

DEQ Corrective Action Plan (CAP) Progress – March 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 by November 20, 2022.

The following progress on the CAP has been made:

Audit Recommendation

- 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 with PTRCB staff during November and December 2021 to discuss regulatory reform and the process to verify eligibility, assure fund availability and provide other relevant input. DEQ and the board staff are unclear what “other relevant input” refers to and disagree on what “relevant input” is but will continue to have these discussions. DEQ believes relevant input will be further clarified by addressing Audit finding number 2 and will keep the board and board staff informed.

Audit Recommendation

- 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 with other states to learn about their processes; DEQ has fulfilled its CAP by meeting with Wyoming, Colorado, Utah, and EPA in Dec. 2021 and February 2022 to discuss the LUST Remediation, Fund, and Leak Prevention Programs. DEQ will continue to work with EPA and other states to discuss processes. Workplan updates and state summaries are being posted to the DEQ PTCS web page when completed.

<https://deq.mt.gov/cleanupandrec/Programs/petrocleanup>

Next steps: In 2nd Quarter 2022, as DEQ meets with other states, we will mockup what other states processes look like compared to Montana’s for discussion with the board and stakeholders. 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.