

# Petroleum Remediation Program

## *Petroleum Remediation Program*

February 28, 2022

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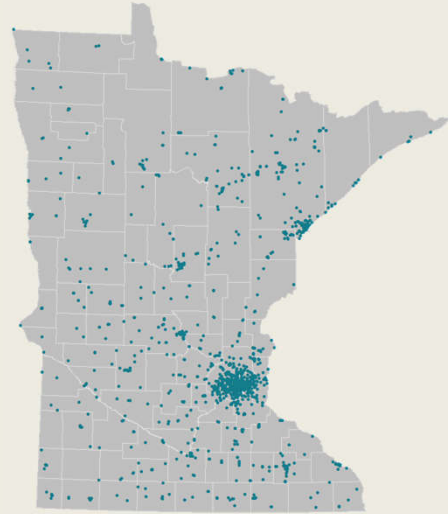
## Agenda

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

# Petroleum Remediation Program

## 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

# Petroleum Remediation Program

## Program Operation

### Petroleum Remediation Program Four Key Phases:



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## 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

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## 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

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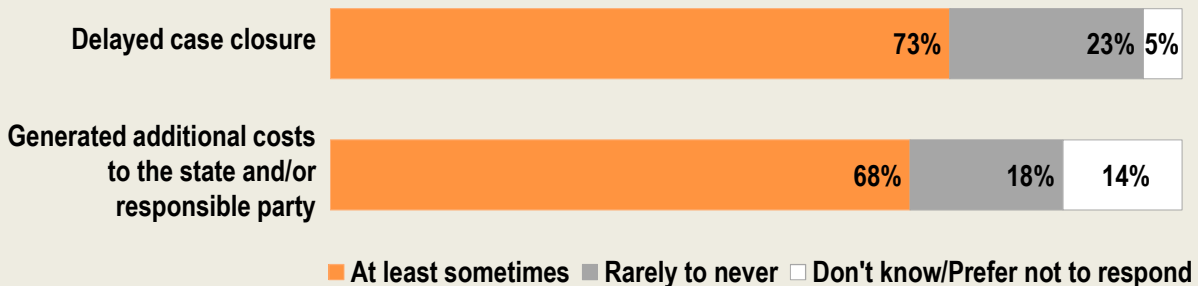
## Consultant Performance

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.



# Petroleum Remediation Program

## Consultant Oversight

Program strategies to ensure high-quality work:

- Guidance
- Field audits



Photo courtesy of MPCA

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## 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

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# Petroleum Remediation Program

## 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.

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## 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.

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# Petroleum Remediation Program

## 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*

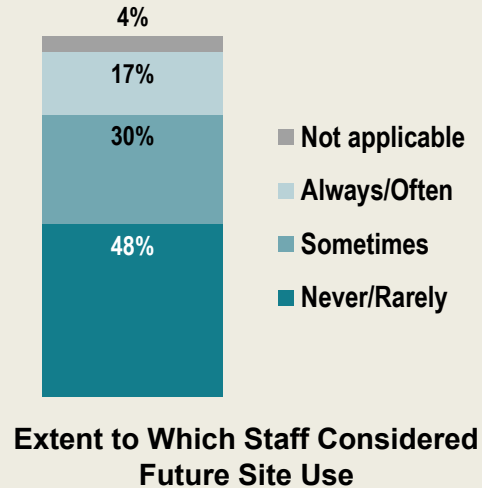
Guidance directs staff to primarily consider how a property is currently used.



# Petroleum Remediation Program

## Addressing Future Risks

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



## 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

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[www.auditor.leg.state.mn.us](http://www.auditor.leg.state.mn.us)