



Petroleum Remediation Program

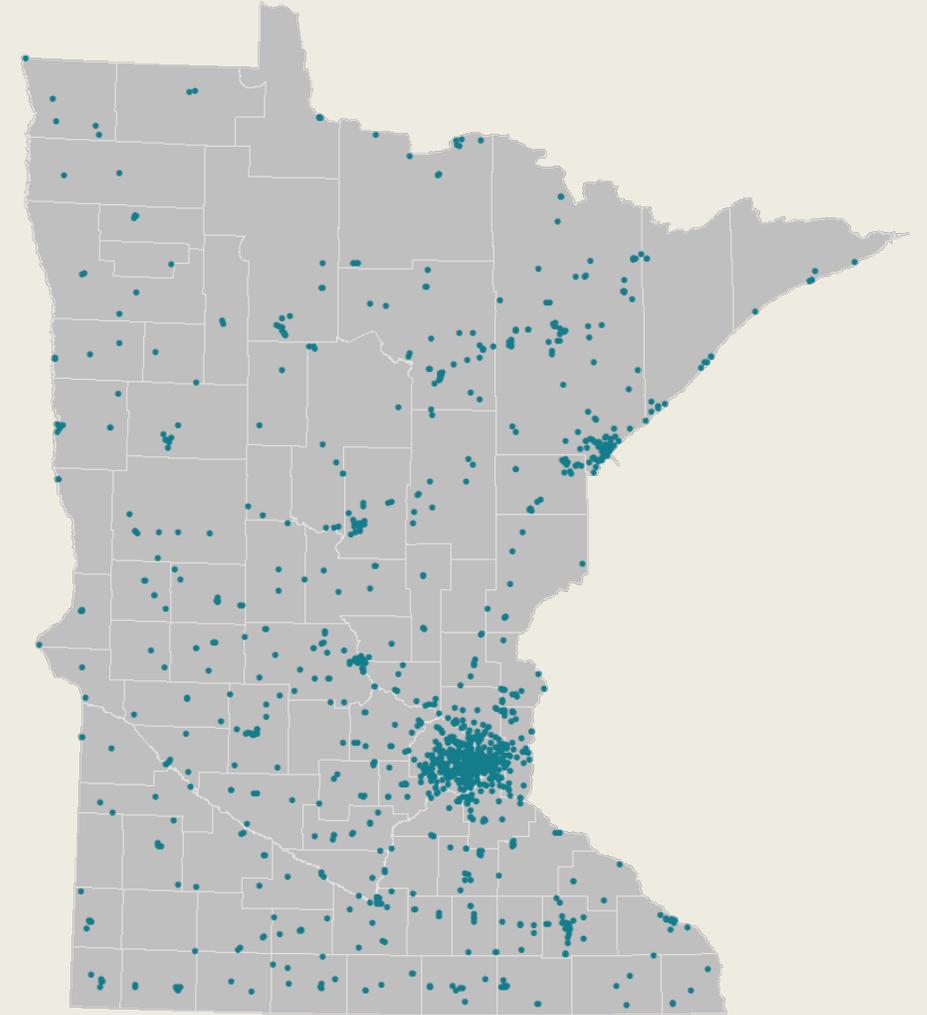
February 21, 2022

Agenda

- Program overview
- Key findings
- Program operation
- Consultants
- Low-risk sites
- Addressing future risks

Program Overview

- Seeks to protect people and the environment by overseeing responses to releases from petroleum storage tanks
- Responsible for overseeing nearly 1,340 release sites reported in recent years



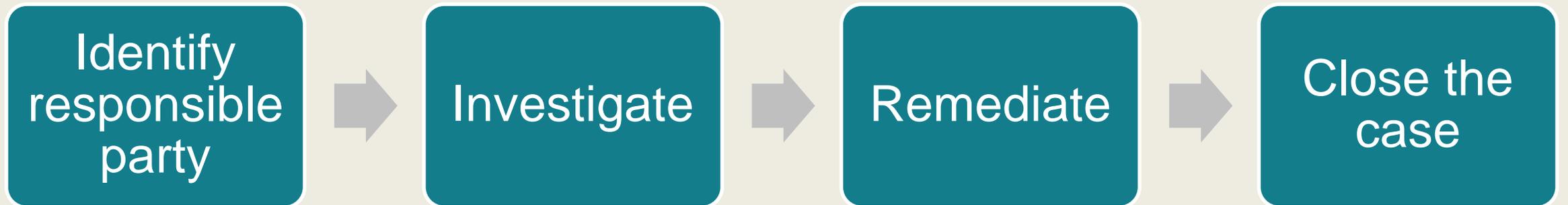
Key Findings

- Minimal consultant registration requirements
- Concerns about some consultant work
- Limited authority to directly hold consultants accountable
- “Low potential risk” undefined in law
- Primarily focuses on current property use

Program Operation

Petroleum Remediation Program

Four Key Phases:



Other Key Players

Petrofund Board

- Reimbursements
- Registers consultants
- May deny consultant registration

Department of Commerce

- May censure or fine consultants
- May deny, suspend, or revoke consultant registration

Role of Consultants

- Rely on consultants and contractors for:
 - Investigations
 - Cleanups and other mitigation
- Decide how to address release based on consultant information



Photo courtesy of MPCA

Consultant Qualifications



Photo courtesy of MPCA

- Must register with the Petrofund Board
- Registration requirements are minimal
 - No technical qualifications

