

**Tanks Stakeholder Workgroup Meeting Minutes**  
**01/25/2023, 11:00 AM**  
**Meeting via Teams & Metcalf Room 111**

**Attendees (in person):**

Amy Steinmetz, Waste Management and Remediation Division Administrator

Terri Mavencamp, Contaminated Site Cleanup Bureau Chief - DEQ

Shannon Cala, Petroleum Tank Section Lead - DEQ

Deb Sutliff, Records & Information Management Coordinator – DEQ

Daphne Ryan, PTCS Program Support Specialist – DEQ

Dennis Franks

Lars Heinstedt

**Attendees (online):**

Marla Stremcha, Petroleum Tank Section Supervisor – DEQ

Kris Karns, UST Section Environmental Specialist - DEQ

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

Sue Fairchild, Petroleum Tank Section Date Control Specialist - DEQ

Brett Smith, UST Environmental Specialist – DEQ

Terry Wadsworth, Executive Director – PTRCB

Scott Gestring, Cleanup Protection Redevelopment Section Env. Project Officer – DEQ

Patrick Skibicki, Cleanup Protection Redevelopment Section Env. Project Officer – DEQ

Jonathan Love, Petroleum Tank Section Env. Project Officer - DEQ

Wally Jemmings,

Michael Gustafson

Alan Stine

Heidi Barnes

Tracy Deeds

Jim Rolle

Jon Hager

Paul Townsend

Shelli Isle

Spenser Kuhn

Brad Longcake

## **Introduction**

Terri Lynn started the 2<sup>nd</sup> stakeholders meeting by stating that the purpose is to increase transparency about our processes, especially with the fund, the permitting side of the underground storage tank, and the cleanup section. The deliverables depend on what the stakeholders would like to know about. She reminded everyone that there's been a realignment within the Waste and Management Remediation division. The State Superfund is in the Superfund and Construction Bureau along with the Federal Superfund. Katie Garcin-Forbes is the bureau chief. There's also the Tanks, Brownfields, and Federal Facilities Bureau, so the permitting program is in with the Tank Cleanup Section and still have the Brownfields program.

## **Process Improvement Subgroup Update**

Reed reminded the group that this subgroup was initially created to update standardized procedures for sampling, field activities, and reporting, and then require that these updates be used at all sites. Since its inception in August of 2019 DEQ has created a standardized report and workplan format for remediation with the feedback from the members. This document was not previously available. It pulled from EPA and other resources, and they compiled all that information into one document and made sure that it met the needs of Montana stakeholders. DEQ has also updated the Groundwater Monitoring Workplan and Guidance to incorporate discussions from the group and they are currently in the process of updating the Remedial Investigation and Report guidance. Another task that was identified for this subgroup was to improve the process for developing unit cost so that it's more robust and can pass statistical scrutiny. One of the tasks with the most commonality from site to site is groundwater monitoring and because of this it has the most unit cost tasks even going beyond office work such as work plan preparation and reporting. They have created and updated a spreadsheet to help capture the tasks of groundwater monitoring in the field as well as at the desk. It was reported in the last process improvement meeting that the use of this form has increased from 70% usage in 2021 to 86% usage this past year, and that helps collect more data. Due to the usage increase some of the tasks have been identified that deserve their own unit cost categories such as sampling from low yield wells or sampling an expanded set of analyzed tank degradation. Recent Petrol Board obligation letters are noting these categories, and so this form is working in collecting that data and that data is being used. They're also creating a training video for the form so there can be more consistent data entry, and that will hopefully reduce the data processing time. There is also a couple of forms that are in a draft format for remedial investigation and cleanup workplans and reports and they hope to improve them as well as that use increases.

## **Stakeholder Outreach Updates**

Shannon informed the group that Consultant's Day is going to start at 7:45 a.m. with registration. There will be breakfast, snacks, lunch, and drinks. The morning will be focused on updates within DEQ, formats of the groundwater monitoring report worksheet, update with the legislature, and updates with the audit. After lunch there will be three presentations. One will be on technology, one will be a case study, and then an in the lab presentation. There will be plenty of time for questions. This year for the technology and case studies we will be looking at injections and in-situ treatments. The registration button is out on our website, if you haven't registered yet, please do. It's a hybrid event so you can attend virtually or in person and we're going to have prizes again this year.

## Legislative Updates

Terri Lynn communicated that there is a Legislative Session -Bills to Watch tab on the website and to let us know if there's any other bills of interest that you think should be added to this list. There is also a new tanks email that will go to Daphne, Deb, and Kevin and they will get it sorted to the appropriate person. [DEQtanks@mt.gov](mailto:DEQtanks@mt.gov)

House Bill 46 - Brad Longcake talked about House Bill 46 and stated it is basically coming from MDT in a red tape initiative bill and what they are looking to do is simplify the inter exchanges between the distributors. An example would be distributor A is the mothership, and they've acquired 3 or 4 other business entities and they're still operating as a DBA (doing business as) and one company buys and sells it to the other company, who sells it to the other company and then the third company is the one to actually delivers it. They are all distributors at this point and so the current law requires that that last transaction is where the collection of the tax needs to be remitted back to the state, so that is what we are doing. The challenges that we have run into is that when there are shortages in supply or there is an increased demand and we have to go out of state to bring product in, sometimes those exchanges are done at the refiner level, sometimes they are done at the supplier level, sometimes they are brought in from other distributors. By MDT looking to change the definition of first receiver, it has created some challenges where actually a refiner or supplier would now be obligated to collect the tax. We are trying to ensure that wordage does not prohibit a business from being able to bring product in or out based on these definitions. We are working through it I don't think some of the wordsmithing is going to be an issue, but there is just so many scenarios that we must ensure that we are not going to prohibit a business from being able to function because of this unknown consequence of wordsmithing.

