

# Petroleum Remediation Program

Update to 2022 Evaluation Report

February 2024

## Problems Identified

- **Poor Consultant Performance.** The Petroleum Remediation Program relies on consultants to investigate and take action at petroleum tank release sites; however, Minnesota Pollution Control Agency (MPCA) staff told us that some consultants performed poor-quality work. Nevertheless, the authority to hold consultants accountable for their work lies with the Department of Commerce (Commerce) and the Petrofund Board, rather than with MPCA.
- **Limited Program Goals.** The program has established measurable objectives pertaining to the timeliness of its work, but not pertaining to its effectiveness.
- **Lack of Clarity in Law.** Statutes prohibit MPCA from actively cleaning up release sites that are a “low potential risk,” but low potential risk is not defined. Also, while statutes dictate how quickly MPCA must review plans for work at release sites, aspects of the law are unclear.
- **Limited Approach to Addressing Future Hazards.** Program guidance directs staff to primarily consider how a property is currently used—rather than how it could be used in the future—when making site decisions. A few staff members described limitations to this approach that could put people at risk.

## Actions Taken

- **Legislation Passed.** The Legislature required that, among other things, MPCA collaborate with Commerce to (1) examine “whether and how to establish technical qualifications for consultants,” and (2) hold consultants more accountable for their performance.<sup>1</sup>
- **Workgroups Convened.** MPCA defined “low potential risk” in a policy it plans to publish in 2024. It has also convened work groups to develop measurable program objectives, evaluate future risks at release sites, and consider publicizing consultant performance data.

## Actions Needed

- **Increase Consultant Oversight.** MPCA and Commerce should ensure that they meet new requirements to hold consultants more accountable for poor-quality work and to examine whether and how to establish technical qualifications for consultants. MPCA should make data on consultant performance more accessible to responsible parties.
- **Strengthen Program Oversight and Administration.** MPCA should finish developing measurable objectives pertaining to the quality of the program’s work and consider additional steps to reduce risks resulting from future changes to petroleum-contaminated properties.
- **Clarify Program Requirements.** The Legislature should clarify the law with regard to whether MPCA is required to collect plans for certain types of site work.

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<sup>1</sup> *Laws of Minnesota 2023*, chapter 60, art. 3, sec. 29.