

Tanks Stakeholder Workgroup Meeting Minutes
12/07/2022, 11:00 AM
Meeting via Zoom & Metcalf Room 111

Attendees (in person):

Terri Mavencamp, Contaminated Site Cleanup Bureau Chief - DEQ

Marla Stremcha, Petroleum Tank Section Supervisor - DEQ

Emily Ewart, UST Section Supervisor – DEQ

Kevin Stone, Public Information Officer - DEQ

Terry Wadsworth, Executive Director – PTRCB

Deb Sutliff, Records & Information Management Coordinator – DEQ

Daphne Ryan, PTCS Program Support Specialist – DEQ

Tea, Town Pump

Paul, Town Pump

Attendees (online):

Jason Seyler, Environmental Project Officer - DEQ

Katie Morris, CPRS Supervisor - DEQ

Brett Smith, UST Environmental Specialist – DEQ

Shannon Cala, Petroleum Tank Section Lead - DEQ

Kris Karns, UST Section Environmental Specialist - DEQ

Reed Miner, Petroleum Tank Section Senior Env. Project Officer - DEQ

Joe Radonich

Earl Allen, Noon's

Alan Frohberg

Phillip Luebke

Levi McKay

Alan Stine

Roberta Person

Nick Sovner

Lisa Johnson

Doug Brannan

Mike Pi

Kendall Gustafson

Cole Mort

Raye Surratt

Aaron Anderson

Gusty Sauer

Brent Keseman

Calvin Wilson

Francisca Chambus

Introduction

Michael Gustafson - New small business Ombudsman - Michael.Gustafson@mt.gov

Lindsey Krywaruchka - New Water Quality Division Administrator

Taking effect on December 19, 2022, the Waste Management And Remediation Division will undergo a structure change. The Superfund and Construction Bureau will house the State Superfund, Federal Superfund, Mining group, and Construction services group. The Tanks, Brownfields, and Federal Facilities Bureau will house the Petroleum Tank Cleanup Section, Underground Storage Tanks Section, and Cleanup Protection Redevelop Section. With this realignment all the tanks expertise will be under one bureau. This will allow for better stakeholder outreach and communication among the groups. In the future as releases are cleaned up, these groups plan to shift some focus towards release prevention.

Process Improvement Subgroup Update – Reed Miner

Reed gave a presentation on the three forms the subgroup has been working on. Representatives from DEQ, Consultants, and PTRCB have been working together for a couple of years to improve communication amongst themselves. Together they have developed these tools to aid in communication of workplan scope and budget.

1) Remedial Investigation Guidance Workplan & Report Preparation – available on website as draft

2) Cleanup Work Plans and Reports - available on website as draft

3) Groundwater Monitoring WP and Report Cost Worksheet – available on Petro Board website

The remedial investigation and cleanup work plans and reports are available on the Petroleum Tank Cleanup website as drafts, and they are accepting feedback on them.

The Groundwater Monitoring Workplan and Report Cost Worksheet is available on the Petro Boards website and is strongly encouraged to use it. It has been in use for two years, and the Board can now

use this data and evaluate different statistics that will factor into upcoming years rates. The group is currently in process of making a presentation to aid in filling out the form.

Stakeholder Outreach Updates: Consultant/UST Training

Marla announced that Consultants Day 2023 is February 27 at the Delta Hotel. Registration is in the process of being set up. This is a great opportunity to share information such as new processes and any updates. Appreciate and encourage owners, consultants, and anyone who would like to participate and get any update on DEQ and current issues.

Emily announced UST annual licensee training will take place on February 28 at the Delta Hotel. They will be sending out license invoices by the end of December and will provide the registration link.

Kris Karns spoke about the speakers for Consultants Day. There will be John Covington from Franklin Fueling Systems, Aaron Motes from National Oilwell Varco, and Kathleen Caeton from UST.

Dennis Franks opened a discussion about boot camps and their effectiveness. He asked if there was a more localized boot camp, or if people can put them on themselves. The department is open to discussion about running your own boot camps and is interested in working with people who want to do their own trainings. Emily went on to say they've been discussing possibly changing some of the licensee requirements with a rule rewrite and are open to suggestions. She mentioned that there has been discussion of looking into something equivalent to a boot camp.

Legislative Updates 2023 Session -Jan 2 – May 10

Terri Lynn informed the group that DEQ has two A bills in our bureau, which are bills that the department put forth and received approval from the Environmental quality counsel. They approved them around September 8 and gave the go ahead and put the bills forward. These bills need a sponsor and then they will become an L.C. and move forward in the process. The two put forward are a part of the departments regulatory reform process, and really focused on looking at outdated, repetitive, overly burdensome statutes. The first one is a Brownfields bill. This one removes the language 'relatively low risk' as being a requirement to receive federal funding from the Brownfields program. This mirrors what EPA did in 2019 or 2018 under the bill act which reauthorized the Brownfields program. EPA had taken out their language requiring these petroleum release sites to be of relatively low risk. Relatively low risk means is that it doesn't receive oil and pollution act funding and that it hasn't received lust trust funding. Those are the only two things that designate a higher priority site according to this act. We would mirror EPA's build act and remove 'relatively low risk' so that we're more in alignment with the guidance from EPA.