House Bills 54 and 88 – Amy Steinmetz talked about House Bills 54 and 88, which are cleanup bills. The agency cleanup bills have been the first ones to go through because for the most part they are simple and they have been ushering those through. HB 54 is the revised laws related to petroleum brownfields. This would allow DEQ to use petroleum Brownfields funding on sites that have had oil protection act funding or LUST Trust funding, at this time we can't use that because of a definition currently in statute. HB 54 went through the House's natural resource committee and passed through that committee unanimously and then passed the floor unanimously and now it is in the senate. It's been assigned to the senates natural resource committee and has a hearing scheduled. Similarly with HB 88 on revising third party permission at State Superfund sites, this is another cleanup bill, it passed unanimously through the house natural resource committee and then the floor. It has been assigned to the senate natural resource committee but has not been given a hearing date yet.

LC3568- Terri Lynn gave an update on LC3568 which is called 'Generally Revise petroleum storage tank cleanup definitions'. It is still a draft, so it doesn't have a bill number yet. The PowerPoint associated with this meeting is on the website and contains the language that is currently in rule and the DEQ proposed statutory definitions. This information can also be found under the Legislative Audit Corrective Action Plan Updates – 2022 tab on the website.

## Helpful Information Updates

Marla Stremcha talked about the Public Records Report which will be in this upcoming MUST news issue. This is a combination of underground storage tank as well as sources and causes of petroleum releases that we have to publish on the webpage. It is posted on the UST webpage every year. She gave

a highlight on the UST Leak Prevention Program, and the number of tanks and the number of facilities that they have reported this last year that are regulated. There was an update here of the last four years, and it looks like there has been an increase. The number of regulated tanks has increased by 177 since last year, while the number of new facilities has increased by 13. As far as petroleum releases go, there were 28 releases last year. The average is 30. The federally regulated tank releases were 17, which is below average. The state regulated is 11 which is above average. She gave a quick overview of the releases that were reported last year. They were split up into state regulated and federally regulated because the EPA deals with the federally regulated. 17 of them were federally regulated tanks. The cause of these releases were 30% were malfunction, failed components. 30% were historic contamination, and about 30% were from human error, which could be people running into the dispenser island, or maybe an overfill of a tank and they didn't connect it properly. Our numbers are going down, but we still have a high number of releases that are occurring. The full report is on the DEQ webpage on the Underground Storage Tank page.

Dennis Franks let the group know that he has been involved in over 10 – 15 fuel system removals or upgrades this last year and has not found contamination. When operated properly the newer systems are not seeing releases.

### **UST Training Requirements and what they've been looking into**

Brett Smith informed the group that to become a compliance inspector for the state you must attend a bootcamp over in Wisconsin in order to meet the criteria so you can take the test and become an inspector. After talking with a few people who have taken the course they have found it does not really do what is necessary to educate the new inspectors on what they need to know and pass the test. They have come up with an alternative to this and are putting it out for discussion. What it would be is to have a licensee spend two months shadowing a compliance inspector while the compliance inspector does 5 full inspections, and after they've done that then they can take 5 courses. These are all online and inexpensive. These can give new inspectors a lot of information on what they need to do to be an inspector after they know the components of a tank system. After passing the compliance test they will have to do three practical inspections at three different facilities with an UST Program instructor. This allows them to know exactly what is going on and we can train them on anything that they might have been missing. It is all online and all these tests comes out to less than \$500. There was a discussion about some of the logistics of this proposed alternative and if it is a feasible option. Overall, it was positively received.

### **Discussion**

Amy Steinmetz talked about the history of the Tank Stakeholder Workgroup and the goal and vision behind it so that the group can start thinking about what the best way is to achieve those goals and reach the vision moving forward. The group was created to bring together UST, PTC, PTRCB, and stakeholders. The goal is to increase government transparency and consistency and to increase education, outreach, and communication among the groups. It was always the intent that the group would eventually be made open to the public. Now we want to reassess whether this group is the best avenue for us to get to that transparency and good communication. After session we would like to hear from all of you who have been Tank Stakeholder Workgroup members for a long time. We want these to be effective meetings.

Brad Longcake added that it is a way to help build the relationships amongst the groups because at the end of the day we all have the same goal of less releases, and by putting a face to the name and facilitating this communication it makes it easier to reach out. There is a good foundation here but now we would like to have some feedback. Do people feel it's valuable or not, do we need to create something else, do we need to change it to once a quarter. What can we do to make it better?

Terry Wadsworth recommended that meeting quarterly might be better, and changing it to monthly depending on the amount of information that is trying to be communicated.

Brett Smith informed everyone that they have finished the fuel delivery module on Tank Helper for any of the transport drivers .It is available on the website and there is a lot of information on spill and overfill protection.

### **Closing Statements**

Terri Lynn stated that the agenda items for next meeting will be legislative updates, and it will be in the Cedar Street building. 1225 Cedar St. next to Woody's Car Wash. We will try to have the meeting start at 1 p.m. Her email is [tmavencamp2@mt.gov](mailto:tmavencamp2@mt.gov) if you have any ideas for the agenda.