

DEQ Corrective Action (CAP) Plan Progress – January 2022

Findings of the Performance Audit – Administration of the Petroleum Tank Release Cleanup Fund – October 2021.

This update is to report out on Corrective Plan Progress, the combined PTRCB and DEQ CAP was submitted to the Legislative Audit Committee November 20, 2021.

In 2021, the following progress on the CAP was made:

- 1) 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.

Under Recommendation 1) DEQ fulfilled its CAP by meeting w/ PTRCB staff during November and December to discuss regulatory reform and the process to verify eligibility, assure fund availability and provide other relevant input. DEQ and the board staff disagree upon the definition of “other relevant input” but will continue to have meaningful discussions. DEQ believes relevant input will be further clarified by addressing Audit finding number 2, which is the recommendation to the Mt. Legislature to clarify the 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. As we work toward clarifying relevant input, DEQ will continue to engage and inform the board and the board staff.

- 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.
- 4) 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.

Under recommendation 1, 3 and 4, DEQ stated it would meet w/ other states to learn about their processes; DEQ has begun to fulfill its CAP by meeting with Wyoming and EPA in Dec. 2021 to discuss the WY LUST Remediation, Fund, and Leak Prevention Program. DEQ will continue to work with EPA and other states to meet the Quarter 1 2022 goals.

Next steps: As DEQ meets w/ other states, DEQ will mockup what these processes could look like in Mt for discussion with the board and stakeholders in Quarter 2, 2022. Meetings to date have been with DEQ and the Board staff, but going forward, DEQ will also reach out to the Board and the Board’s Executive Director, Terry Wadsworth, to discuss setting up meetings over the next year to achieve the CAP.