Oklahoma Legacy Release Case Closure Efforts

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How Oklahoma has tackled legacy sites?

This session will provide an overview of how Oklahoma used the following strategies to address legacy release cases:

- Policies, Rule, and Statute changes
- Case Funding Procedures
- Technical Decision Making
- Processes and Technology
What is a Legacy Case in Oklahoma?

A petroleum release case still being assessed and/or cleaned up that was activated prior to the year 2000.

How many? Oklahoma has reduced legacy case total to 64 active cases. This includes releases from both AST's and UST's.
Why Legacy Cases?

- One-time transfer of large number of cases to the Oklahoma Corporation Commission (OCC) from multiple other agencies upon establishment of the OCC as implementing agency for the federal UST/LUST program.
- Limited Funding
- Technology limitations for certain sites
- Limited availability of subcontractors (environmental drillers)
- Limited knowledge and expertise early on in program
And then what......?
Expediting case closures impacted by the following strategies:

- Policies, Rules, and Statutes
- Case Funding Procedures
- Technical Decision Making
- Process and Technology
Policies, Rules, and Statutes

- Current requirements that have direct impact on expediting closure of cases
  - Statutory Increase of Indemnity Fund Cap to $2.5 million per case for all cases (November 2018)
    - Allowing for continued funding of legacy cases that were approaching old cap of $1.5 million
    - Available funds to implement current technologies that were not previously known
    - Additional funding for cases with old, “reduced” cap of $500k per case (non-retail or low throughput sites)
      - Approximately 15 legacy cases currently being impacted
  - Regulatory, statutory, and/or policy established time frames for processing work plans, purchase orders, technical reports, and claims
    - Indemnity Fund co-payments must be paid within 30 days of invoice date. If eligible person does not pay within required time frame, corrective action will continue and PST will seek cost recovery against the eligible person after the case closes
    - All purchase orders are reviewed, approved and responded to within 30 days. Reimbursement claims are paid within 30 days (average time is 5 days).
Case Funding Procedures

- Current costing and other funding allocation procedures that streamline the overall funding process
- Processes clearly communicated and disseminated to regulated community
- In large buy-in by regulated community
- Eliminates long and drawn out negotiations/disagreements regarding funding issues
- Results in much quicker allocation of funds for corrective actions and payment of claims (claims paid in 5 days or less on average)
- Net result is quicker decision making on needed corrective actions for all cases, including legacy cases and ultimate closure
Case Funding Procedures

- Unit Cost - A set of accepted industry standard rates for all assessment and investigation phases of case corrective actions
  - Initial response and abatement measures
  - Installing monitoring wells/borings
  - Sampling
  - Risk Assessment
  - Plugging monitoring wells and waste disposal
  - Time and Materials rates for professional hours, miscellaneous equipment and materials, and analytical costs

- Established in 2000, updated periodically, and incorporated into online portal in 2013.

- Direct correlation between unit cost structure and expedited closure of legacy cases
Case Funding Procedures

- PIMS database has streamlined budgeting process
- Indemnity Fund budget is available in real time
Case Funding Procedures

- Futures funding addresses cases with large scale and costly active remediation projects to gradually allocate funds required to implement and sustain these projects over time.

- All purchase orders, expenses (current and future), refunds, and adjustments are maintained within PIMS. This allows PST to maintain a streamlined funding allocation process for all PST cases.

- PST implemented a Corrective Action Portal to streamline and automate the technical reporting requirements. The Portal has increased the efficiency and overall technical process for both internal and external users. PIMS and the portal operate as one seamless process.
Fully incorporating the concept of Risk-Based assessment/cleanup to achieving case closure

- Robust and well established Oklahoma Risk-Based Corrective Action (ORBCA) program
  - Required sensitive receptor foot search with 660’ radius
  - Identifying and screening of utility manways within 330’radius
  - Thorough Site-Conceptual Exposure Model (SCEM) to identify reasonable exposure pathways of concern.
  - Modeling of reasonable pathways of concern to establish Risk-Based Screening Levels (RBLS)
  - Determine if modelled pathway(s) of concern are complete or not through long-term monitoring, indoor air/sub-slab soil vapor monitoring
For legacy cases, evaluate any data gaps needed to make a risk-based decision for potential closure or needed further corrective actions

- Updated sensitive receptor search
- Updated groundwater flow direction
- Updated CoC concentration data
- Updated SCEM and screening levels

Priority on collecting the data needed to make these decisions

Use data to make sound risk-based decision
Technical Decision Making

- Receptor pathway elimination/engineering controls
  - Plugging at-risk water supply wells upon consent
  - Providing alternate water sources (new well, municipal/city water)
  - Vapor barriers
  - Vapor mitigation systems

- Long term monitoring to establish
  - Plume stability
  - Groundwater flow direction/gradient over time
  - Depth to water groundwater over time
  - Free product depth and thicknesses over time
Processes and Technology

- Robust and well established internal database (PIMS)
  - Initial implementation in 2005
  - Ongoing modifications and new modules to enhance
  - Efficient paperless system of record keeping, managing and organizing internal data
  - Automation of processes
  - Alerts
  - Canned reports

- With Regard to Legacy cases, many features in PIMS that help:
  - Identify old, dormant cases
  - Streamline processes that ultimately lead to expedited closure
Processes and Technology

- Robust website for online data collection and submittal (PST Portal)
  - Initial implementation in 2013
  - Ongoing modifications and new modules to enhance
  - Corrective Action Portal
    - Online completion and submittal of all required information, reports, forms, etc..
    - Work plans, purchase orders, change orders, technical reports, claims, etc…
    - Validations, business rules and error messages
  - Validated, real time, uniform and consistent submittals
Processes and Technology

- With Regard to Legacy cases, utilization of the Portal shortens the life of a case by:
  - Reducing the time and resources needed by PSTD staff to review and process submittals
  - Reducing the time, effort and resources needed by regulated community to complete and submit all reporting requirements
  - More reliable and consistent data
  - Actionable – quicker decisions with higher degree of confidence
- Translates into shorter lifespan per case and expedited closure
OKLAHOMA RELEASE CASES

- Green: Release Cases Opened by CY
- Orange: Release Cases Closed by CY
- Blue: Legacy Cases Closed per CY

![Graph showing release cases over years]

Years: 2005 to 2018

- Release Cases Opened by CY:
  - 2005: 89
  - 2006: 92
  - 2007: 99
  - 2008: 103
  - 2009: 121
  - 2010: 103
  - 2011: 81
  - 2012: 63
  - 2013: 60
  - 2014: 50
  - 2015: 76
  - 2016: 63
  - 2017: 62
  - 2018: 77

- Release Cases Closed by CY:
  - 2005: 35
  - 2006: 40
  - 2007: 37
  - 2008: 48
  - 2009: 37
  - 2010: 36
  - 2011: 21
  - 2012: 48
  - 2013: 2
  - 2014: 13
  - 2015: 16
  - 2016: 20
  - 2017: 17
  - 2018: 14

- Legacy Cases Closed per CY:
  - 2005: 86
  - 2006: 112
  - 2007: 106
  - 2008: 147
  - 2009: 120
  - 2010: 103
  - 2011: 81
  - 2012: 63
  - 2013: 60
  - 2014: 50
  - 2015: 75
  - 2016: 80
  - 2017: 83
  - 2018: 101

Note: The graph shows the number of cases opened, closed, and legacy cases closed per year from 2005 to 2018.
Thank You!

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