,933.03	\$586,189.80		Mobilization

Tuesday, June 28, 2022

Page 1 of 2

Payment Reports _ Weekly Reimbursement by Date

<i>Claim ID</i>	<i>Facility ID</i>	<i>Release ID</i>	<i>Facility Name</i>	<i>City</i>	<i>Initial Claim</i>	<i>Reimbursement</i>	<i>Cumulative Reimb</i>	<i>Adjustments</i>	<i>Task Description</i>
23 claims in the report					Total Reimbursement: \$168,421.36				

Reviewed for Reimbursement by: *Ann R. Root* Date 6-26-22

Approved for Reimbursement by: *Jay Madeworth* Date 6-28-22



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 6/29/2022

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20210329H	1502330	4587	City Service West	Kalispell	10/17/2007	\$5,078.24	\$452,166.26	\$7,704.56	Miscellaneous
20220428A	2303301	5072	Kibbey Korner Truck Stop	Raynesford	11/13/2017	\$1,312.00	\$6,707.87	\$1,312.00	Report
20220428B	2303301	3007	Kibbey Korner Truck Stop	Raynesford	4/4/2001	\$3,827.00	\$59,188.57		Report
20220329C	3706114	6296	Toms Super Service Formerly Toms Exxon	Conrad	3/29/2022	\$3,255.43	\$3,255.43	\$3,312.92	Laboratory Analysis w/fee
20220503E	1600668	5127	Folkvord Investments LLC	Three Forks	8/16/2017	\$440.00	\$36,322.48	\$185.00	Work Plan
20220519A	704945	1567	Zip Trip #44	Great Falls	6/13/1994	\$2,659.43	\$266,693.86	\$956.82	Report
20220606A	2505639	4225	Oconnells Store	Craig	8/6/1999	\$16,459.15	\$168,533.18	\$204.00	Well Installation
20220606C	4702577	116	Community Mutual Gas Co	Butte	8/17/1990	\$3,930.66	\$518,529.03		Laboratory Analysis w/fee
20220606K	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$2,116.19	\$282,381.80	\$17.00	Rem Sys Op & Maint
20220609C	2312064	2766	G W Sales	Stanford	10/30/1996	\$16,287.49	\$42,613.67	\$22.96	Well Installation
20220615D	4709420	813	Cenex Petroleum Inc Butte	Butte	3/3/1992	\$232.83	\$591,631.89		Miscellaneous

11 claims in the report

Total Reimbursement: \$55,598.42

Reviewed for Reimbursement by: Ann R. Root

Date 6-28-2022

Approved for Reimbursement by: Jimmy Wadsworth

Date 6/29/2022



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 7/20/2022

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20210324F	5604542	111	United Parcel Service Billings	Billings	1/26/1996	\$10,091.97	\$98,149.14	\$6,506.45	Monitoring
20211227A	4806438	3900	Davey Motor Co	Columbus	5/16/2000	\$6,873.00	\$51,083.21		Report
20220422A	1513373	4494	Department of Military Affairs	Kalispell	3/1/2010	\$2,357.67	\$103,584.61	\$164.99	Monitoring
20220425A	6015354	6254	Eslick Property Sugar Plum Jewlery	Glendive	10/13/2021	\$6,904.65	\$39,941.90	\$795.00	Well Installation
20220503C	4808691	4028	Town Pump Inc Columbus	Columbus	7/19/2001	\$715.00	\$475,768.62	\$267.50	Work Plan
20220516A	5604962	4959	Zeiler Property	Billings	10/30/2014	\$4,064.50	\$317,235.45		Report
20220524A	1710707	1184	Jakes Place former Fellmans Hardware Inc	Jordan	2/24/1993	\$16,640.00	\$304,009.57	\$87.50	Miscellaneous
20220527D	4300901	3080	Svo Specialty Products	Culbertson	7/16/1998	\$2,417.35	\$40,932.40	\$492.98	Mobilization
20220531D	1513373	4494	Department of Military Affairs	Kalispell	3/1/2010	\$1,164.68	\$103,584.61	\$89.70	Report
20220603A	4906069	5252	Sweet Grass Cenex	Big Timber	10/22/2018	\$1,260.00	\$1,260.00	\$525.00	Work Plan
20220606D	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$1,160.00	\$286,922.81	\$500.00	Work Plan
20220606M	4711251	539	Montana Agri Food Industrial Com	Butte	6/29/1990	\$3,381.01	\$286,922.81	\$864.00	Report
20220609A	9995083	4702	Gust Hauf Restaurant	Glendive	11/5/2021	\$1,980.00	\$27,550.72		Report
20220622B	5613793	3835	Equity Coop Association Central Ave W	Harlem	3/14/2002	\$2,531.72	\$114,743.47		Mobilization
20220701D	2108068	3537	Circle K Store 2746272	Havre	4/16/1999	\$1,424.00	\$131,289.55		Report
20220701G	2504300	3834	Holter Lake Lodge Inc	Wolf Creek	1/2/2002	\$8,179.00	\$402,311.70	\$98.63	Laboratory Analysis w/fee
20220711A	1804137	3424	Ben Taylor Inc	Cut Bank	5/17/1999	\$2,240.00	\$521,255.49		Laboratory Analysis w/fee
20220712B	2501025	4031	Allen Oil Bulk Plant	Helena	9/26/2005	\$1,556.64	\$486,170.42		Monitoring

18 claims in the report

Total Reimbursement: \$74,941.19

<i>Claim ID</i>	<i>Facility ID</i>	<i>Release ID</i>	<i>Facility Name</i>	<i>City</i>	<i>Initial Claim</i>	<i>Reimbursement</i>	<i>Cumulative Reimb</i>	<i>Adjustments</i>	<i>Task Description</i>
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Reviewed for Reimbursement by: Ann R. Root Date 7/26/2022

Approved for Reimbursement by: Jay Madewath Date 8/5/2022



Petroleum Tank Release Compensation Board

Weekly Reimbursement Summary for 7/27/2022

Org Unit: 993050

Account: 67201

Claim ID	Facility ID	Release ID	Facility Name	City	Initial Claim	Reimbursement	Cumulative Reimb	Adjustments	Task Description
20220706B	2108068	3537	Circle K Store 2746272	Havre	4/16/1999	\$504.33	\$131,793.88		Rem Sys Op & Maint
20220609B	9995083	4702	Gust Hauf Restaurant	Glendive	11/5/2021	\$11,773.09	\$39,323.81		Laboratory Analysis w/fee
20220623A	4808910	5102	Cenex Zip Trip 50	Park City	8/25/2021	\$6,862.00	\$29,768.74		Laboratory Analysis w/fee
20220701A	4410824	5071	GM Petroleum Distributors	Forsyth	4/15/2016	\$4,890.81	\$181,784.73		Laboratory Analysis w/fee
20220701E	2108068	5212	Circle K Store 2746272	Havre	8/15/2019	\$5,126.40	\$143,141.22	\$569.60	Report
20220701F	701418	3212	Keiths Country Store	Great Falls	10/5/2000	\$1,646.16	\$587,835.96		Rem Sys Op & Maint
20220701H	3008724	2642	Town Pump Inc White Sulphur Springs	White Sulphur S	8/4/1995	\$7,665.28	\$171,426.97		Laboratory Analysis w/fee
20220701I	2312064	2766	G W Sales	Stanford	10/30/1996	\$6,028.42	\$48,642.09	\$283.68	Laboratory Analysis w/fee
20220701K	704232	1855	Big Sky Fuel	Black Eagle	6/27/1994	\$2,463.00	\$102,632.10		Laboratory Analysis w/fee
20220701M	704232	3262	Big Sky Fuel	Black Eagle	4/4/2001	\$2,463.00	\$107,314.25		Laboratory Analysis w/fee
20220706A	704147	1662	Highway Grocery	Cascade	7/23/1993	\$12,424.55	\$180,869.61		Laboratory Analysis w/fee
20220701N	800855	1233	Ezzie's Wholesale (Former Robertson Oil C	Big Sandy	12/12/1995	\$2,463.50	\$99,155.75		Mobilization
20220711B	4002755	4948	Farmers Union Oil Bulk Plant	Terry	4/27/2015	\$988.00	\$68,753.68		Laboratory Analysis w/fee
20220711C	4002755	2619	Farmers Union Oil Bulk Plant	Terry	8/31/1995	\$988.00	\$192,144.05		Laboratory Analysis w/fee
20220715A	6015228	4934	Former Magruder Motor Co	Glasgow	1/15/2015	\$4,610.55	\$287,243.20		Mobilization
20220715B	4611342	4615	Herman Oil Inc Homestead	Homestead	2/18/2014	\$4,782.54	\$637,252.13		Mobilization
20220715C	3602371	1830	Greens Exxon	Malta	4/27/1994	\$2,198.78	\$322,167.83		Mobilization
20220715D	5606966	5411	Conomart #2	Laurel	1/28/2021	\$765.00	\$16,551.56	\$765.00	Work Plan
20220715E	5605749	3281	Kwik Way 17	Billings	5/15/1998	\$1,260.00	\$222,099.86		Work Plan

19 claims in the report

Total Reimbursement: \$79,903.41

<i>Claim ID</i>	<i>Facility ID</i>	<i>Release ID</i>	<i>Facility Name</i>	<i>City</i>	<i>Initial Claim</i>	<i>Reimbursement</i>	<i>Cumulative Reimb</i>	<i>Adjustments</i>	<i>Task Description</i>
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Reviewed for Reimbursement by: *Ann R. Root* Date 8/5/2022

Approved for Reimbursement by: *Jerry Wadsworth* Date 8/10/2022



Petroleum Tank Release Compensation Board

Claims Denied Between 01/01/2022 and 07/26/2022 and Not Ratified

Facility ID/Alt ID: 1501680 / 15-01680

Facility Name: Kalispell, Valcon Distributing Kalispell

ClaimID	Release ID	Amount	Date Denied	Reason Denied
20210311E	3612	\$519.75	5/19/2022	Well repair expenses were not included in the original workplan or on a Form 8. Repair costs are attributable the entity that caused the damage.

Total: \$519.75

Facility ID/Alt ID: 4203224 / 42-03224

Facility Name: Sidney, Thogersen Oil Inc

ClaimID	Release ID	Amount	Date Denied	Reason Denied
20220523C	805	\$37.00	6/17/2022	Charges associated with postage, mailing of application, preparation of billing information and invoices, and administrative changes for handling payments are presumed not to be reasonably incurred (ARM 17.58.342(2)(a)(b)(d)).

Total: \$37.00

Facility ID/Alt ID: 4312363 / 43-12363

Facility Name: Poplar, West Poplar Addition aka Ruffato Shop

ClaimID	Release ID	Amount	Date Denied	Reason Denied
20210901H_CA	771	\$15,243.08	7/19/2022	New owner failed to submit Form 1T and release is resolved.

Total: \$15,243.08

Facility ID/Alt ID: 5109749 / 51-09749

Facility Name: Shelby, Town Pump Inc Shelby

ClaimID	Release ID	Amount	Date Denied	Reason Denied
20190111F	3440	\$19,975.92	6/23/2022	Claim withdrawn per claimant's request on 6/22/2022.
20190109A	3440	\$48,967.42	6/23/2022	Claim withdrawn per claimant's request on 6/22/2022.
20190102C	3440	\$41,190.13	6/23/2022	Claim withdrawn per claimant's request on 6/22/2022.

Total: \$110,133.47

Grand Total: \$125,933.30

TOTAL NUMBER OF CLAIMS FOR THIS REPORT: 6

Reviewed By: Jimmy Wadsworth Date: 8/8/22

Board Approval By: _____ Date: _____

CLAIMS OVER \$25,000.00 ***August 22, 2022**

Facility Name Location	Facility- Release ID#	Claim#	Claimed Amount	Adjustments	Penalty	Co-pay	**Estimated Reimbursement
6 D's Inc Jordan	17-11117 902	20220408B	\$26,764.00	\$140.00	-0-	-0-	\$26,624.00
Town Pump Inc White Sulphur Springs	30-08724 2642	20220609D	\$25,033.84	-0-	-0-	-0-	\$25,033.84
Total			\$51,797.84	\$140.00			\$51,657.84

* 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.

Reviewed for Reimbursement by:  Date 8/8/22

Board Approval by: _____ Date _____



appeal record created

Petroleum Tank Release Compensation Board

PO Box 200902 Helena, MT 59620 -0902 (406)444-9710

Website <http://deq.mt.gov/cleanupandrec/programs/ptrcb>

July 01, 2022

Dallas Curry (OWNER)

PO Box 279
Jordan, MT 59337

Location Jordan
Facility ID 1711117
Facility Name 6 Ds Inc

SUBJECT: Recommended Adjustment(s) to Claim for Reimbursement

The Board staff has proposed the following adjustment(s) to this claim and has temporarily suspended it to allow an opportunity for you to comment on the proposed adjustment(s). Review the adjustments and contact me by phone or email within 14 calendar days of this date to discuss the specifics of any issue(s) you may have with the adjustment(s). After 14 days, the suspended claim will be released for processing.

If the adjustment can't be resolved at the staff level, you may dispute the proposed adjustment(s) at the next Board meeting. Should this be necessary, please notify me via email so that I may request to have this matter placed on the agenda of the meeting. Once the Board has made a determination, any dispute will be conducted according to Montana Code Annotated and compliant with the Montana Administrative Procedures Act.

Claim ID:	20220408B	Release ID: 902	Ordinal: 60
Claim Amount:	\$26,764.00	Reimbursement To-date:	\$245,277.06

Adjustments:

<u>Action</u>	<u>Amount</u>	<u>Comment</u>
Reduced	\$140.00	Project management and report related costs reduced to the approved Project Engineer/Scientist/Geologist rate.

Total Adjustment \$140.00

If you have any questions please contact me at (406) 444-9716 or via email reaton@mt.gov.

Sincerely,

Ross Eaton
Fund Cost Specialist



Petroleum Tank Release Compensation Board

Initial Claim Review

Claim Ordinal **60**

Facility Name: **6 Ds Inc**

Facility: **1711117**

City: **Jordan**

County: **Garfield**

Claim ID: **20220408B**

Release ID: **902**

Region: **3**

Date Claimed: **4/8/2022**

Eligible: **Eligible**

AO: **Ross Eaton**

Amount: **\$26,764.00**

Reimbursed to date: **\$245,277.06**

PRS Mgr: **Allen Schiff**
Current case manager is D McCurry?

Contact Company

MDEQ Remediation

MDEQ Remediation

West Central Environmental Consultants

Contact

Karen Anthony

Shannon Cala

Jim Rolle

Assent LDR POP



Subcontractors

Assent

Proof of Payment

Initial Review

REVIEWED

By Taylor Pirre at 1:38 pm, Apr 12, 2022

Tech Review

REVIEWED

By Ross Eaton at 1:20 pm, Jul 01, 2022

20220408B

RECEIVED

APR 03 2022

**MONTANA PETROLEUM TANK RELEASE COMPENSATION BOARD
CLAIM FOR REIMBURSEMENT –CORRECTIVE ACTION
FORM 3**

Petroleum Tank Release
Compensation Board

Claims should be submitted upon completion of a task or tasks of a Department approved corrective action plan for a **single** petroleum release. A **separate claim form is required for each release**. Please review the [Form 3 Instructions](#) before completing this form. If you require assistance, contact Board Staff at 406-444-9710.

If costs for PTRCB-eligible release investigation and cleanup activities, for which you are seeking reimbursement, have been paid by another funding source and you would like to allocate them towards the required PTRCB copay for this release, please review our Form 11 and its instructions, found on the [Forms page](#) of our website, **BEFORE** completing and submitting this claim Form 3.

1. Facility and Petroleum Release Information	
Name of Facility:	Six D's
Street Address:	601 Jordan Avenue
City:	Jordan
DEQ Facility Identification Number:	17-11117 ✓
DEQ Petroleum Release Number: (only one release #)	902 ✓

2. Owner – Name and Address		3. Operator – Name and Address		4. Payable to: – Name and Address (Required)	
Dallas Currey				DEQ-Fiscal ✓	
PO Box 213/1547 Emerald Ln				PO Box 200901	
Jordan, MT/Belgrade, MT				Helena, MT 59620	
Attn:	Dallas Currey	Attn:		Attn:	Karen Anthony
Phone Number:	406-557-2315	Phone Number:		Phone Number:	(406) 444-2443
Fax Number:		Fax Number:		Fax Number:	
Email Address:	jcurrey@gci.net	Email Address:		Email Address:	kanthony@mt.gov
Do you want to receive Email about this claim?	Yes <input type="radio"/> No <input checked="" type="radio"/>	Do you want to receive Email about this claim?	Yes <input type="radio"/> No <input type="radio"/>	Do you want to receive Email about this claim?	Yes <input checked="" type="radio"/> No <input type="radio"/>

5. Claimant – Name and Address		6. Consultant – Name and Address		7. Any other person – Name and Address	
Shannon Cala		WCEC			
PO Box 200901		1030 South Ave. W.			
Helena, MT 59620		Missoula, MT 59801			
Attn:		Attn:	Jim Rolle	Attn:	
Phone Number:	(406) 444-6377	Phone Number:	406-549-8487	Phone Number:	
Fax Number:		Fax Number:	406-549-8490	Fax Number:	
Email Address:	scala@mt.gov	Email Address:	jrolle@wcec.com	Email Address:	
Do you want to receive Email about this claim?	Yes <input checked="" type="radio"/> No <input type="radio"/>	Do you want to receive Email about this claim?	Yes <input type="radio"/> No <input checked="" type="radio"/>	Do you want to receive Email about this claim?	Yes <input type="radio"/> No <input type="radio"/>

8. Total amount of this claim (including all page 2's):

\$ 26,764.00 ✓

E-MAILED
4/11/2022

Release #: 902

RECEIVED
APR 03 2022

9. Detail of Costs: This section must be completed for each corrective action plan (CAP).

Please review [Form 3 Instructions](#) for detailed information.

