

Petroleum Remediation Program

Update to 2022 Evaluation Report

January 2023

Challenges 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 directly for poor-quality work lies with the Department of 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”; however, neither statutes nor the Petroleum Remediation Program defines low potential risk. Further, while statutes dictate how quickly MPCA must review plans for work at petroleum tank 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 that property 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.

Action Taken

- **Workgroups Convened.** MPCA has initiated internal workgroups in order to define “low risk” sites and develop measurable program objectives. The agency plans for another workgroup to evaluate future risks at release sites.

Actions Needed

- **Increase Consultant Oversight.** The Legislature should direct MPCA and the Department of Commerce to collaborate in holding consultants more accountable for poor-quality work. The Legislature should also direct MPCA to collaborate with the Petrofund Board to study whether and how to establish technical qualifications for consultants. Finally, MPCA should make data regarding consultant performance more accessible.
- **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. Additionally, MPCA should finalize its definition of release sites it considers to be a “low potential risk” and ensure releases at those sites are addressed as required by law.
- **Strengthen Program Oversight and Administration.** MPCA should finish developing measurable objectives pertaining to the quality of the program’s work and regularly evaluate whether it meets those objectives. MPCA should also consider additional steps it could take to reduce risks resulting from future changes to petroleum-contaminated properties.