Consultant Performance

Staff expressed concerns with the performance of some consultants

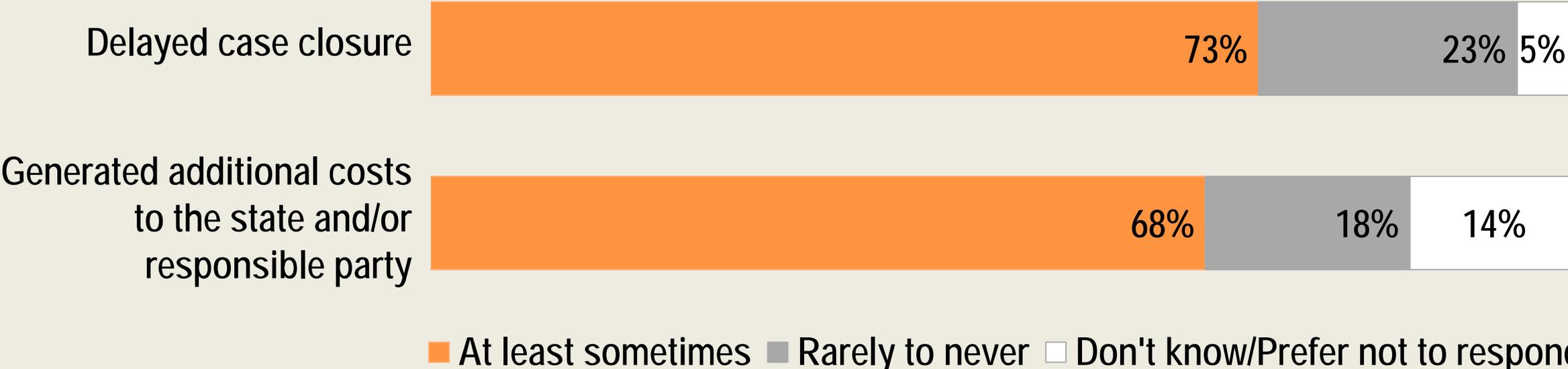
More than

50%

of staff we surveyed said the overall quality of consultant work had a negative impact on the program's ability to meet its goal.

Consultant Performance

Staff survey respondents said that poor-quality consultant work **at least sometimes** had other negative effects.



Consultant Oversight

Program strategies to ensure high-quality work:

- Guidance
- Field audits



Photo courtesy of MPCA

Consultant Oversight

- However, limited direct enforcement authority
- Consequences for responsible party and state



If there are delays in reporting or if work isn't being completed as requested by the MPCA, there could be reductions in the reimbursement from [the] Petrofund, but that is a penalty on the [responsible party], not the consultant.

— Program Remediation Program
Staff Person

The Legislature should:

- Direct MPCA and the Department of Commerce to collaborate in holding consultants more accountable.
- Direct MPCA to collaborate with the Petrofund Board to study establishing technical qualifications for consultants.

Low-Risk Sites

- MPCA must use passive bioremediation for “low potential risk” sites.
- No requirement for high-risk sites.
- “Low potential risk” not defined.



Passive Bioremediation

Various physical, chemical, or biological processes that work without human intervention to reduce the mass, toxicity, mobility, volume, or concentration of contaminants in soil or ground water.

MPCA should:

- Define the characteristics of release sites it considers to be a “low potential risk.”
- Ensure passive bioremediation is used at sites as required by law.

Addressing Future Risks

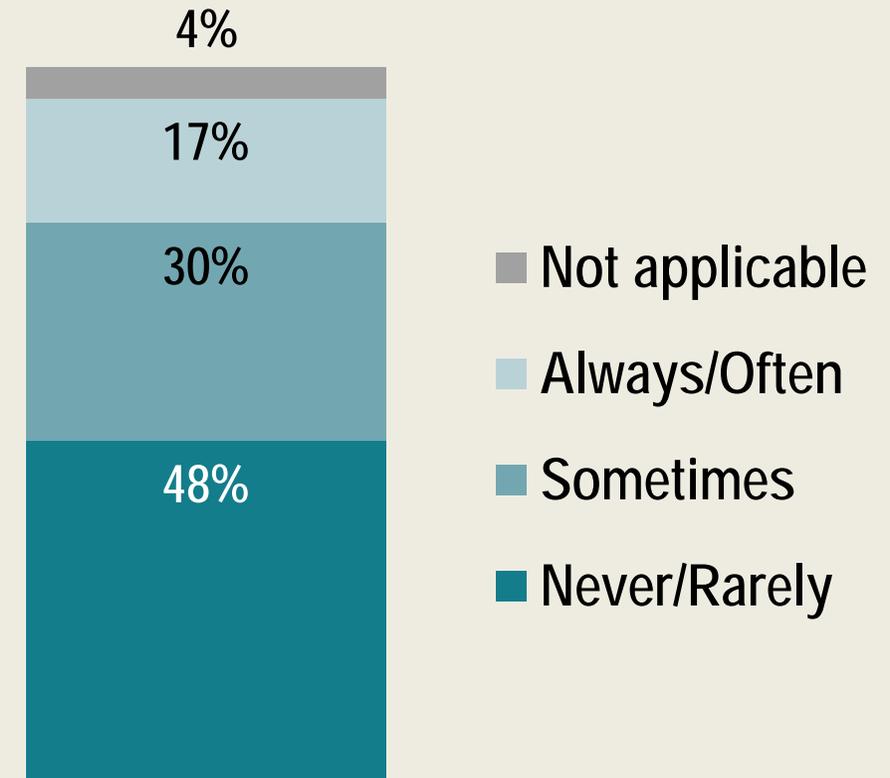


Photo courtesy of MPCA

Guidance directs staff to primarily consider how a property is currently used.

Addressing Future Risks

- Extent to which staff considered future use varied.
- Variation in extent to which staff thought future use should be considered.



Extent to Which Staff Considered Future Site Use

MPCA should:

- Consider additional steps to reduce future risks.
- Ensure staff take a consistent approach in extent to which they consider future use.

Petroleum Remediation Program

www.auditor.leg.state.mn.us