The work claimed must be in accordance with an approved DEQ CAP. **The costs of each different corrective action plan must be on a separate page 2. Multiple tasks may be submitted on a single claim.** Submit itemized invoices and other support documentation with this claim. **(Additional copies of this page may be included in each claim.)**

Corrective Action Plan (CAP): CAP ID #: 34354 CAP Date: 3/1/18

CAP Modification (Form 8) Date(s)

View the [Task Names](#) on our web site. Enter the PTRCB task number, task name, budget, amount claimed and corresponding invoice number(s) for each task in the table below. The PTRCB task number is assigned by the Board staff in the CAP Review Letter.

Invoices split btwn Rel 902 (40%) & Rel 1184 (25%) - remainder for an ineligible release

COMPLETED TASKS SUBMITTED FOR REIMBURSEMENT

COMPLETED TASKS SUBMITTED FOR REIMBURSEMENT

[illegible]

- 10. Acknowledgement of Payment (Form 6).** Refer to Section 10 of the Form 3 Instructions for PTRCB Requirements. Reimbursement will be issued and mailed to the party identified as Payee in Section 4 on page 1.
- 11. An Assent to Audit (Form 2)** is required for each consultant, contractor, or subcontractor who has worked at the release site with billable labor charges.

12. **Owner Certification:** I certify under penalty of perjury that this submitted claim is for work that was actually completed; that the work performed was necessary to clean up the petroleum release at the facility identified in **Section 1**; that the cost of work for which reimbursement is sought is reasonable; and that to the best of my knowledge, all information herein provided is true and correct. **NOTE: If someone is submitting the claim on behalf of the owner/operator, skip Section 12 and complete Section 13. See the [Form 3 instructions](#).**

Owner/Operator Signature

Date

Dallas Currey

Typed Name of Owner/Operator

State of

County of

Signed and Sworn before me on this day

Date

by

Person who signed above

(SEAL)

Notary Public Signature

Printed or typed

Notary Public for the State of

Residing at

My Commission Expires

RECEIVED
APR 08 2022

Petroleum Tank Release
Compensation Board

13. **Claimant Certification:** I certify under penalty of perjury that I am authorized to submit claims on behalf of the owner or operator for this release and the information on this claim form is true to the best of my knowledge. This claim is submitted for work that was actually completed.

Shannon Cala

Claimant Signature

April 8, 2022

Date

Shannon Cala

Typed Name of Claimant

State of Montana

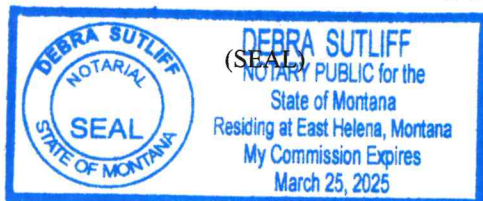
County of Lewis and Clark

Signed and Sworn before me on this day

Date

8 of April 2022 by Shannon Cala

Person who signed above



Notary Public Signature

Debra Sutliff

Printed or typed

Notary Public for the State of Montana

Residing at East Helena

My Commission Expires 03/25/2025

Submit this completed claim and supporting documents to the following address:

PETROLEUM TANK RELEASE COMPENSATION BOARD
PO BOX 200902, HELENA MT. 59620-0902



Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 1711117

FacilityName: 6 Ds Inc

City: Jordan

Release ID: 902

WP ID: 716834354

WP Name: R-S-LIF/TO

WP Complete: ☒

WP Date: 03/01/2018

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Miscellaneous		\$1,560.00	\$1,260.00	\$300.00	
2	Miscellaneous		\$16,502.00	\$16,714.59	(\$212.59)	
3	Miscellaneous		\$4,797.20	\$4,415.31	\$381.89	
4	Miscellaneous		\$300.00	\$300.00	\$0.00	
5	Miscellaneous		\$3,640.00	\$3,934.10	(\$294.10)	
Total:			\$26,799.20	\$26,624.00	\$175.20	



Petroleum Tank Release Compensation Board

Initial Claim Review

Claim Ordinal 46

Facility Name: **Town Pump Inc White Sulphur Springs**Facility: **3008724**City: **White Sulphur Springs**County: **Meagher**Claim ID: **20220609D**Release ID: **2642**Region: **2**Date Claimed: **6/9/2022**Eligible: **Eligible**AO: **JoAnne Adydan**Amount: **\$25,033.84**Reimbursed to date: **\$163,761.69**PRS Mgr: **Latysa Pankratz**

Contact Company

Contact

Olympus Technical Services Inc Helena - Remi	Andrew Hess
Olympus Technical Services Inc Helena - Remi	Kevin Volden
Olympus Technical Services Inc Helena - Remi	Diane Tackett
Olympus Technical Services Inc Helena - Remi	Patty Ceglio

Assent LDR POP

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

[See Invoice Summary](#)

Initial Review

REVIEWED**By Taylor Pirre at 9:53 am, Jun 21, 2022**

Tech Review

REVIEWED**By JoAnne Adydan at 10:12 am, Jun 21, 2022**

20220609D

RECEIVED

JUN 09 2022

**MONTANA PETROLEUM TANK RELEASE COMPENSATION BOARD
CLAIM FOR REIMBURSEMENT –CORRECTIVE ACTION
FORM 3**

**Petroleum Tank Release
Compensation Board**

Claims should be submitted upon completion of a task or tasks of a Department approved corrective action plan for a **single** petroleum release. **A separate claim form is required for each release.** Please review the Form 3 Instructions before completing this form. If you require assistance, contact Board Staff at 406-444-9710.

If costs for PTRCB-eligible release investigation and cleanup activities, for which you are seeking reimbursement, have been paid by another funding source and you would like to allocate them towards the required PTRCB copay for this release, please review our Form 11 and its instructions, found on the Forms page of our website, **BEFORE** completing and submitting this claim Form 3.

1. Facility and Petroleum Release Information	
Name of Facility:	Town Pump Inc White Sulphur Springs
Street Address:	309 E Main St
City:	White Sulphur Springs, MT 59645
DEQ Facility Identification Number:	3008724
DEQ Petroleum Release Number: (only one release #)	2642

2. Owner – Name and Address		3. Operator – Name and Address		4. Payable to: – Name and Address (Required)	
BSS Inc DBA White Sulphur Springs 1 Town Pump LLC				Olympus Technical Services, Inc.	
PO Box 6000				765 Colleen St.	
Butte MT 59702				Helena, MT 59601	
Attn:	Paul Townsend	Attn:		Attn:	Andrew Hess
Phone Number:		Phone Number:		Phone Number:	406-443-3087
Fax Number:		Fax Number:		Fax Number:	
Email Address:	Paul.Townsend@townpump.com	Email Address:		Email Address:	ahess@olytech.com
Do you want to receive Email about this claim?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

5. Claimant – Name and Address		6. Consultant – Name and Address		7. Any other person – Name and Address	
Olympus Technical Services, Inc.		Olympus Technical Services, Inc.		Olympus Technical Services, Inc.	
765 Colleen St.		765 Colleen St.		765 Colleen St.	
Helena, MT 59601		Helena, MT 59601		Helena, MT 59601	
Attn:	Kevin Volden	Attn:	Diane Tackett	Attn:	Patty Ceglie
Phone Number:		Phone Number:		Phone Number:	
Fax Number:		Fax Number:		Fax Number:	
Email Address:	kvolden@olytech.com	Email Address:	dtackett@olytech.com	Email Address:	pceglie@olytech.com
Do you want to receive Email about this claim?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you want to receive Email about this claim?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

8. Total amount of this claim (including all page 2's):	\$25,033.84
---	-------------

E-MAILED
6-13-22

Release #: 2642

**Petroleum Tank Release
Compensation Board**

The work claimed must be in accordance with an approved DEQ CAP. **The costs of each different corrective action plan must be on a separate page 2. Multiple tasks may be submitted on a single claim.** Submit itemized invoices and other support documentation with this claim. **(Additional copies of this page may be included in each claim.)**

CAP Modification (Form 8) Date(s) _____

View the [Task Names](#) on our web site. Enter the PTRCB task number, task name, budget, amount claimed and corresponding invoice number(s) for each task in the table below. The PTRCB task number is assigned by the Board staff in the CAP Review Letter.

Task #	Task Name	Budget	Amount Claimed	Invoice Numbers
1	Work Plan	\$ 1,740.00		
2	Project Management	\$ 5,600.00	\$ 4,497.00	17441
3	Mobilization	\$ 2,417.40	\$ 520.20	17441
4	Miscellaneous - Well Repair	\$ 1,510.00	\$ 1,510.00	17441
5	Well Installation	\$ 23,861.48	\$ 16,416.38	17441
6	Well Abandonment	\$ 1,147.50	\$ 1,147.50	17441
7	Miscellaneous - Permits	\$ 500.00	\$ 500.00	17441
8	Monitoring	\$ 5,200.00		
9	Survey	\$ 2,541.25		
10	Survey - Utility Locates	\$ 2,140.00		
11	Lodging/Per Diem	\$ 1,491.00	\$ 442.76	17441
12	Laboratory Analysis w/fee	\$ 18,960.00		
13	Report - Release Closure Plan Update	\$ 460.00		
14	Report - AR-07	\$ 4,390.00		
Total		\$71,958.63	\$25,033.84	

Reimbursement will be issued and mailed to the party identified as Payee in Section 4 on page 1.

11. **An Assent to Audit (Form 2)** is required for each consultant, contractor, or subcontractor who has worked at the release site with billable labor charges.

12. **Owner Certification:** I certify under penalty of perjury that this submitted claim is for work that was actually completed; that the work performed was necessary to clean up the petroleum release at the facility identified in **Section 1**; that the cost of work for which reimbursement is sought is reasonable; and that to the best of my knowledge, all information herein provided is true and correct. **NOTE: If someone is submitting the claim on behalf of the owner/operator, skip Section 12 and complete Section 13. See the Form 3 instructions.**

RECEIVED

JUN 09 2022

Petroleum Tank Release
Compensation Board

Owner/Operator Signature

Date

Typed Name of Owner/Operator

State of

County of

Signed and Sworn before me on this day

Date

by

Person who signed above

(SEAL)

Notary Public Signature

Printed or typed

Notary Public for the State of

Residing at

My Commission Expires

13. **Claimant Certification:** I certify under penalty of perjury that I am authorized to submit claims on behalf of the owner or operator for this release and the information on this claim form is true to the best of my knowledge. This claim is submitted for work that was actually completed.

Claimant Signature

Date

Kevin Volden

Typed Name of Claimant

State of Montana

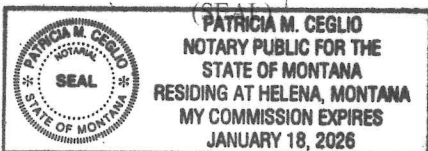
County of Lewis and Clark

Signed and Sworn before me on this day

Date

by Kevin Volden

Person who signed above



Notary Public Signature

Patricia M Ceglie

Printed or typed

Notary Public for the State of MT

Residing at Lewis & Clark County

My Commission Expires Jan 18, 2026

Submit this completed claim and supporting documents to the following address:

PETROLEUM TANK RELEASE COMPENSATION BOARD
PO BOX 200902, HELENA MT 59620-0902



Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 3008724 **FacilityName:** Town Pump Inc White Sulphur Springs **City:** White Sulphur Spri
Release ID: 2642 **WP ID:** 716834251 **WP Name:** F-B-WI/GWM **WP Complete:** ☐ **WP Date:** 02/19/2021

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan	F	\$1,740.00	\$1,740.00	\$0.00	
2	Project Management	F	\$5,600.00	\$5,897.00	(\$297.00)	
3	Mobilization	F	\$2,417.40	\$1,468.80	\$948.60	
4	Miscellaneous	F	\$1,510.00	\$1,510.00	\$0.00	
5	Well Installation	F	\$23,861.48	\$18,382.86	\$5,478.62	
6	Well Abandonment	F	\$1,147.50	\$1,147.50	\$0.00	
7	Miscellaneous	F	\$500.00	\$500.00	\$0.00	
8	Monitoring	F	\$5,200.00	\$1,000.00	\$4,200.00	
9	Survey	F	\$2,541.25			
10	Survey	F	\$2,140.00	\$2,129.00	\$11.00	
11	Lodging/Per Diem	F	\$1,491.00	\$592.96	\$898.04	
12	Laboratory Analysis w/fee	F	\$18,960.00	\$6,028.50	\$12,931.50	
13	Report	F	\$460.00			
14	Report	F	\$4,390.00			
Total:			\$71,958.63	\$40,396.62	\$31,562.01	

PTRCB BUSINESS MEETING DATES for 2023

Subject: Proposed PTRCB Meeting Dates for 2023

<u>Agenda Closed*</u>	<u>Packet Mailing</u>	<u>Meeting Date</u>
January 11, 2023	January 18, 2023	January 30, 2023
March 15, 2023	March 22, 2023	April 3, 2023
May 17, 2023	May 24, 2023	June 5, 2023
August 23, 2023	August 30, 2023	September 11, 2023
October 25, 2023	November 1, 2023	November 13, 2023

REFERENCE:

§75-11-318(3), MCA – Powers and duties of Board

The Board shall meet at least quarterly for the purposes of reviewing and approving claims for reimbursement from the fund and conducting other business as necessary.

*Materials to be included in the Board’s packet must be received by the Board staff by this date.

August 22, 2022

Discussion Item

2023

Holidays & Observances

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Su	M	Tu	W	Th	F	Sa
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

Su	M	Tu	W	Th	F	Sa
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Su	M	Tu	W	Th	F	Sa
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28	29	30	31			

Su	M	Tu	W	Th	F	Sa
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30	31					

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Su	M	Tu	W	Th	F	Sa
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29	30	31				

Su	M	Tu	W	Th	F	Sa
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5	6	7	8	9	10	11
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19	20	21	22	23	24	25
26	27	28	29	30		

Su	M	Tu	W	Th	F	Sa
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Jan 01	New Year's Day
Jan 16	Martin Luther King Day
Jan 22	Chinese New Year
Feb 12	Lincoln's Birthday
Feb 14	Valentine's Day
Feb 20	President's Day
Feb 22	Ash Wednesday
Mar 12	Daylight Saving (begin)
Mar 17	St. Patrick's Day
Mar 20	Vernal equinox
Mar 23	Ramadan begins
Apr 01	April Fool's Day
Apr 06	Passover
Apr 09	Easter
Apr 26	Admin Assistants Day
May 14	Mother's Day
May 28	Pentecost
May 29	Memorial Day
Jun 14	Flag Day
Jun 18	Father's Day
Jun 21	June Solstice
Jul 04	Independence Day
Sep 04	Labor Day
Sep 16	Rosh Hashanah
Sep 23	Autumnal equinox
Oct 09	Columbus Day
Oct 31	Halloween
Nov 05	Daylight Saving (end)
Nov 11	Veterans Day
Nov 23	Thanksgiving
Dec 07	Hanukkah begins
Dec 22	December Solstice
Dec 25	Christmas Day
Dec 26	Kwanzaa begins
Dec 31	New Year's Eve

BOARD ATTORNEY REPORT

As of August 3, 2022

- **Active Cases**

- *Cascade Co v. PTRCB*: After requesting and being granted another extension, Cascade County filed its reply brief on July 25, 2022. The case is now waiting for assignment by the Montana Supreme Court.