The second bill that our bureau is taking on is a State Superfund bill. This one will be moving over to the new Superfund bureau. The new Bureau Chief is Jenny Garson. This bill removes the requirement that a third party provide a work plan to the department if they're going to do work on a State Superfund order site. State superfund order sites are rare with about 17/175 sites. This requirement doesn't apply to all State Superfund sites. An example of where this comes into play is if a city needed to put in or fix water lines in a State Superfund site. If it was an order site, they would have to submit a workplan to the department to get approval to do so. If it's not an order site, they don't have to submit a workplan to the department. It doesn't make a lot of sense that it only applies to order sites and it's also repetitive because they're going to have to get the same permits that they would regardless of permission from

our Superfund program. They will have to go through our other programs for permits and they will still have to deal with any waste or soil. It's just one more step in the regulatory process that we didn't think was necessary, so we are proposing to remove that requirement at order sites.

DEQ proposed statute language modifications in response to an audit finding on the PTRCB. The recommendation that came from that audit was that the Montana legislature clarify in its statute that the PTRCB does not have a role in approving or basing reimbursement on the methods in approved corrective action plans that bring an eligible release to closure. DEQ proposed language that was thought to clarify roles and it was put onto the website. It's an example of what the cleanup bills might look like, and it would only become a proposed law if it was introduced into the legislature. This one has not come through at this time, but a sponsor could still pick it up. The main bulk of it is to add definitions to what actual, necessary, and reasonable costs are and add those definitions to statute. These can be found on the website.

Terry Wadsworth informed everyone that the Board does not have any proposed legislation this session. The Board is conducting research on the proposed language modifications with possible legislation in 2025.

This information is discussed at the Board meetings and associated information can be found in the Board minutes.

deq.mt.gov --> [programs](#) --> [cleanup & reclamation](#) --> [petroleum tank cleanup](#) --> [legislative audit corrective action plan updates 2022](#)

The DEQ Petroleum Tank Cleanup Section's page houses the DEQ statute language proposed as well as all the stakeholder comments and letters. On the same page there's a button on the right-hand side that says, 'subscribe to email updates.' You will have to create a password for this, but then you can subscribe to all the different groups you would like to within DEQ and get updates from all different groups. We are currently looking to rework website to have an easier landing point with all tanks related information. Terri Lynn suggested it would be helpful to keep your eyes on certain bills that are coming out as session gets started. You can search by subject, certain legislature, etc. at the Montana Legislature page. <http://leg.mt.gov/statute/>

Helpful Information Updates

Emily notified the group that Brett Smith from the UST section put together a ten-minute educational fuel delivery module to help fuel delivery drivers. They are looking to get that module uploaded to Tank Helper where folks will be able to take the course, see the training points, take a quiz, and then receive a certificate. Brett Smith commented that one of the main things they're trying to do with this video is to make sure that delivery drivers have as much knowledge as possible on overfill protection and how not to overfill tanks as well as the different delivery methods to use with different overfill methods.

Terry Wadsworth made the point that Tank Helper is primarily for tank holders and operators not delivery drivers. Emily replied that she was planning on reaching out to Brad Longcake once the video was uploaded and working with him to reach the delivery drivers. The group discussed different delivery companies that would be good to reach out to concerning this video and the fact that this is a voluntary informational video not meant to replace safety training.

Open Discussion

Terri Lynn led that group in open discussion touching on revisiting the webpage layout especially as the bureau's realign, the process of requesting information from DEQ, and feedback on the format in which the department gives information. These stakeholder meetings will occur monthly especially during session and people can also reach out via phone/email with any comments and suggestions.

Terry Wadsworth pointed out that the MUST news was another way of information getting out. Kevin Stone reminded the group that the MUST news is a quarterly publication from the tanks programs and the next issue will be in January. The tanks programs are always open to content suggestions. If you're interested in receiving updates on this, the process for getting on the mailing list is the same process mentioned earlier.

Earl Allen asked about Tank Helper being updated, trouble logging people back in, and the new monthly inspection requirements. Kris Karns notified everyone that there is a password reset link, or if you forgot the email address used to give him a call or email the UST program and they can help you get that sorted out. Emily noted that the monthly inspection walkthroughs are on DEQ's UST homepage.

Brett Smith opened a discussion about setting up a stakeholders email address for people to send in questions or inquiries. Kevin mentioned that there are general contact forms on the website that has routing to specific areas of interest found at the bottom of the page labeled Contact Us. Setting up an email more specific to tanks for stakeholders question is a potential option. Terri Lynn mentioned that she is available to email as well as Garnet Pirre for fund related business.

Next meeting: Scheduled for **January 25th** at 11 a.m.

Agenda Items – Revisiting licensee rules

Send in topic ideas