Petroleum Tank Release Compensation Fund Budget Status Report Operating Statement June 30, 2022 <i>FYE Adjustments Included</i>						
	Legislative Approp.	Standard Budget	Rev/Exp through 6/30/2022	Projected Rev/Exp	Total FY22 Projected Rev/Exp	Projected Fiscal Year End Balance
Revenues:						
MDT Fee Revenue Estimate	7,905,000	7,905,000	7,859,585	0	7,859,585	(45,415)
Estimated STIP interest earnings	10,000	10,000	7,684	0	7,684	(2,316)
Misc Revenue & Settlements	660	660	3,116	0	3,116	2,456
Total Revenues:	7,915,660	7,915,660	7,870,384	0	7,870,384	(45,276)
Expenditures:						
(Includes current year expenses only)						
Board						
Personal Services*	391,121	391,121	450,365	0	450,365	(59,244)
Contracted Services	40,000	40,000	30,419	0	30,419	9,581
Contingent Contract Services	1,000,000	1,000,000	0	0	0	1,000,000
Operating	229,386	229,386	138,682	0	138,682	90,704
Subtotal	1,660,507	1,660,507	619,466	0	619,466	1,041,041
DEQ Regulatory						
Personal Services*	1,105,010	1,105,010	1,167,691	0	1,167,691	(62,681)
Contracted Services	60,000	60,000	52,233	0	52,233	7,767
Operating & Transfers	480,037	480,037	406,554	0	406,554	73,483
Subtotal	1,645,047	1,645,047	1,626,478	0	1,626,478	18,569
Administrative Budget Remaining						1,059,610
Claims/Loan						
Regular Claim Payments	4,650,000	4,650,000	4,440,551	0	4,440,551	209,449
Accrual - FY22 for use in FY23	600,000	600,000	0	453,817	453,817	146,183
Subtotal	5,250,000	5,250,000	4,440,551	453,817	4,894,368	355,632
Total Expenses:	8,555,554	8,555,554	6,686,496	453,817	7,140,312	1,415,242
Increase/(Decrease) of Revenues over Exp as of June 30, 2022			\$1,183,889	(\$453,817)	\$730,072	

Accrual Information	
	Claims
Accrued in FY2021 for use in FY2022	798,000
Total Payments	573,222
Accrual Balance (Written Off)	224,778

Guarantee of Reimbursement (A Accruals)	
Accrued in FY2017 for reimbursement in FY2022	236,945
Accrued in FY2018-20 for reimbursement in FY2022	222,853
Accrued in FY22 for reimbursement in FY2023	39,852
Total Payments	289,138
Accrual Balance	210,513

Average Monthly Claims	
FY22 to 06/30/22 - Current Year Only	370,046
FY22 to 06/30/22 - Current Year + Accruals	441,909

Actual Claims Paid in FY 2022 (Current Year + Accruals)	5,302,911
--	------------------

	Fund Balance	Cash Balance
Beginning Balance	3,802,731	3,512,258
Revenues	7,870,384	7,870,384
Expenditures (affecting balance)	6,718,684	7,268,720
Projected Balance at 6/30/22	4,954,431	4,113,922

Revenue	
Revenue & Transportation Interim Committee	
Revenue Estimate for FY22	7,140,000
Biennial Report Revenue Estimate for FY22	7,400,000
MDT FY22 Revenue Estimate	7,905,000
MDT FY22 Revenues Collected	99%
	7,859,585

Settlements	
Settlements received during FY2022	
Settlements received to date	2,511,687

At \$.0075 per gallon sold, the revenue collected this year is equivalent to	1,047.9 million gallons sold.
---	--------------------------------------

* Personal Services appropriation assumes 2% vacancy savings, no overtime & no professional growth pay increases. Based on current incumbent or vacancy at snapshot.

Cash Flow Analysis - FY22

	July-21	August-21	September-21	October-21	November-21	December-21
Beginning Cash Balance	3,512,257.55	4,001,980.26	4,320,923.44	4,447,395.51	4,490,868.80	4,251,615.07
Revenue						
MDT Revenue (\$.0075/gallon)	661,060.00	745,435.00	830,005.00	775,860.00	698,849.00	672,310.00
STIP Earnings	-268.15	257.39	339.44	442.97	412.24	457.75
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	115.84	0.00
Total Revenue	660,791.85	745,692.39	830,344.44	776,302.97	699,377.08	672,767.75
Expenditures						
Petro Board Claims	14,234.25	60,079.04	472,792.34	550,341.36	633,447.25	351,737.47
Petro Board Staff	29,552.23	43,598.04	46,615.75	41,158.04	64,600.38	42,669.46
Prior Year Adj & Accrual Adj	43,491.05	185,982.56	34,905.45	60,748.59	54,106.91	0.00
DEQ Regulatory	83,791.61	137,089.57	149,558.83	80,581.69	186,476.27	144,321.29
Total Expenditures	171,069.14	426,749.21	703,872.37	732,829.68	938,630.81	538,728.22
Ending Cash Balance	4,001,980.26	4,320,923.44	4,447,395.51	4,490,868.80	4,251,615.07	4,385,654.60

Cash Flow Analysis - FY22

	January-22	February-22	March-22	April-22	May-22	June-22
	Actual					
Beginning Cash Balance	4,385,654.60	4,585,731.91	4,904,309.07	4,514,639.52	4,583,845.77	4,726,100.46
Revenue						
MDT Revenue (\$.0075/gallon)	621,147.00	589,554.00	541,653.00	552,971.00	1,214,293.00	-43,552.00
STIP Earnings	528.89	616.02	715.98	1,139.66	1,824.75	1,216.59
Settlements						
Other Misc Revenue	500.00	2,500.00	0.00	0.00	0.00	0.00
Total Revenue	622,175.89	592,670.02	542,368.98	554,110.66	1,216,117.75	-42,335.41
Expenditures						
Petro Board Claims	218,569.28	74,643.08	623,052.05	299,087.28	756,671.70	385,896.15
Petro Board Staff	48,253.67	54,857.70	51,336.16	54,233.26	69,456.46	73,135.29
Prior Year Adj & Accrual Adj	0.00	0.00	101,540.90	4,461.27	65,978.25	31,008.98
DEQ Regulatory	155,275.63	144,592.08	156,109.42	127,122.60	181,756.65	79,802.33
Total Expenditures	422,098.58	274,092.86	932,038.53	484,904.41	1,073,863.06	569,842.75
Ending Cash Balance	4,585,731.91	4,904,309.07	4,514,639.52	4,583,845.77	4,726,100.46	4,113,922.30

**Petroleum Tank Release Compensation Fund
Budget Status Report
Monthly Expenditure/Projection Summary
June 30, 2022**

8/9/2022
REPORT ITEM
INFORMATIONAL

EXPENDITURE SUMMARY	PERIOD ENDING 07/31/21	PERIOD ENDING 08/31/21	PERIOD ENDING 09/30/21	PERIOD ENDING 10/31/21	PERIOD ENDING 11/30/21	PERIOD ENDING 12/31/21	PERIOD ENDING 01/31/22	PERIOD ENDING 02/28/22	PERIOD ENDING 03/31/22	PERIOD ENDING 04/30/22	PERIOD ENDING 05/31/22	PERIOD ENDING 06/30/22	FY22 TOTALS
REVENUE													
MDT Fees	661,060.00	745,435.00	830,005.00	775,860.00	698,849.00	672,310.00	621,147.00	589,554.00	541,653.00	552,971.00	1,214,293.00	-43,552.00	7,859,585.00
Stip Earnings	-268.15	257.39	339.44	442.97	412.24	457.75	528.89	616.02	715.98	1,139.66	1,824.75	1,216.59	7,683.53
Misc Revenue					115.84		500.00	2,500.00					3,115.84
Total Revenue	660,791.85	745,692.39	830,344.44	776,302.97	699,377.08	672,767.75	622,175.89	592,670.02	542,368.98	554,110.66	1,216,117.75	-42,335.41	7,870,384.37
BOARD													
Personal Services	23,596.25	35,150.26	35,604.80	29,202.29	44,576.90	29,768.74	33,694.21	39,642.63	37,757.42	37,821.95	56,151.18	47,397.93	450,364.56
Contracted Services	0.00	0.00	2,248.63	3,751.10	5,213.73	120.00	6,071.80	1,888.30	3,049.20	547.00	2,917.10	4,612.61	30,419.47
Contingent Contract Services													0.00
Operating	5,955.98	8,447.78	8,762.32	8,204.65	14,809.75	12,780.72	8,487.66	13,326.77	10,529.54	15,864.31	10,388.18	21,124.75	138,682.41
Subtotal	29,552.23	43,598.04	46,615.75	41,158.04	64,600.38	42,669.46	48,253.67	54,857.70	51,336.16	54,233.26	69,456.46	73,135.29	619,466.44
CLAIMS													
Regular CY Claim Payments	14,234.25	60,079.04	472,792.34	550,341.36	633,447.25	351,737.47	218,569.28	74,643.08	623,052.05	299,087.28	756,671.70	385,896.15	4,440,551.25
Subtotal	14,234.25	60,079.04	472,792.34	550,341.36	633,447.25	351,737.47	218,569.28	74,643.08	623,052.05	299,087.28	756,671.70	385,896.15	4,440,551.25
DEQ Regulatory													
Personal Services	65,106.77	103,350.23	105,587.47	57,567.16	129,827.83	94,672.69	104,120.10	102,971.41	114,925.52	99,596.93	146,274.80	43,689.86	1,167,690.77
Contracted Services	0.00	2,479.53	3,900.80	6,246.60	2,402.65	5,340.44	15,760.13	145.15	1,575.45	865.72	1,403.48	12,113.17	52,233.12
Operating	18,684.84	31,259.81	40,070.56	16,767.93	54,245.79	44,308.16	35,395.40	41,475.52	39,608.45	26,659.95	34,078.37	23,999.30	406,554.08
Subtotal	83,791.61	137,089.57	149,558.83	80,581.69	186,476.27	144,321.29	155,275.63	144,592.08	156,109.42	127,122.60	181,756.65	79,802.33	1,626,477.97
CURRENT YEAR EXPENDITURE TOTALS	127,578.09	240,766.65	668,966.92	672,081.09	884,523.90	538,728.22	422,098.58	274,092.86	830,497.63	480,443.14	1,007,884.81	538,833.77	6,686,495.66
PRIOR YEAR EXPENDITURES	-550.62	7,625.01	310.20	0.00	0.04	0.00	-7,755.00	0.00	0.00	0.00	-8.99	17.98	-361.38
TOTAL EXPENDITURES	127,027.47	248,391.66	669,277.12	672,081.09	884,523.94	538,728.22	414,343.58	274,092.86	830,497.63	480,443.14	1,007,875.82	538,851.75	6,686,134.28
Board & DEQ Non-Claim costs	113,343.84	180,687.61	196,174.58	121,739.73	251,076.65	186,990.75	203,529.30	199,449.78	207,445.58	181,355.86	251,213.11	152,937.62	2,245,944.41
Claims Accrual Payments	43,506.73	178,357.55	34,595.25	60,748.59	54,106.87	0.00	0.00	0.00	101,540.90	4,461.27	65,987.24	29,917.34	573,221.74
Guarantee of Reimbursement (A Accruals)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	34,172.16	34,172.16
PROJECTION SUMMARY	PERIOD ENDING 07/31/21	PERIOD ENDING 08/31/21	PERIOD ENDING 09/30/21	PERIOD ENDING 10/31/21	PERIOD ENDING 11/30/21	PERIOD ENDING 12/31/21	PERIOD ENDING 01/31/22	PERIOD ENDING 02/28/22	PERIOD ENDING 03/31/22	PERIOD ENDING 04/30/22	PERIOD ENDING 05/31/22	PERIOD ENDING 06/30/22	FY22 TOTALS
REVENUE													
MDT Fees													0.00
Stip Earnings													0.00
TOTAL REVENUE PROJECTED	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
BOARD													
Personal Services													0.00
Contracted Services													0.00
Contingent Contract Services													0.00
Operating													0.00
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CLAIMS													
Regular CY Claim Payments													0.00
FYE22 Accrual												453,816.64	453,816.64
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	453,816.64	453,816.64
DEQ Regulatory													
Personal Services													0.00
Contracted Services													0.00
Operating													0.00
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
PROJECTION TOTALS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	453,816.64	453,816.64

Petroleum Tank Release Compensation Fund Budget Status Report Operating Statement July 31, 2022						
	Legislative Approp.	Standard Budget	Rev/Exp through 7/31/2022	Projected Rev/Exp	Total FY23 Projected Rev/Exp	Projected Fiscal Year End Balance
Revenues:						
MDT Fee Revenue Estimate	7,905,000	7,905,000	642,462	7,222,079	7,864,541	(40,459)
Estimated STIP interest earnings	10,000	10,000	6,053	12,066	18,119	8,119
Misc Revenue & Settlements	8,000	8,000	0	0	0	(8,000)
Total Revenues:	7,923,000	7,923,000	648,515	7,234,145	7,882,660	(40,340)
Expenditures:						
(Includes current year expenses only)						
Board						
Personal Services*	398,308	398,308	23,020	492,240	515,260	(116,952)
Contracted Services	30,500	30,500	0	30,250	30,250	250
Contingent Contract Services	1,000,000	1,000,000	0	0	0	1,000,000
Operating	295,534	295,534	1,431	175,000	176,431	119,103
Subtotal	1,724,342	1,724,342	24,451	697,490	721,941	1,002,401
DEQ Regulatory						
Personal Services*	1,150,231	1,150,231	56,724	1,200,000	1,256,724	(106,493)
Contracted Services	52,500	52,500	0	44,000	44,000	8,500
Operating & Transfers	482,841	482,841	1,864	381,500	383,364	99,477
Subtotal	1,685,572	1,685,572	58,588	1,625,500	1,684,088	1,484
Administrative Budget Remaining						1,003,885
Claims/Loan						
Regular Claim Payments	4,750,000	4,750,000	0	4,070,550	4,070,550	679,450
Accrual - FY22 for use in FY23	500,000	500,000	0	500,000	500,000	0
Subtotal	5,250,000	5,250,000	0	4,570,550	4,570,550	679,450
Total Expenses:	8,659,914	8,659,914	83,039	6,893,540	6,976,579	1,683,335
Increase/(Decrease) of Revenues over Exp as of July 31, 2022			\$565,477	\$340,605	\$906,081	

Accrual Information	
	Claims
Accrued in FY2022 for use in FY2023	453,817
Total Payments	0
Accrual Balance	453,817

Guarantee of Reimbursement (A Accruals)	
Accrued in FY2017 for reimbursement in FY2023	236,945
Accrued in FY2018-20 for reimbursement in FY2023	222,853
Accrued in FY22 for reimbursement in FY2023	39,852
Total Payments	289,138
Accrual Balance	210,512

Average Monthly Claims	
FY23 to 07/31/22 - Current Year Only	0
FY23 to 07/31/22 - Current Year + Accruals	0

Actual Claims Paid in FY 2023 (Current Year + Accruals)	0
--	---

	Fund Balance	Cash Balance
Beginning Balance	4,954,431	4,113,922
Revenues	7,882,660	7,882,660
Expenditures (affecting balance)	6,525,206	6,479,023
Projected Balance at 6/30/23	6,311,885	5,517,560

Revenue	
Revenue & Transportation Interim Committee	
Revenue Estimate for FY23	7,160,000
Biennial Report Revenue Estimate for FY23	7,500,000
MDT FY23 Revenue Estimate	7,905,000
MDT FY23 Revenues Collected	8% 642,462

Settlements	
Settlements received during FY2023	
Settlements received to date	2,511,687

At \$.0075 per gallon sold, the revenue collected this year is equivalent to	85.7 million gallons sold.
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* Personal Services appropriation assumes 2% vacancy savings, no overtime & no professional growth pay increases. Based on current incumbent or vacancy at snapshot.

Cash Flow Analysis - FY23

	Actual July-22	August-22	September-22	Projected October-22	November-22	December-22
Beginning Cash Balance	4,113,922.22	4,676,954.80	4,824,642.59	5,059,492.59	5,272,367.59	5,316,078.59
Revenue						
MDT Revenue (\$.0075/gallon)	642,462.00	707,842.00	799,480.00	777,505.00	695,851.00	661,826.00
STIP Earnings	6,053.27	5,165.79	690.00	690.00	690.00	690.00
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	0.00	0.00
Total Revenue	648,515.27	713,007.79	800,170.00	778,195.00	696,541.00	662,516.00
Expenditures						
Petro Board Claims	0.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00
Petro Board Staff	24,450.88	58,770.00	58,770.00	58,770.00	84,280.00	58,770.00
Prior Year Adj & Accrual Adj	2,443.93	0.00	0.00	0.00	0.00	0.00
DEQ Regulatory	58,587.88	136,500.00	136,500.00	136,500.00	198,500.00	136,500.00
Total Expenditures	85,482.69	565,320.00	565,320.00	565,320.00	652,830.00	565,320.00
Ending Cash Balance	4,676,954.80	4,824,642.59	5,059,492.59	5,272,367.59	5,316,078.59	5,413,274.59

Cash Flow Analysis - FY23

	January-23	February-23	March-23	Projected April-23	May-23	June-23
Beginning Cash Balance	5,413,274.59	5,441,761.59	5,462,598.59	5,463,760.59	5,450,415.59	5,405,501.59
Revenue						
MDT Revenue (\$.0075/gallon)	593,117.00	585,467.00	565,792.00	551,285.00	607,226.00	676,688.00
STIP Earnings	690.00	690.00	690.00	690.00	690.00	690.00
Settlements						
Other Misc Revenue	0.00	0.00	0.00	0.00	0.00	0.00
Total Revenue	593,807.00	586,157.00	566,482.00	551,975.00	607,916.00	677,378.00
Expenditures						
Petro Board Claims	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00
Petro Board Staff	58,770.00	58,770.00	58,770.00	58,770.00	84,280.00	58,770.00
Prior Year Adj & Accrual Adj	0.00	0.00	0.00	0.00	0.00	0.00
DEQ Regulatory	136,500.00	136,500.00	136,500.00	136,500.00	198,500.00	136,500.00
Total Expenditures	565,320.00	565,320.00	565,320.00	565,320.00	652,830.00	565,320.00
Ending Cash Balance	5,441,761.59	5,462,598.59	5,463,760.59	5,450,415.59	5,405,501.59	5,517,559.59

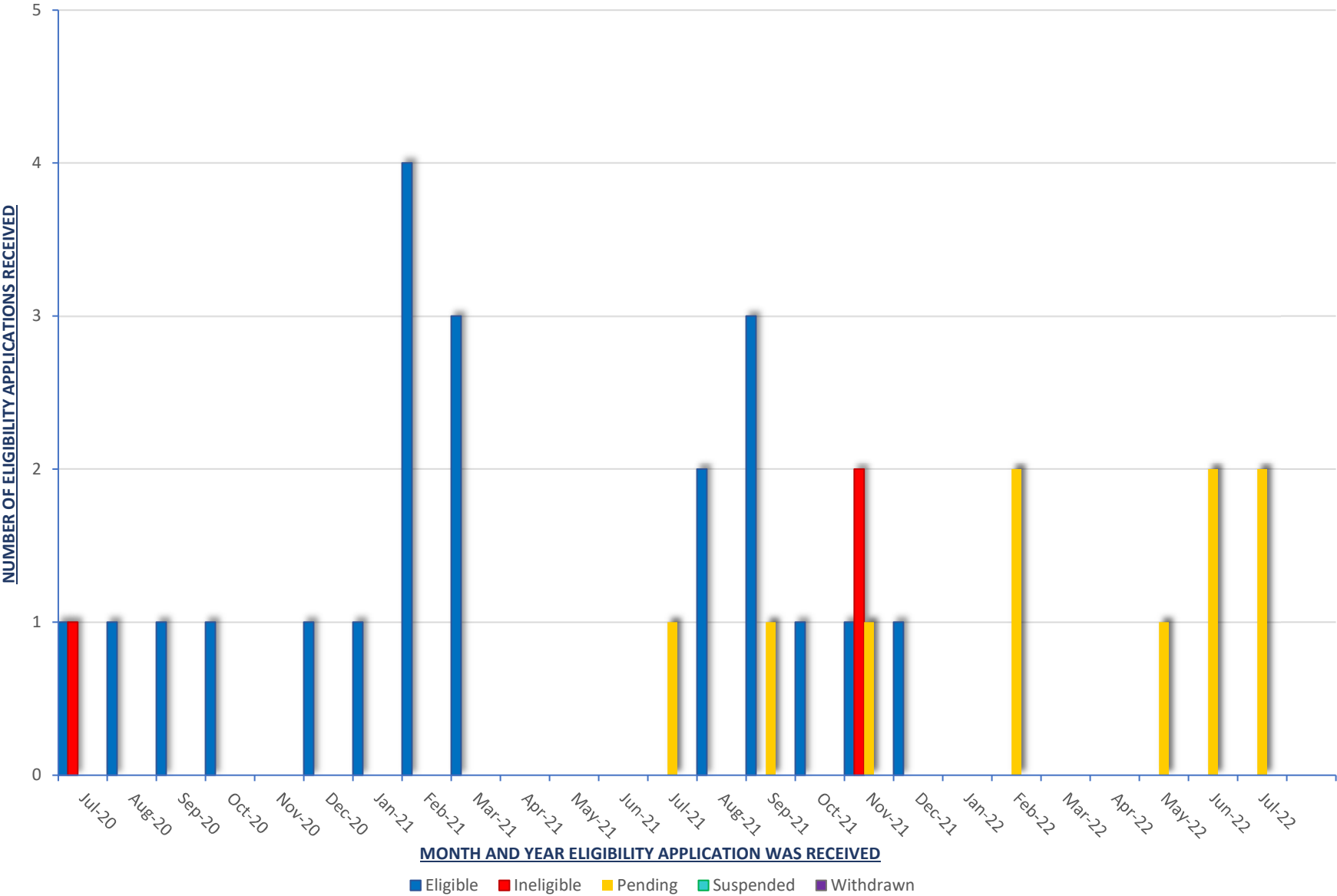
**Petroleum Tank Release Compensation Fund
Budget Status Report
Monthly Expenditure/Projection Summary
July 31, 2022**

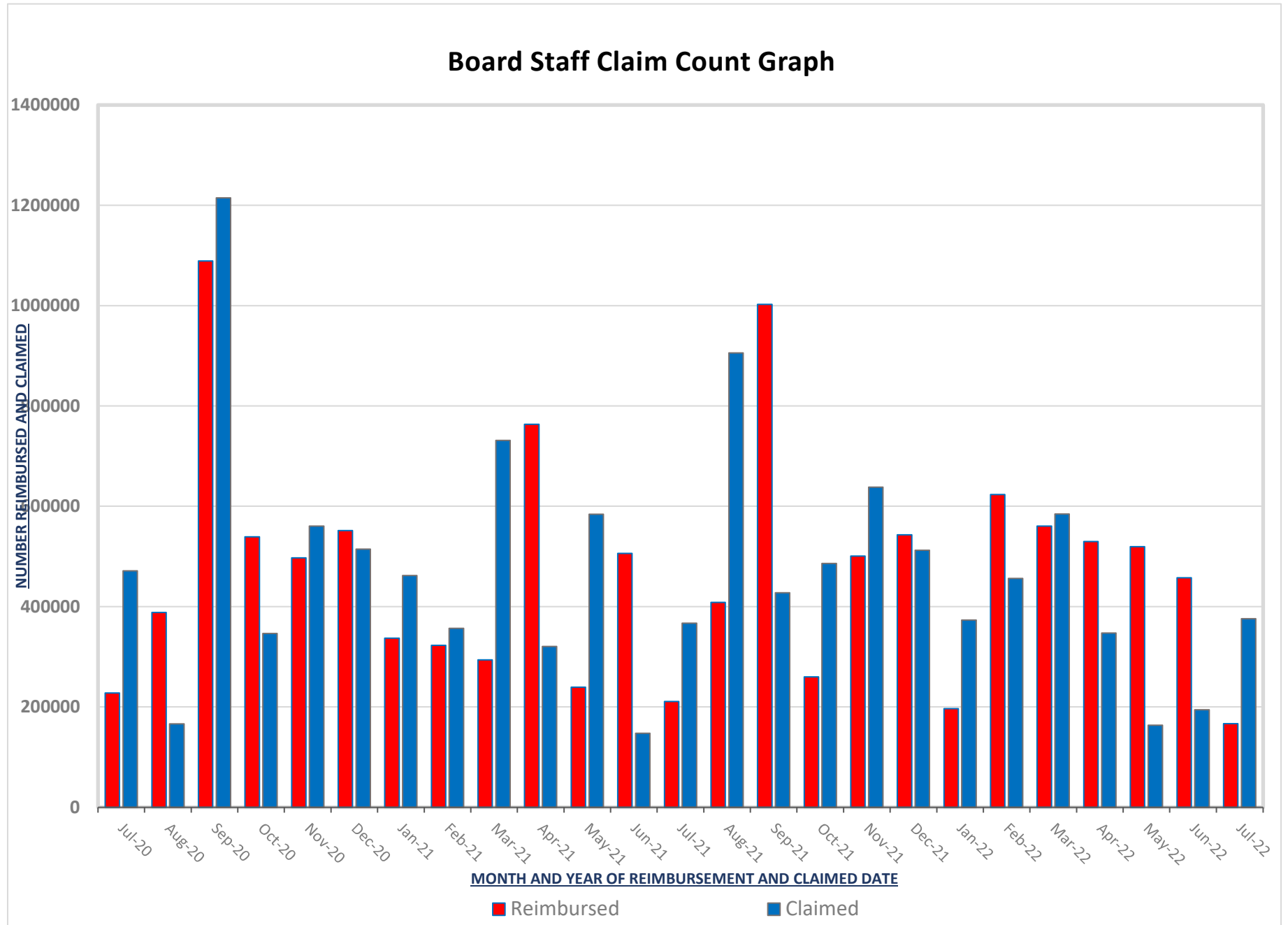
8/9/2022
REPORT ITEM
INFORMATIONAL

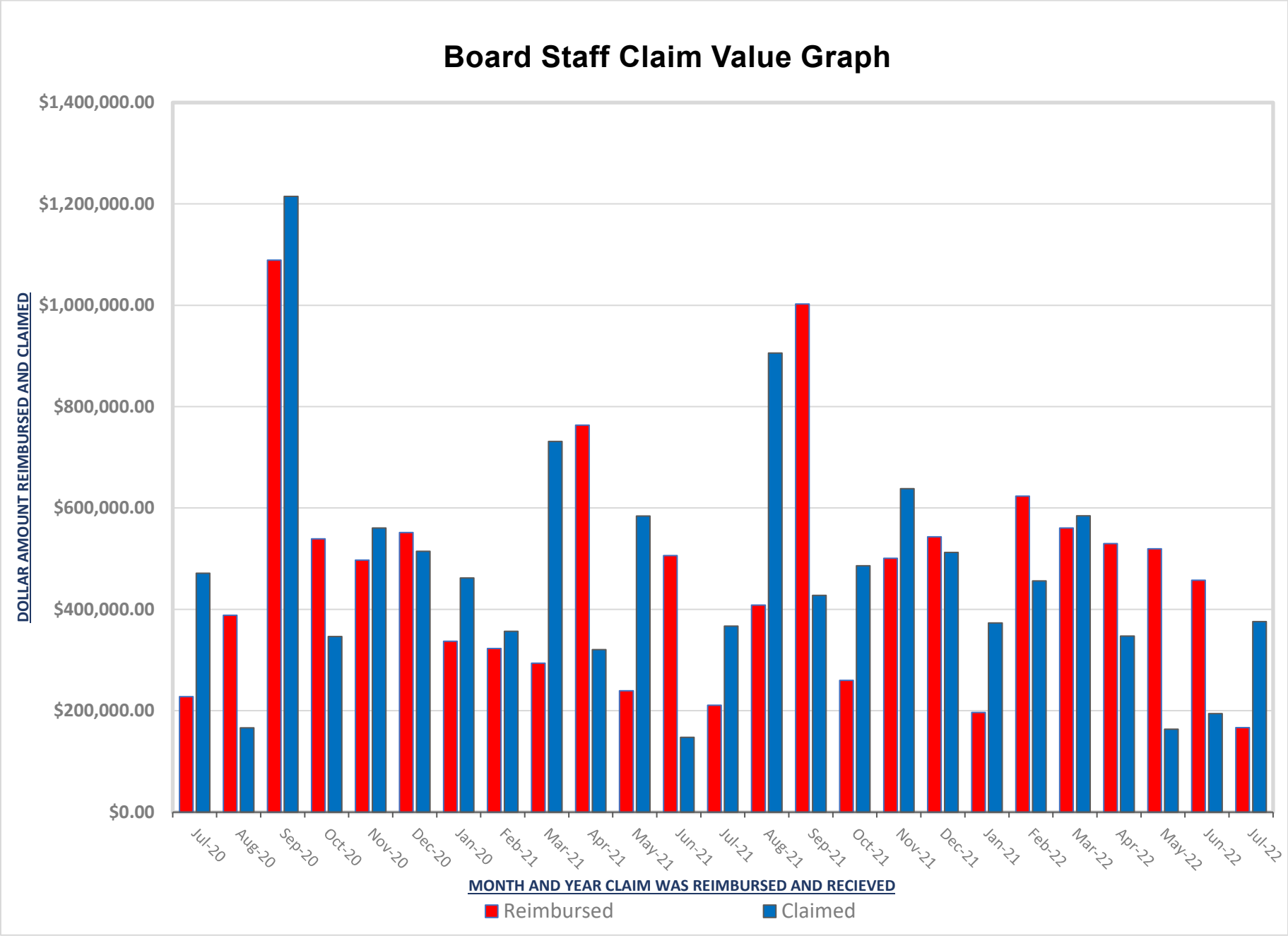
EXPENDITURE SUMMARY		PERIOD ENDING 07/31/22	PERIOD ENDING 08/31/22	PERIOD ENDING 09/30/22	PERIOD ENDING 10/31/22	PERIOD ENDING 11/30/22	PERIOD ENDING 12/31/22	PERIOD ENDING 01/31/23	PERIOD ENDING 02/28/23	PERIOD ENDING 03/31/23	PERIOD ENDING 04/30/23	PERIOD ENDING 05/31/23	PERIOD ENDING 06/30/23	FY23 TOTALS
REVENUE														
	MDT Fees	642,462.00												642,462.00
	Stip Earnings	6,053.27												6,053.27
	Misc Revenue													0.00
	Total Revenue	648,515.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	648,515.27
BOARD														
	Personal Services	23,020.27												23,020.27
	Contracted Services													0.00
	Contingent Contract Services													0.00
	Operating	1,430.61												1,430.61
	Subtotal	24,450.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,450.88
CLAIMS														
	Regular CY Claim Payments	0.00												0.00
	Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEQ Regulatory														
	Personal Services	56,724.20												56,724.20
	Contracted Services													0.00
	Operating	1,863.68												1,863.68
	Subtotal	58,587.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	58,587.88
CURRENT YEAR EXPENDITURE TOTALS		83,038.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	83,038.76
PRIOR YEAR EXPENDITURES		567.51												567.51
TOTAL EXPENDITURES		83,606.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	83,606.27
Board & DEQ Non-Claim costs		83,038.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	83,038.76
Claims Accrual Payments														0.00
Guarantee of Reimbursement (A Accruals)														0.00
PROJECTION SUMMARY		PERIOD ENDING 07/31/22	PERIOD ENDING 08/31/22	PERIOD ENDING 09/30/22	PERIOD ENDING 10/31/22	PERIOD ENDING 11/30/22	PERIOD ENDING 12/31/22	PERIOD ENDING 01/31/23	PERIOD ENDING 02/28/23	PERIOD ENDING 03/31/23	PERIOD ENDING 04/30/23	PERIOD ENDING 05/31/23	PERIOD ENDING 06/30/23	FY23 TOTALS
REVENUE														
	MDT Fees		707,842.00	799,480.00	777,505.00	695,851.00	661,826.00	593,117.00	585,467.00	565,792.00	551,285.00	607,226.00	676,688.00	7,222,079.00
	Stip Earnings		5,165.79	690.00	690.00	690.00	690.00	690.00	690.00	690.00	690.00	690.00	690.00	12,065.79
	TOTAL REVENUE PROJECTED	0.00	713,007.79	800,170.00	778,195.00	696,541.00	662,516.00	593,807.00	586,157.00	566,482.00	551,975.00	607,916.00	677,378.00	7,234,144.79
BOARD														
	Personal Services		41,020.00	41,020.00	41,020.00	61,530.00	41,020.00	41,020.00	41,020.00	41,020.00	41,020.00	61,530.00	41,020.00	492,240.00
	Contracted Services		2,750.00	2,750.00	2,750.00	2,750.00	2,750.00	2,750.00	2,750.00	2,750.00	2,750.00	2,750.00	2,750.00	30,250.00
	Contingent Contract Services													0.00
	Operating		15,000.00	15,000.00	15,000.00	20,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	20,000.00	15,000.00	175,000.00
	Subtotal	0.00	58,770.00	58,770.00	58,770.00	84,280.00	58,770.00	58,770.00	58,770.00	58,770.00	58,770.00	84,280.00	58,770.00	697,490.00
CLAIMS														
	Regular CY Claim Payments		370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	4,070,550.00
	FYE23 Accrual												500,000.00	500,000.00
	Subtotal	0.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	370,050.00	870,050.00	4,570,550.00
DEQ Regulatory														
	Personal Services		100,000.00	100,000.00	100,000.00	150,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	150,000.00	100,000.00	1,200,000.00
	Contracted Services		4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	44,000.00
	Operating		32,500.00	32,500.00	32,500.00	44,500.00	32,500.00	32,500.00	32,500.00	32,500.00	32,500.00	44,500.00	32,500.00	381,500.00
	Subtotal	0.00	136,500.00	136,500.00	136,500.00	198,500.00	136,500.00	136,500.00	136,500.00	136,500.00	136,500.00	198,500.00	136,500.00	1,625,500.00
PROJECTION TOTALS		0.00	565,320.00	565,320.00	565,320.00	652,830.00	565,320.00	565,320.00	565,320.00	565,320.00	565,320.00	652,830.00	1,065,320.00	6,893,540.00

[Back to Agenda](#)

Board Staff Eligibility Graph







Audit CAP Reporting

1. Audit Background and History
2. Quarterly Corrective Action Plan, Third Quarter Submission by DEQ and Board staff
3. ASTSWMO Survey Results – (Association of State and Territorial Solid Waste Management Officials)
4. State Interview Results
5. Stakeholder Feedback/Public Outreach Comments
6. Legal Research on Procurement Laws
7. Montana State Procurement Bureau

FOLLOW-UP FY21 AUDIT PLAN OF CORRECTION

July 2022



PURPOSE

The purpose of this document is to track outstanding commitments made in the corrective action plan (CAP) and provide follow-up reporting to the Petroleum Tank Release Fund Performance Audit #20P-01.

AUDIT FINDINGS, CORRECTIVE ACTION AND DOCUMENTATION

Please complete the notes section of the table to document progress. The notes section is the last four white boxes on lower right)

Recommendation #		1
Blue Book Recommendation	We recommend the Petroleum Tank Release Compensation Board work with Department of Environmental Quality to collaborate during corrective action plan development to verify eligibility, assure fund availability, and provide any other relevant input for consideration prior to final plan approval by the department.	
Does the System Impact a Federal Program?	No	
CFDA	NA	
Agency Response	The Board has and will continue to work collaboratively with the department to improve the work plan review process and to ensure that information regarding eligibility, fund availability, and other relevant information is readily available for consideration prior to final plan approval by	

Revised: 08/10/2022

Open

the department. The Board will work collaboratively with department staff and stakeholders to evaluate strategies to improve the business process of requesting work and ensuring work that has been obligated is implemented and completed in a timely manner in an effort to get releases to closure in a cost effective and well-timed manner.

DEQ is willing and eager to work collaboratively with Board and staff to explore options and determine a streamlined process for the Board's eligibility determination and fund obligations to move sites to closure in a timely and efficient manner. DEQ recognizes addressing this recommendation will likely require a statute change and is willing to work collaboratively in this process.

The department will continue to encourage coordination and planning meetings with stakeholders to improve communication, transparency, and facilitate timely work plan approvals and fund obligations.

The department has and will continue to copy Board staff as recipients on letters addressed to responsible parties for work plan requests, approvals, modifications, and extensions; provide copies of work plans for investigation and remediation sent out for sanitarian comment; and

	inform Board staff that the work plan will be approved within 15 days of receipt of sanitarian comment (or expiration of the comment period) in accordance with the Administrative Rules of Montana (ARM).	
		Notes
Corrective Action Plan	<p>The Board will meet regularly with department staff to strategize on business process and database changes that will improve availability of eligibility, funding, and other information. The Board will work with the department staff to develop guidance on cleanup requirements. The Board will collaborate on public outreach to stakeholders to identify evidence, methods of collection, and documentation so the information needing consideration can be available before work plan approval.</p> <p>DEQ CAP</p> <p>1. The department is willing to meet within the regulatory reform framework (November/ early December 2021) to discuss the process and statute/rule changes necessary to ensure collaboration during CAP development to verify eligibility, assure fund availability and provide other relevant input.</p> <p>2. DEQ will reach out to other states in the region to discuss their process for eligibility determination/fund availability and collaboration efforts between the fund and state. DEQ will determine what approaches seem most likely</p>	<p>8/5/2022-PETRO: The PETRO Board continues to advise, consult, cooperate with and assist other agencies of this state, the consulting community, and the tank owners to understand the purpose of the Fund and the allowable costs incurred for corrective action to eligible parties for eligible releases from eligible tank systems.</p> <p>8/10/2022-DEQ:</p> <p>1. The department and the board staff (Garnet) regularly met during regulatory reform 9/24/2021; 10/20/2021; 11/3/2021; 11/9/2021; 11/18/2021; 12/8/2021; and 12/9/2022. Eligibility can be determined by the fund staff if the owner/operator submits the eligibility documentation, the fund can also assure fund availability at this time and provide relevant input, the definition of which remains questionable as DEQ and the fund disagree on the use of "reasonable and necessary".</p> <p>DEQ will move forward with CAPs and will bring to the board's attention where the fund staff are denying costs based on what DEQ believes are technical aspects. Statutorily, this will be</p>

	<p>to work in Montana and engage the board/stakeholders for feedback.</p> <p>3. DEQ will work with the Board to assist with process improvements (implementing and paying for planning meetings) and develop tools (such as a reasonable cost guidance/outreach/prerelease eligibility) to improve communication, transparency, and facilitate timely fund obligations.</p> <p>4. As process improvements/regulatory reform is discussed, the department will seek input from stakeholders, and assist with moving regulatory reform and/or stakeholder education forward</p>	<p>addressed under Audit finding #2.</p> <p>2) The Department met with EPA and Wyoming (12/7/2021) to discuss Wyoming's Actions process for approvals and obligations of funds. Releasees in WY are eligible for funding (also housed w/in WY DEQ) if the owner pays the annual fee of \$200. There are no other restrictions on the eligibility/funding.</p> <p>3) DEQ and the board executive director continue to meet with the process improvement team to address cost guidance documents for the board. In addition, the fund is working on getting the obligations into GIS.</p>
Responsible Parties	<p>PETRO Board Terry Wadsworth DEQ Amy Steinmetz Terri Mavencamp Marla Stremcha</p>	
Target Date	<p>December 2022</p>	<p>DEQ will continue to work with PTRCB on process improvements where there is agreement process improvements are needed. The fundamental disagreement between DEQ/PTRCB is that PTRCB does not have a technical oversight role, this disagreement makes process improvements difficult. DEQ proposes moving forward with audit finding #2 as a way to clarify roles and then continue to work with the board to verify eligibility, assure fund availability, and provide any other relevant input for cost consideration</p>

		prior to final plan approval by the department.
Complete		

SUPPORTING DOCUMENTATION

Please identify all documents in support of implementation of the plan of correction below.

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FOLLOW-UP FY21 AUDIT PLAN OF CORRECTION

July 2022



PURPOSE

The purpose of this document is to track outstanding commitments made in the corrective action plan (CAP) and provide follow-up reporting to the Petroleum Tank Release Fund Performance Audit #20P-01.

AUDIT FINDINGS, CORRECTIVE ACTION AND DOCUMENTATION

Please complete the notes section of the table to document progress. The notes section is the last four white boxes on lower right)

Recommendation #		2
Blue Book Recommendation	We recommend the Montana legislature clarify statute by making amendments as needed to clarify the Petroleum Tank Release Compensation Board does not have a role in approving or basing reimbursement on the specific methods prescribed w/in approved corrective action plans that bring an eligible petroleum release to closure.	
Does the System Impact a Federal Program?	No	
CFDA	NA	
Situation Analysis (Agency Response to Memo)	DEQ agrees it would be helpful if there was clarity in statute and legislative intent for roles and responsibilities regarding what is needed for environmental protection and technical methodology or requirements of corrective action plans to bring releases to closure. The technical review and development of	

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	workplans should solely fall to environmental scientists, working with professional consultants, with specific knowledge, skills, and ability to oversee workplans and address site cleanup efforts. DEQ agrees to work with the Board and stakeholders to assist with amendments as needed to clarify statute to address recommendation #2, (75.11.309(3a)); 75.11.312; 75.11.318(4c)).	
		Notes
Corrective Action Plan (As Stated in Agency Response to Memo)	<p>DEQ suggests, DEQ and the Board propose language to the Montana legislature during the 2023 session. DEQ and the Board should meet regularly to discuss and then conduct stakeholder outreach.</p> <ol style="list-style-type: none"> 1. The department is willing to meet with the Board to identify language that requires adjustment to clarify the Board's role in approving or basing reimbursement on the specific methods prescribed w/in approved corrective action plans that bring an eligible petroleum release to closure. 2. The department and Board identify language changes and engage stakeholders for input. 3. The legislature moves forward with support from the department and Board on statute modifications. 	<p>8/5/2022-PETRO: To the extent that the legislature is considering any changes to the statutes, the Board recommends that the legislature ensure that the agency responsible for the management and utilization of the Fund retain the necessary authority to review and evaluate all aspects that relate to the reimbursements from the Fund. Doing otherwise would not meet the statutorily expressed purpose of the Fund and would not allow the Board to be a good steward of monies entrusted to it.</p> <p>8/09/2022-DEQ:</p> <ol style="list-style-type: none"> 1) The board staff and the department disagree on the role of the Board in approving or basing reimbursements on the specific methods prescribed in a department approved corrective action plan. 2) The board has supplied DEQ with instances in the statute where they believe authority has been given to the board to perform

		<p>technical reviews/oversight. DEQ has written a proposal for statute changes that would make clarifications as requested by the audit. DEQ will share these recommendations with the board and stakeholders by mid-August 2022.</p> <p>3) DEQ would support legislation moving forward if the legislature were to carry this bill.</p>
Responsible Parties	MT Legislature PETRO Board Terry Wadsworth DEQ Amy Steinmetz Terri Mavencamp Marla Stremcha can suggest to legislature clarifying language	
Target Date	DEQ recommends Q1 - by Mar 2022 Q2 - by Jun 2022 Q3 - by Sep 2022	Stakeholder input delayed; to be initiated by mid-August.
Complete		

SUPPORTING DOCUMENTATION

Please identify all documents in support of implementation of the plan of correction below.

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FOLLOW-UP FY21 AUDIT PLAN OF CORRECTION

July 2022



PURPOSE

The purpose of this document is to track outstanding commitments made in the corrective action plan (CAP) and provide follow-up reporting to the Petroleum Tank Release Fund Performance Audit #[20P-01](#).

AUDIT FINDINGS, CORRECTIVE ACTION AND DOCUMENTATION

Please complete the notes section of the table to document progress. The notes section is the last four white boxes on lower right)

Recommendation #		3
Blue Book Recommendation	We recommend the Petroleum Tank Release Compensation Board work with the Department of Environmental Quality to develop a process, seeking legislation, if necessary, whereby remediation projects are competitively bid to bring releases to closure, in accordance with existing state procurement laws.	
Does the System Impact a Federal Program?	Could affect fund structure and the reauthorization of the fund in MT	
CFDA	NA	
Situation Analysis (Agency Response to Memo)	The Board is willing and eager to work collaboratively with the DEQ to explore options and determine a streamlined process for how improvement might be made to bring releases to closure. It is important to recognize that the state of Montana is not in the business of assuming liability, but, rather,	

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in the business of funding cleanup to eliminate liability by closing petroleum contaminated sites. The Board is concerned that under Montana contract law, the Board would be indirectly accepting liability, on behalf of the state, via a contract with a consultant for cleanup of a contaminated site. The Board does not have authority to accept liability for the state, only to reimburse an owner for cleanup of petroleum contamination from eligible tanks. The implementation of this recommendation could directly impact external stakeholders such as consultants and owners/operators. The degree of impact depends on how the recommendation is implemented. Stakeholder involvement will be an important part of the evaluation and change process. If the owner is required by law to obtain several competitive bids for standardized cleanup activity, such as occurs with automotive repair, the owner/operator would retain the ability to select their consultant and be engaged in the cleanup process. This approach keeps the state from indirectly accepting liability. The Board believes that implementing a competitive bid process will require changes to state cleanup process guidance and will work collaboratively with the stakeholders to update guidance, as necessary.

	<p>DEQ is willing and eager to work collaboratively with Board and staff to explore options and determine a streamlined process for how improvement can be made to bring releases to closure. Implementation of this recommendation would directly impact external stakeholders (such as consultants and owners/operators). This will be an important effort towards evaluation and regulatory reform. For other cleanup efforts lead by DEQ using other funding sources (such as one-time appropriation of funds for non-eligible petroleum releases), DEQ does use a competitive process that complies with state procurement laws. Any process changes and impacts to the cost eligibility and determination to obligate funds would have to ensure that projects could be managed with resources available, and in a manner that ensures increased efficiency and long-term success</p>	
		Notes
Corrective Action Plan	<p>The Board will examine and evaluate the competitive bidding processes other states use to accomplish release cleanup. The Board will work with DEQ staff to conduct public outreach to stakeholders to provide input on the processes. The Board will develop possible alternatives and identify the best alternative. The Board will submit the chosen alternative for a legal</p>	<p>8/5/2022-PETRO: In order to consider implementation of a competitive bid process in accordance with state procurement laws, multiple strategies have been employed by the Board in their research. The Board is working with the Department, and other stakeholders to assure that issues are accurately identified so they can be addressed effectively,</p>

	<p>reviewed to identify possible statutory changes. If statutory changes are identified the Board will seek a legislative bill sponsor and draft any necessary legislation. Once legislation is passed the Board will make updates to their database cost management and work plan tracking system. The Board will work with DEQ staff to conduct public outreach to stakeholders to provide information regarding the changes to the work plan process. The board has made a practice of implementing changes to business processes in January of each year. Therefore, implementation of the bidding process would be expected in January of 2024.</p> <p>DEQ suggests learning about other state's processes that use a competitively bid process to bring releases to closure. DEQ will meet with Wyoming and EPA in the first quarter 2022 to learn about their process. In Q2 2022, DEQ will determine what approaches seem most likely to work in Montana and engage the board/stakeholders for feedback. In Q3 DEQ will work with the board and staff to identify regulatory/guidance changes needed to implement the competitive process.</p>	<p>and it can be determined what policies need to be developed or changed.</p> <p>8/09/2022-DEQ:</p> <p>1) DEQ met w/ Wyoming 12/7/2021 and March 2nd, 2022, to discuss their process for competitive bids. DEQ met with Colorado 2/14/2022 and with Utah 2/15/2022.</p> <p>2) On May 12, 2022, DEQ met w/ PTRCB to discuss DEQ's summaries of Utah, Colorado and Wyoming's processes to bring releases to closure. PTRCB also presented the results of their state interviews.</p> <p>DEQ and PTRCB continue to meet biweekly to discuss progress on the audit CAP.</p> <p>As part of the stakeholder outreach, DEQ posted the state summaries and a Montana summary on our website as well as a summary comparison table.</p> <p>In addition, DEQ sent out a Survey Monkey Poll to solicit feedback on PTRCB and DEQ processes, especially pertaining to a potential bid system.</p> <p>3) After attending PTRCB's stakeholder meeting and going through the replies to date on the DEQ Survey Monkey Poll, DEQ proposes continuing to discuss alternative options and approaches to the funding process in 2025. The majority of stakeholders expressed that they are not</p>
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		in favor of the bid process. Stakeholders also clearly and unanimously expressed that they want to maintain decision making authority on who they have working on their property and cleaning up releases.
Responsible Parties	PETRO Board Terry Wadsworth DEQ Amy Steinmetz Terri Mavencamp Marla Stremcha	
Target Date	January 2024 DEQ recommends Q1 - by Mar 2022 Q2 - by Jun 2022 Q3 - by Sep 2022	8/09/2022 Request an extension to continue the bid process discussions and look for other possible solutions over the next biennium. Assessment is needed to determine the legality of a bid process, how a bid process might be implemented, and if it would lead to increased efficiency (i.e., cost and cleanup times). We will continue to evaluate alternative options used by other states and may use a national conference as a forum to discuss possible options. Determine in 2025, if there is support for a proposal/bid process.
Complete		

SUPPORTING DOCUMENTATION

Please identify all documents in support of implementation of the plan of correction below.

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FOLLOW-UP FY21 AUDIT PLAN OF CORRECTION

July 2022



PURPOSE

The purpose of this document is to track outstanding commitments made in the corrective action plan (CAP) and provide follow-up reporting to the Petroleum Tank Release Fund Performance Audit #[20P-01](#).

AUDIT FINDINGS, CORRECTIVE ACTION AND DOCUMENTATION

Please complete the notes section of the table to document progress. The notes section is the last four white boxes on lower right)

Recommendation #		4
Blue Book Recommendation	We recommend the Petroleum Tank Release Compensation Board work with the Department of Environmental Quality to seek legislation that prepares the fund for the eventual closure of all historic underground storage tank release in Montana.	
Does the System Impact a Federal Program?	Possible impacts to financial assurance requirements for underground storage tank leak prevention and reauthorization of the fund in MT	
CFDA	NA	
Situation Analysis (Agency Response to Memo)	The Board recognizes that the historic backlog of petroleum releases needs to be addressed. The Board looks forward to working with the DEQ on getting all petroleum releases assessed and in the process of being cleaned up, so that projects are managed along with	

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available resources in a manner that ensures increased site closures and long-term success. The available funding in the Fund needs to be utilized for petroleum cleanup to the maximum extent possible. The amount of requested cleanup should be matched with available funding. Making use of all the available funding results in more timely site closures.

DEQ agrees there will be a time in the future that historic backlog of petroleum releases will be addressed, however each year there are new releases that occur or are discovered. In accordance with the ARM 17.56.805, underground storage tank owners/operators must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental release arising from the operation of petroleum underground storage tanks. Under ARM 17.56.815 an owner or operator may satisfy any part of its financial responsibility requirements by using the Montana petroleum tank release cleanup fund. Many owners and operators rely on the fund and the statement of tangible net worth to satisfy the financial assurance requirements. There are other types of financial responsibility mechanisms that exist that could be used. As the audit outlines, other states have

	different funding structures that are used and should be evaluated. DEQ will work with the Board and staff on this recommendation, as it leads this effort.	
		Notes
Corrective Action Plan	<p>The Board will work with the department to develop an overarching strategic plan of timely assessing all currently active releases, to have a cleanup remedy identified and a schedule for both the cleanup remedy and any subsequent activity. The Board will collaborate with the department to develop a process whereby the owners are inspired to timely start and complete any approved corrective action.</p> <p>DEQ -</p> <p>Q1 - Talk to other states that have plans in place for eventual closure of the fund. Q2 - Determine what approaches seem most likely to work in Montana and engage the Board and stakeholders to determine the best path forward. Q3 - DEQ will work with the board and staff to identify legislation needed to prepare the fund for the eventual closure of all historic underground storage tank release in Montana.</p>	<p>8/5/2022-PETRO: The Board continues to seek ways, in collaboration with all stakeholders, to close historic release sites. The Board is researching the undetermined historical releases that have not had an eligibility determination or work done on the site in an effort to move forward with process improvement recommendations that will enable those historic sites to reach closure. Continued research and recommendations are being assembled regarding insurance coverage, and possible Fund incentives moving forward.</p> <p>08/09/2022-DEQ: Q1_ see state discussions under #3</p> <p>Q2- DEQ and the board have discussed options for the fund once all historical releases are closed. An important aspect of this is an updated prediction of cost to bring all current releases to closure. PTC estimates eligible releases will take approximately \$114 Million to bring to closure, \$26 Million for sites where eligibility is yet undetermined (have not applied, suspended or withdrawn). This is only for current sites and does not include an estimation to</p>

		<p>clean up future releases. Considering approximately \$7 Million in revenue per year is distributed to the fund, it would take 20 years of funding just to resolve the current releases (considering all undetermined sites are found eligible). Due to this calculation, DEQ suggests discussing approaches with the board and stakeholders, but focusing on resolving releases versus legislation to close the fund.</p> <p>(Q3)</p>
Responsible Parties	<p>PETRO Board Terry Wadsworth DEQ Amy Steinmetz Terri Mavencamp Marla Stremcha</p>	
Target Date	<p>December 2022</p> <p>DEQ recommends Q1 - by Mar 2022 Q2 - by Jun 2022 Q3 - by Sep 2022</p>	<p>8/09/2022 DEQ proposes to continue to discuss approaches for eventual closure of the fund with stakeholders and the Board. DEQ recommends that the fund soundness be evaluated routinely as historic (legacy) releases are resolved.</p> <p>DEQ continues to use available financial (e.g., PTRCF, LUST/Trust, Brownfields, Special State Legislative Funding) and technical resources to investigate and cleanup legacy petroleum releases. All legacy releases are prioritized based on risk to human health, safety, and the environment to efficiently direct finite financial and personnel resources. DEQ recognizes that corrective action at some legacy releases are privately funded or do not qualify for other</p>

		existing funding sources, influencing DEQ's ability to investigate, cleanup, and resolve these releases.
Complete		

SUPPORTING DOCUMENTATION

Please identify all documents in support of implementation of the plan of correction below.

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ASTSWMO Survey results

Different Models Used – from 16 responses		Total of States Using This
Has no bid process, the Fund directs and pays for cleanup using pool of approved contractors.		ID, IA
No bid process, the Responsible Party hires the contractors and pays for the work done and submits claims for reimbursement to the Fund, eligible costs are determined by the laws for that state.		CA, IL, KY, MA, NE
No bid process. The overall process can look like a full RFP with public meetings and many voices to consider on each phase of work. Revolving Loan and Grant Program through Pollution Liability and Insurance Agency.		WA
Bid process goes to pool of approved contractors that the bid goes out to. Some states have bid limit requirements for the sub-contractors used and limits on the contracts entered into with approved contractors. Some have evaluation criteria for the pool of contractors. WY is state funded and pays for all eligible activities per requirements.		DE, FL, WY
Bid Process after cap is met and there is no longer monies available from the Fund, looks like it goes into LUST TRUST funding and cost recovery.		KY
Bid Process for identified services, submitted by claimant or authorized representative but claim filing must be from the O/O per claim process requirements.		MI
Bid Process only for Orphan sites, all others are up to the O/O to pay for. DEQ cost recovers if they do work on site. There is an Insurance Fund, a DEQ fund, real insurance but if you use DEQ for oversite, they cost recover.		OR
Bid Process overseen by DEQ, but contractor selection is up to the Owner – funding is from the Department.		PA
Bid process only for state lead and emergency response, limited to \$25,000. Leaking Petroleum Tank Cleanup Fund only carries \$1M per year at the most, collected from UST tanks, reimburses cleanup activities.		WV
Bid process for regions and by contract for no RP, RP in enforcement, not everything is reimbursed by the Fund. Other sites have the O/O hire a consultant and submit costs for consideration.		TN

State Interview Research - PTRCB		
Criteria/Questions	Answer by State	Notes
Fund Under DEQ	Yes - NH, VA, WY, WY, NY (loan), SC No - MT, PA, SD, MN, OK, MA (DOR), MI	
What is the Deductible/Co-Pay	1% of all costs - OK 10% of all costs - MN HO and Low Income \$100-\$500 - NH, VA otherwise \$5,000 - NH \$ 5,000 - PA \$ 10,000 - SD \$ 15,000 - \$ 17,500 - MT \$ 25,000 - SC scaled - VA (If Federally Regulated) Variable - Based on # of Facilities - MA \$ 2000+Site assessment - WY N/A - MI, NY	
What is the Max Cost/Site - Max Reimbursement	\$500,000 HO (small tank) - NH, MT 1M - MT, PA, SD, VA, SC, WY(1-100) 1.5M - NH, MA, MI 2M - MN, WY(>100) 2.5M - OK N/A - NY	
What program, or person, has responsibility for oversight of site activity	Dept Technical/Regulatory - PA, SD, MN, NH, VA, OK, WY, NY, MA, MI Dept Technical/Financial - SC Fund staff Owner/Operator Collaborative Fund/DEQ/OO - SD	
Who is responsible for requesting site activity	Dept Technical/Regulatory - MT, SD, PA, MN, NH, VA, OK, WY, NY, MA, SC (=>Con) Consultant/Dept/Fund - MI Board - Owner -Other	
Eligibility Decision and Deductions	Dept/Attorneys/Reimb Team - VA Fund Administrator of Commission - OK Board - MT, SD, MN, NH, MA Other - PA - Chapt 977 Requirements, MI State/Court - WY, SC Loan program for O/O with insufficient funds, cost recovered - NY	

State Interview Research - PTRCB		
Criteria/Questions	Answer by State	Notes
Membership of Committee or Board	Board - MT 7 members PA 14 Members for adjudication ED non-voting Member SD mainly doing appeals MN NH contested matters MA 9 members (hearing under 3) Commission - OK, MI Advisory Committee - SC Part of Dept - VA None - NY (loan)	
Are there consultant competency requirements	Yes - SD, VA (License), OK (License), MA (LSP), MI, SC No - PA, MT, NH, NY Not Yet - MN No Return - WY	
Who is responsible for criteria of competency requirements	Licensing Board/ Dept labor - MI Board of Trustees - SD Dept - OK, MA, SC N/A - PA, NH, VA, WY, NY Not Yet - MN	
Are there Reimbursement Requirements (allowed rates/approved costs)	Yes - MT allowed rates by statistical model PA ER Rate Guidelines/hourly, bid SD, slides costs between categories MN, max rates/reasonable costs VA, usual and customary rates OK, NH, MI standard unit costs WY, Reasonableness-state has liability NY MA, rate sheet/fee schedule/max SC, allowed rates 65% stat No	

State Interview Research - PTRCB		
Criteria/Questions	Answer by State	Notes
Who provides oversight for Budget Reviews, if applicable	Board/Fund - MT, SD, MN, NH, MI Dept Technical - WY Dept/Fund - VA, SC DOR - MA Commission - OK Comptroller for State - NY Committee Bureau of Special Funds - PA	
Who is responsible for choosing remediation activities	Dept Technical - MN, OK, WY Consultant/Owner/Dept/Fund - MT, MA, MI Contractor w/approval - SC Collaborative all Stakeholders - PA, SD, NH, NY N/A - VA	
Who provides oversight for CAP/WP Reviews	Dept Technical - MT, PA, MN, NH, OK, WY, NY, MA Dept/Fund - VA, SC Board Dept/Fund/Consultant - MI Collaborative all Stakeholders - SD	
Who is allowed to comment on proposed remedial strategy	Dept, Board/Fund, O/O - PA, MI Fund, DEQ, O/O, Consultant - MT, SD, MA Anyone - MN, NH, OK, WY, NY, SC N/A - VA	
Who hires the consultant to do the work	DEQ/Dept - WY state direct contract Owner - MT, PA, SD, MN, NH, VA, OK, NY, MI, MA, SC Board Other	
Is the bid process only for certain sites/funding/regions/remediation activity	Subcontractors over \$2.5k - MT For Sites and Activities - PA, NH, MI, SC Dig Outs >1,000 CuYrds - SD Very Limited Activity - OK Some non-biddable sites - MA No - VA, NY Nothing - MN Regions/Projects/Bundled Activities - WY	

State Interview Research - PTRCB		
Criteria/Questions	Answer by State	Notes
Is bid process ever used to perform all remediation as one bid from investigation to site closure	Yes No - MT, PA, SD, MN, NH, VA, WY, NY, MA, MI, SC Mixed - OK	
Is bid process ever used for the combined phases of cleanup to closure after investigation has been accomplished	Yes - SD in the past, SC No - MT, PA, MN, VA, OK, WY, NY, MA, MI	
Is bid process ever used to perform all activity by phase or is it metered out by next step activity with multiple bids	By Phases - PA, SC By Steps - MN, NH, VA, OK, MA By Activity - MI Scope determined by Release/Bid process on equipment AS/SVE on skids - WY No - SD, MT, NY	
Is there a list of approved contractors	Yes - OK, WY, MA, SD licensed, NH list of consultants vs state contractors, VA used for Emergency Response, MI, SC (LUST) No - MT, PA, Other - Register Contractors looking at licensure for consultants - MN N/A - NY	
Who is responsible for reimbursement-owner/Fund	Fund (Board, DOR, Other)- MT (if eligible), PA, SD, NH, MI, SC, MA Dept - WY State takes on liability Commission Staff - OK Owner - MN, NY N/A - VA	
How long has the competitive bid processed been in use	0-5 5-10 - SD from 90s to mid 2000s 10-20 - WY Not used anymore 20+ - MT, PA, MN, NH, VA, OK, NY, MA, MI, SC	

State Interview Research - PTRCB		
Criteria/Questions	Answer by State	Notes
How many releases are still open in this state	By State - 915 MT 860 PA ~100 - SD 300-400 - MN, MA 400-500 - NH 412-428 - OK ~660 - WY, NY, MI 2200 - SC Unknown - VA	
What is the cumulative number of discovered releases	No Response	
How are releases closed - risk interpretation	<u>Site Specific -</u> MA - based on receptors, SC - site specific target levels, SD - public risk, PA - risk only, MN - risk and cleanup, WY - Tabulated risk unless groundwater is not used as DW VA - Risk based excellerated time to closure, OK - allowed if <1/8 inch of product on certain wells NY - Owner / Consultant Proposed <u>As a Component -</u> MI - some risk based, MT - Soil leaching, PMZ <u>Not considered</u> - NH = Based on MCL's	
Is the Fund satisfied with their bid process	Yes - MT, PA, MN, NH, VA, NY, SC No - MA Somewhat - MI N/A Not Used - SD, WY N/A No Return - OK	
What are the advantages of the bid process	Cost Control - MT, PA, SD, MN, NH, VA, NY, MA, MI, SC Scope Control - PA N/A No Return - OK, WY	Cost Control does not translate into cost savings

State Interview Research - PTRCB		
Criteria/Questions	Answer by State	Notes
What are the disadvantages of the bid process	Scope Creep, MI Longer to close - PA, SD Choosing wrong contractor - NY Issues with competencies of the consultant companies - VA, NY, SC Other/Unknowns - MN, MA N/A - NH, WY N/A No Return - OK	
Short Description or Additional Comments	No Response	

Stakeholder Feedback - Audit Recommendation #3

Comments taken in from June 13, 2022 Board Meeting, Internal Audit Review meetings between Board staff and DEQ staff, and the July 22, 2022 Stakeholder Meeting.

Comments	Frequency	Notes:
Owner involvement and ability to choose consultant.	8	
Owner's retention of release liability. Liability decision can't be all on the State or PTRCB.	3	
Limits work quality and available skills, competency determination needs to be a part of the process and selection of consultant should be based on competency.	3	
Bid process is already used at a lower level for picking sub-contractors with work sub-contracted at greater than \$2,500.	4	
Remediation projects with competitive bid would take more time and/or money.	4	
Idea for competitive bid has come up in the past and it never ends up being implemented.	2	
The Owner should know what the consultant is doing on their property.	2	

Comments	Frequency	Notes:
The Bid Process ignores the owner/consultant relationship, the choices and continuity in work progressing	3	
The Bid Process has the potential to create another level of buracracy, with more cost to put the process together and staff to run it.	2	
The Board staff and DEQ would have to agree on what stages the bid would be put out (Phases of Work)	1	
An evaluation process would need to be in place to ensure the scope of work is being met.	1	
There needs to be flexibility in the Bid Process to change the scope of work.	1	

STATE OF MONTANA
DEPARTMENT OF JUSTICE
AGENCY LEGAL SERVICES BUREAU

Austin Knudsen
Attorney General



1712 Ninth Avenue
P.O. Box 201440
Helena, MT 59620-1440

August 5, 2022

TO: Petroleum Tank Release Compensation Board
1225 Cedar Street
Helena, MT 59620
via packet for August 22, 2022 meeting

Re: Legislative Audit Recommendation No. 3

Dear Chairman and Members of the Petroleum Tank Release Compensation Board:

The following is a summary of research that staff at the Agency Legal Services Bureau (ALSB) of the Montana Department of Justice has conducted, which was prompted by the Legislative Audit Recommendation No. 3:

We recommend the Petroleum Tank Release Compensation Board work with the department of Environmental Quality to develop a process, seeking legislation if necessary, whereby remediation projects are competitively bid to bring releases to closure, in accordance with existing state procurement laws.

As a threshold matter, Montana procurement laws (the Mini Brooks Act (qualification-based selection, or QBS)) and the Montana Procurement Act (MPA)) only apply to contracts between the State and third parties. Mont. Code Ann. § 18-4-132; Admin. R. Mont. 2.5.202. This is different from the Board's statutory reimbursement mandate because the Board is not a contracting party. It's my understanding that, even under a competitive bidding process, the State would not be a party to the contract. However, the provisions of these Acts may be helpful to the Board and DEQ as guidance in creating a competitive bidding process for site cleanup.

The purposes of the Montana Procurement Act are found at MCA § 18-4-122, and are to:

- (1) simplify, clarify, and modernize the law governing procurement by the state of Montana;

- (2) permit the continued development of procurement policies and practices;
- (3) make as consistent as possible the procurement laws among the various jurisdictions;
- (4) provide for increased public confidence in the procedures followed in public procurement;
- (5) ensure the fair and equitable treatment of all persons who deal with the procurement system of the state;
- (6) provide increased economy in state procurement activities and maximize to the fullest extent practicable the purchasing value of public funds of the state;
- (7) foster effective, broad-based competition within the free enterprise system;
- (8) provide safeguards for the maintenance of a procurement system of quality and integrity; and
- (9) provide the exclusive remedies for unlawful bid solicitations or contract awards.

We have assessed the following possibilities, considerations, and concerns with request to how to implement Audit Recommendation #3, using current state procurement laws as guideposts:

- Possibilities:
 - QBS (Mini Brooks Act)—Qualification Based Selection v. competitive bidding (lowest bid)
 - ARM 2.5.507 allows for the prequalification of vendors:
2.5.507 PREQUALIFICATION OF VENDORS
 - (1) Vendors may be prequalified for particular types of supplies and services under the following conditions:
 - (a) a need exists to limit a solicitation to those vendors who meet statutory or licensing requirements applicable to the solicitation; or
 - (b) a need exists to minimize the time necessary to verify vendor qualifications which otherwise would jeopardize the timely award of contracts.
 - (2) The documentation for vendor prequalification must reflect the capability of the selected vendor(s) to adequately perform the contract. The criteria for prequalification include, but are not limited

to, technical expertise, experience, quality of performance, location, availability, rates, prices, financial stability, past performance, catalogs, or other criteria relevant to a particular procurement.

(3) Prequalification must be approved by the division.

(4) Prequalification of a prospective vendor does not necessarily represent supply or service acceptability or a finding of responsibility.

- QBS maintains the integrity of the costs upon negotiation of the costs allowing the State to maintain cost control while adopting measures to ensure Montana's interests are protected by ensuring qualified firms are awarded contracts
- Considerations:
 - Professional procurement is covered by MCA § 18-8-201 through -212 and only includes the following professional services: Architectural, Engineering, and Land Surveying Services. This statute may be a good guide for determining how the Board and DEQ might want a bidding-like process to work for site cleanup.
 - It may be helpful for the Board/DEQ to work together to adopt provisions relevant environmental specialists qualified to assist in release closures via legislative action—this could likely occur through rulemaking
 - QBS limits the competitive nature of the MPA
 - The request for procurement (RFP) process promotes competition and considers more than cost (ie complexity of need, evaluates the skills and expertise of firms)
 - QBS is a faster process than RFP
- Concerns:
 - QBS limits bidding to qualified firms, which conflicts with the competitive bidding process and purpose of the MPA
 - Costs remain unknown until after the most qualified firm is chosen whereupon cost negotiations may begin. If an agreement is not reached re: costs then the process starts again with the 2nd most qualified firm.
 - One potential impact may be delayed release closure.

Lastly, a potential objective of the Board's is to adopt a model similar to what insurance companies use to pay claims (3 bids & pay based on the bid amounts). ALSB did not find

anything that necessarily regulates insurance companies to follow that model. In fact, insurance companies are moving away from that model by using adjusters to assess damage and what work needs to be done. Consumers then take the adjuster's report to a repair place to complete the work whereupon the repair shop and insurance company engage in further negotiations regarding repair. This may be the least favorable solution because it still makes cost the primary component of closures in which status quo seems like the most obvious solution.

We will continue to research how a competitive bidding process could be incorporated into relevant statutes and administrative rules that are administrated by the Board. Please consider this an initial update with the sole purpose of prompting further discussion or questions the Board may have.

Sincerely,

A handwritten signature in blue ink, appearing to be 'C. J. Smith', written in a cursive style.

AGENCY LEGAL SERVICES BUREAU



Petroleum Tank Cleanup Activity Report

August 1, 2022

Summary of Confirmed and Resolved Petroleum Releases

Petroleum Release Activity since Last Report – May 26, 2022 to August 1, 2022

Release Status	Activity
Confirmed Releases	7
Releases Resolved (Closed)	13

Petroleum Release Activity from – January 1, 2022 to August 1, 2022

Release Status	Activity
Confirmed Releases	16
Releases Resolved (Closed)	26

Summary of All Petroleum Release Activity to August 1, 2022

Total Confirmed Releases	4808
Total Resolved Releases	3893
Total Active Releases	915

Work Plan 33874

The DEQ-approved investigation work plan (WP) for Release 4310 is expected to determine locations of residual petroleum-contaminated soil; magnitude and extent of groundwater plume on site and downgradient; and recommend the cleanup and compliance monitoring work required to resolve the Release. The WP was approved by DEQ's letter dated March 9, 2020; and extended / modified by DEQ's letter dated October 19, 2021. The initial WP budget was \$86,490.39; the extended WP budget added \$61,308.35; therefore, the total estimated budget is \$147,789.74.

WP tasks – approved by DEQ on March 9, 2020 – include the following: project management; site reconnaissance and review of remediation history; installation of soil borings; installation and repair of wells; soil-vapor survey; groundwater monitoring; sample collection, laboratory analyses, and data validation; preparation of release closure plan; and reporting. Extended/modified WP tasks – approved by DEQ on October 19, 2021 – added the following: installation of additional borings and monitoring wells both onsite and offsite; evaluate site-specific in-situ methods to cleanup persistent source-area petroleum contamination; investigate petroleum-contaminated media and receptors at down-gradient property and utilities; and conduct two years of semi-annual groundwater monitoring.

Current Investigation Work for Release 4310

DEQ reviewed the 2021 Soil and Groundwater Remedial Investigation Report (Report) completed under this WP and concurred with the conclusions and recommendations. DEQ requires additional remediation work to resolve the Release. This work is expected to include a phased approach for installation of groundwater monitoring wells and vapor monitoring points to resolve identified data gaps, evaluate the downgradient extent and attenuation of the plume, and gather information prior to eventual redevelopment. Depending on analytical results, the full suite of proposed wells and points may not be necessary.

Site History

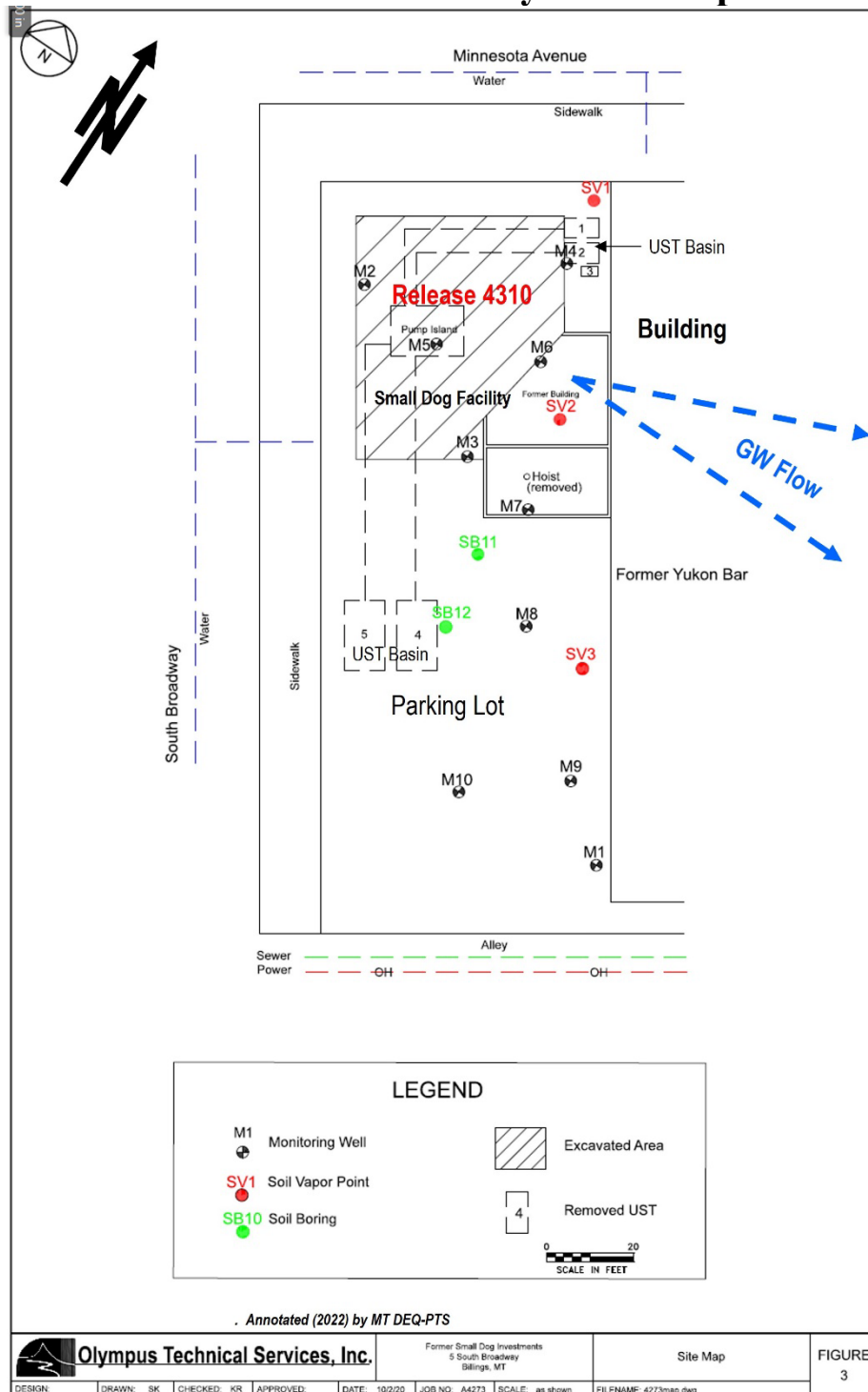
The property was occupied by a service station from circa 1955 until 1963. Various retail businesses occupied the property after 1963. The property is currently vacant of structures and used as a parking lot for the adjacent business. Petroleum release 4310 was confirmed at the Facility in 2003 during a subsurface site assessment at the property; and perforated underground storage tank (UST) systems were removed from the Facility in 2004 and 2006 (Map 1). The current owners purchased the property in 2007 and will likely redevelop the property in 2023-2024.

Previous remediation work at the property included site assessments via test pits in 2003 and 2006; and an initial remedial investigation in 2007. Cleanup included excavation and removal of approximately 520 bank cubic yards of petroleum-contaminated soil in 2006 (Map 1). However, the extent of the excavation was limited by adjacent sidewalks and buildings; and most confirmation soil samples collected from the excavation contained petroleum hydrocarbon concentrations that exceeded DEQ's risk-based screening levels.

The 2021 Soil and Groundwater Remedial Investigation Report completed under this work plan (WP 33874) concluded that a dissolved-phase hydrocarbon plume – containing concentrations of gasoline-related compounds exceeding DEQ's risk-based screening levels – extends eastward from the Facility and potentially flows beneath the adjoining buildings to the east (Map 2). These conclusions are consistent with the independently conducted Phase II Environmental Site Assessment (ESA)

Report for three historic commercial buildings located approximately 100 to 150 feet downgradient of the Release 4310 petroleum-source area (Map 2).

Map 1 – Release 4310 and former UST System Components



Map 2 - Release 4310 at Small Dog Facility & Downgradient Area





Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 5614111

FacilityName: Small Dog Investments

City: Billings

Release ID: 4310

WP ID: 716833874

WP Name: F-W-SB/WI/GWM/VI

WP Complete: ☒

WP Date: 03/03/2020

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan	F	\$1,974.00	\$1,974.00	\$0.00	
2	Project Management	F	\$8,750.00	\$4,345.00	\$4,405.00	
3	Mobilization	F	\$2,406.64	\$1,454.86	\$951.78	
4	Miscellaneous	F	\$272.00	\$272.00	\$0.00	
5	Survey	F	\$1,735.00	\$535.00	\$1,200.00	
6	Fieldwork	F	\$5,670.00	\$3,654.00	\$2,016.00	
7	Well Installation	F	\$17,116.60	\$10,866.56	\$6,250.04	
8	Miscellaneous	F	\$2,140.00	\$150.00	\$1,990.00	
9	Well Development	F	\$2,282.60	\$1,550.00	\$732.60	
10	Survey	F	\$2,056.00	\$1,032.55	\$1,023.45	
11	Miscellaneous	F	\$4,454.55	\$1,991.03	\$2,463.52	
12	Monitoring	F	\$17,205.00	\$4,725.00	\$12,480.00	
13	Laboratory Analysis w/fee	F	\$40,026.25	\$14,121.25	\$25,905.00	
14	Report	F	\$5,630.00	\$5,630.00	\$0.00	
15	Report	F	\$1,500.00	\$1,500.00	\$0.00	
16	Report		\$3,465.00			
17	GW Interim Data Submittal		\$1,500.00			
18	Report		\$2,000.00			
19	Rel Closure Plan		\$450.00			

Wednesday, August 10, 2022

General Reports _ Work Plan Task Cost

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<i>Task #</i>	<i>Task Name</i>	<i>Phase</i>	<i>Estimated Cost</i>	<i>Actual Cost</i>	<i>Balance</i>	<i>Comment</i>
20	Data Valid Form DVSF		\$630.00			
Total:			\$121,263.64	\$53,801.25	\$67,462.39	



Facility Name: Former Econo Lumber (MDT)

Physical Address: US Hwy 2 West., Glasgow

Facility ID: 99-95002

Release Number: 4395

TREADS ID: 17214

Priority: 3.0

Page 1 of 2

Work Plan 34439

The estimated cost for this DEQ-approved cleanup work plan (WP) for Release 4395 is \$126,307.97 and is expected to remediate petroleum-contaminated soil and groundwater.

This WP includes up to four applications/injections of the oxidant RegenOx. Although much of the source mass contamination was removed during two remedial excavations in 2006 & 2011, a significant amount of smear zone contaminated soils could not be removed due to utilities and Hwy 2 (Figures 1 and 2).

Remedial Alternatives Analysis

A Remedial Alternatives Analysis was completed in 2016 by WCEC and revised in 2019. Four remedial alternatives were evaluated: 1) Monitored Natural Attenuation, 2) Petroleum Mixing Zone Designation; 3) Enhanced Biodegradation via Chemical Oxidation, and 4) Soil Removal & Enhanced Biodegradation via Chemical Oxidation. Remedial alternative 4 was originally evaluated, but after an Aquifer Test additional excavation was determined not to be technically feasible from a cost standpoint and Remedial Alternative 3 was chosen to remediate the petroleum-contaminated soil and groundwater.

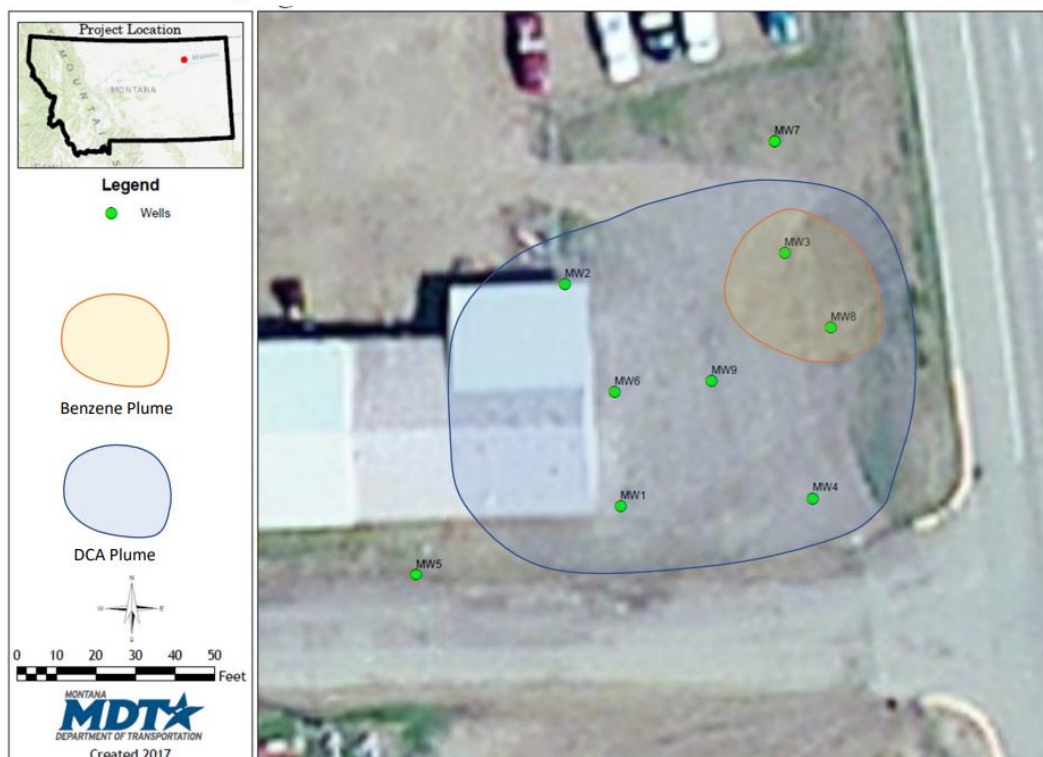
Site History

The site is located on US Highway 2 West in Glasgow, Montana. The site currently operates as a lumber yard. A suspected release was confirmed during the process of UST removal and a release at the facility was documented on March 23, 2005. Historical information indicates that the site was originally developed as an automobile service and fueling station prior to the 1950's and was operated under the Husky Oil brand until the late 1950's. Three underground storage tanks (USTs) that stored gasoline and associated dispensing equipment were installed during that period of operation. The Facility burned down in the late 1950's and was subsequently developed as a lumber yard. Petroleum products were not stored or dispensed nor was the UST system operated during the lumber yard's occupancy of the property. The site is currently utilized as a MDT equipment storage facility and shop.

Site Maps: Figure 1: Site Details Map



Figure 2: Benzene and DCA Plume Extent





Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 9995002

FacilityName: Former Econo Lumber

City: Glasgow

Release ID: 4395

WP ID: 716834439

WP Name: C-B-SB/RT/GWM

WP Complete: ☐

WP Date: 05/11/2022

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan		\$2,368.00			
2	Project Management		\$5,368.00			
3	Mobilization		\$18,553.46			
4	Survey		\$2,675.00			
5	Fieldwork		\$1,008.00			
6	Soil Borings		\$43,984.44			
7	Miscellaneous		\$34,218.00			
8	Monitoring		\$3,200.00			
9	Lodging/Per Diem		\$4,937.20			
10	Laboratory Analysis w/fee		\$9,913.00			
11	Report		\$7,268.00			
Total:			\$133,493.10			



Facility Name: Fort Lolo Hot Springs
Physical Address: 38500 US Highway 12 W, Lolo, MT 59847
Facility ID: 32-09722
TREADS ID: 25514
Release Number: 4280
Priority: 2.0
Page 1 of 2

Work Plan 34342

The estimated cost for this DEQ-approved cleanup work plan (WP) for Release 4280 is \$169,736.61 and is expected to remediate petroleum-contaminated soil and groundwater identified in 2003.

WP tasks include the following: project management; excavation and soil screening; disposal of petroleum-contaminated soil at the nearest class II landfill; application of a chemical oxidation product to degrade residual petroleum contamination; expansion of an existing thermal system; monitoring well installation; collection of field data and samples; laboratory analyses and data validation; site restoration; and data analysis, conclusions, recommendations, and reporting (Figure 1).

Approximately 160 cubic yards are expected to be excavated to depths between surface and 5 to 9 feet below ground surface to remove vadose zone petroleum contaminated soil in an area previously inaccessible due to underground utilities. A chemical oxidant will be placed in the excavation during backfill. A thermal system that uses the naturally warmer spring water at the facility to heat the subsurface will be expanded to enhance natural biodegradation. DEQ expects the proposed actions in the plan will remediate petroleum contaminated soil and groundwater and promote resolution of the Release.

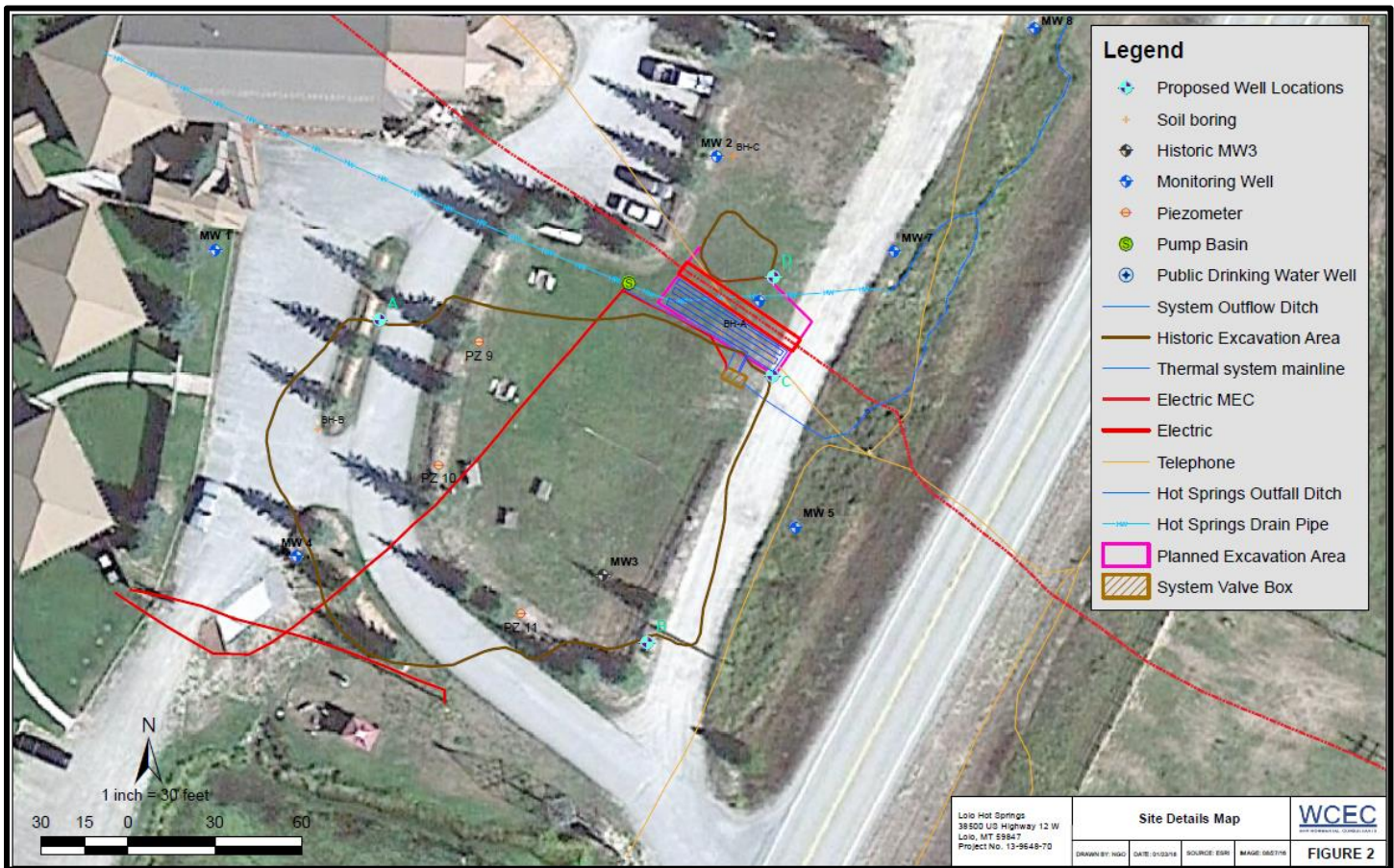
Release Closure Plan

A Release Closure Plan (RCP) was updated and submitted as part of the WP that evaluated the potential remedial strategies of excavation, chemical oxidizer, soil vapor extraction, air sparging, natural attenuation, and thermal biodegradation. Based on the risk to human health, accessibility, and existing infrastructure, a combined approach of excavation, chemical oxidant, and thermal system expansion was recommended.

Site History

The site is located at 38500 US Highway 12 West in Lolo, Missoula County, Montana. The facility is operated as a hotel/resort facility and currently has no petroleum storage tank system. The release was reported to DEQ March 28, 2003, when petroleum constituents were detected in a public water supply well. Historical information indicates that petroleum storage tanks and a dispenser were operated until 1988 when it was removed. Investigation has included the installation of monitoring wells, soil borings, a laser induced fluorescence (LIF) investigation. In 2017, approximately 3,726 cubic yards of petroleum contaminated soil was removed. Because of the natural hot springs at the facility, a thermal system was installed in the backfill to increase temperatures in the subsurface and promote biodegradation. The intent of this WP is to remediate petroleum contaminated soil that was previously inaccessible due to underground utilities and progress the release toward closure.

Figure 1: Proposed Excavation Area





Petroleum Tank Release Compensation Board

Work Plan Task Costs

Facility ID: 3209722 **FacilityName:** Fort Lolo Hot Springs **City:** Lolo
Release ID: 4280 **WP ID:** 716834342 **WP Name:** C-B-SR/OX/WI/RSM **WP Complete:** ☐ **WP Date:** 07/08/2022

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan	C	\$2,830.00			
2	Project Management	C	\$7,000.00			
3	Mobilization	C	\$4,151.00			
4	Fieldwork	C	\$10,200.00			
5	Well Abandonment	C	\$410.00			
6	Miscellaneous	C	\$3,712.05			
7	Miscellaneous	C	\$909.50			
8	Rem Sys Modification/Repair	C	\$4,667.50			
9	Survey	C	\$1,679.70			
10	Miscellaneous	C	\$44,623.00			
11	Soil Removal	C	\$35,780.80			
12	Soil Removal	C	\$10,080.00			
13	Miscellaneous	C	\$2,354.00			
14	Fieldwork	C	\$720.00			
15	Well Installation	C	\$6,600.18			
16	Well Development	C	\$598.80			
17	Rem Sys Op & Maint	C	\$2,800.00			
18	Water Level Measurements	C	\$182.00			
19	Monitoring	C	\$4,400.00			

<i>Task #</i>	<i>Task Name</i>	<i>Phase</i>	<i>Estimated Cost</i>	<i>Actual Cost</i>	<i>Balance</i>	<i>Comment</i>
20	Laboratory Analysis w/fee	C	\$13,125.00			
21	Lodging/Per Diem	C	\$579.50			
22	Report	C	\$3,400.00			
23	Report	C	\$2,000.00			
24	Rel Closure Plan	C	\$460.00			
Total:			\$163,263.03			

Work Plan 34547

The DEQ-approved Contaminated Soil Excavation and Disposal work plan for Release 3300 (Release) at the Former Shelby/Bestmar Distributors is expected to remove an estimated volume of 1,350 bank cubic yards (bcy) of contaminated soil and clean up the Release to the extent practicable. The work plan includes excavation and disposal of contaminated soil, soil sampling, monitoring well replacement, surface restoration, groundwater sampling, and reporting. The estimated cost for this work plan is \$302,277.35. About 2,300 total cubic yards of soil will be excavated, with an estimated 1,350 cubic yards being petroleum contaminated. Contaminated soil will be disposed of at a DEQ-approved commercial landfill. It is anticipated that about 950 cubic yards of clean overburden removed during excavation will be stockpiled onsite and reused as backfill in the excavation.

The excavation boundaries have been determined based on remedial investigation data collected between 1998 and 2019 (Figure 1). During excavation activities, communication and check in meetings will occur between the consultant, DEQ, and the PTRCB Fund Staff to document 60%, 75%, and 90% completion of the approved excavation scope of work. Also, field screening will be conducted, and soil samples collected to assess the soil excavation progress and determine if changes to the excavation boundaries are recommended. The excavation work is expected to occur during low groundwater and dewatering is not anticipated. Clean fill will be brought in to replace the displaced contaminated soil. The excavation and associated field work will be able to be performed during the summer of 2022.

Release Closure Plan (RCP)

Monitored natural attenuation, enhanced natural attenuation and excavation were evaluated as remedial alternatives during previous investigations. As site soils mainly consist of silts and clays and based on the length of time required and reliability, excavation was recommended for cleanup. The RCP indicates the most effective option for cleanup is soil excavation and disposal. All alternatives were evaluated against cost, performance, reliability, achievability, safety, and protectiveness to public health and the environment.

Site History

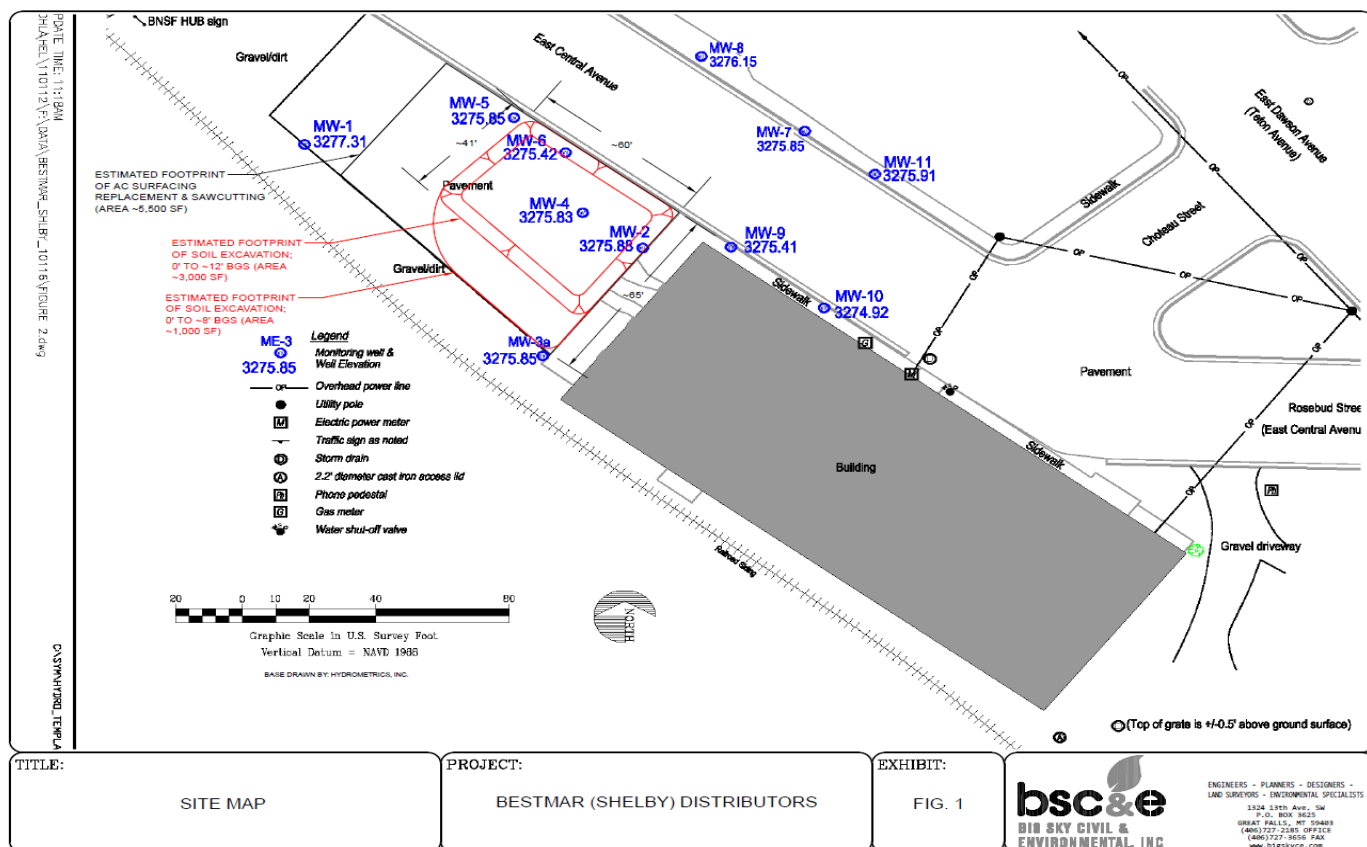
The former Shelby Distributing facility is located at 130 Central Avenue in Shelby, Montana. The site building is currently leased by Burlington Northern Santa Fe Railroad and is used for general storage of mechanical items, various supplies, vehicles, and provide an area for maintenance. The tank systems were removed in 1997 and the facility has no petroleum tank system remaining. Investigation has included the installation of monitoring wells, soil borings and groundwater monitoring. Groundwater monitoring was most recently conducted at Shelby Distributing in July 2018, and March 2019. Results of the monitoring include the following: localized impacts in an area encompassed by site monitoring wells MW-2 and MW-4; Lead Scavenger DCA was quantified above the RBSL in a sample collected at MW-6. Historical data also showed significant contamination previously existed near monitor wells MW-3 and MW-6.

The site is underlain with glacial till consisting primarily of clay with interbedded sand lenses of varying thicknesses and areal extent. This creates a complex groundwater flow system and an environment that traps petroleum hydrocarbons and renders most remedial alternatives unsuccessful. To expedite the site to closure, it is recommended that the area

encompassing MW-2 and MW-4 be excavated to remove known soil impacts observed at MW-4 and potential smear zone and soil impacts near MW-2. The intent of this WP is to remediate petroleum contaminated soil and progress the release toward closure.

Site Map:

Figure 1: Site Map – Shelby Distributors, LLC./Bestmar





Petroleum Tank Release Compensation Board

Work Plan Task Costs

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Facility ID: 5613871 **FacilityName:** Shelby Distributors LLC **City:** Shelby
Release ID: 3300 **WP ID:** 716834547 **WP Name:** C-S-SR/WI/GWM **WP Complete:** ☐ **WP Date:** 06/08/2022

Task #	Task Name	Phase	Estimated Cost	Actual Cost	Balance	Comment
1	Work Plan	C	\$2,650.00			
2	Project Management	C	\$13,440.00			
3	Mobilization	C	\$6,354.25			
4	Fieldwork	C	\$20,212.50			
5	Soil Removal	C	\$220,724.28			
6	Equipment	C	\$4,438.75			
7	Fieldwork	C	\$1,321.25			
8	Well Installation	C	\$7,030.97			
9	Well Development	C	\$328.00			
10	Survey	C	\$2,240.00			
11	Monitoring	C	\$989.36			
12	Laboratory Analysis w/fee	C	\$12,165.12			
13	Lodging/Per Diem	C	\$2,690.00			
14	Data Valid Form DVSF		\$367.50			
15	Report		\$5,745.00			
16	Rel Closure Plan		\$1,150.00			
17	Report	C	\$2,000.00			
Total:			\$303,846.98			