



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Scott M. Scheidel, *Administrator*

Board Members:

Michael L. Fitzgerald Joseph D. Barry Jeff W. Robinson Karen E. Andeweg Chuck Gipp
Timothy L. Gartin Dawn M. Carlson Patricia J. Beck N. Kurt Mumm

NOTICE OF PUBLIC MEETING

A public meeting of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board has been scheduled for 10:00 A.M., Friday, January 24, 2014. **The meeting will be held at the Petroleum Marketers and Convenience Stores of Iowa office at 10430 New York Avenue, Suite F, Urbandale, IA 50322.**

The tentative agenda for the meeting is as follows:

10:00 a.m. Call to Order

1. Approval of Prior Board Minutes
2. Closed Session Discussion of Pending and Imminent Litigation (To adjourn by 10:30 am)
3. Public Comment Period
4. Board Issues
 - A. Legislative Update
 - B. FY 2014 Goals – 2nd quarter results
 - C. DNR Update
5. Approval of Program Billings
6. Monthly Activity Report and Financials Reviewed
7. Attorney General's Report
8. Claim Payment Approval
9. Contracts Entered Into Since December 12, 2013 Board Meeting
10. Other Issues as Presented
11. Correspondence and Attachments

Approval of Prior Board Minutes



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MINUTES IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND PROGRAM

December 12, 2013

**PETROLEUM MARKETERS AND CONVENIENCE STORES OF IOWA
10430 NEW YORK AVENUE, SUITE F
URBANDALE, IOWA**

Douglas Beech called the Iowa UST Board meeting to order at 10:03 A.M. A quorum was present, with the following Board members present:

Joseph Barry
Patricia Beck (by telephone)
Dawn Carlson
Jake Friedrichsen (for Treasurer, Michael Fitzgerald)
Timothy Gartin
Tim Hall
N. Kurt Mumm

Also present were:

David Steward, Attorney General's Office
Scott Scheidel, Administrator
James Gastineau, Administrator's Office
Elaine Douskey, Iowa Department of Natural Resources

APPROVAL OF PRIOR BOARD MINUTES

Mr. Beech inquired if the members had reviewed the minutes and if there was any items for discussion. Hearing none, Ms. Carlson motioned to approve the minutes of the October 24, 2013 meeting, and Mr. Friedrichsen seconded the motion, and by a vote of 7-0, the minutes were approved.

Mr. Gartin arrived at 10:04 a.m.

CLOSED SESSION

Mr. Beech noted there were no matters dealing with litigation for discussion in closed session pursuant to Iowa Code Chapter 21.

PUBLIC COMMENT

No public comments were presented.

BOARD ISSUES

A. Legislative Update

Mr. Scheidel noted the session is scheduled to begin January 13, 2014 and may be a short session this year. He noted that the Board does not have any agenda items planned at this time. He also noted that he would watch, listen and report on any issues that may arise during session.

Mr. Beech inquired if any of the members knew of matters that might affect the Board. Ms. Carlson noted some issues were being discussed on biodiesel and ethanol business but nothing that should directly affect the Board.

B. FY 2014 Goals Update

Mr. Scheidel presented a memo noting the updates on the items discussed for the FY 2014 goals. He noted progress is being made on the pilot project for Polk County to have NFA certificates issued on sites already classified no action required and that work would start in early 2014, but noted decisions on the process of filing the certificates was still undecided.

Mr. Scheidel noted that work has also continued on identifying sites with projected obstacles to closing within the 2016 timeframe and noted that staff has been in contact with the public and the department on identifying what others perceive to be obstacles. He noted a committee, to include interested stakeholders may be formed, to evaluate ideas and determine if modifications to existing policies, rules, or law should be pursued.

Mr. Scheidel noted that several comments received from the consultants involve the software programs required in the implementation of the RBCA program. It was noted that the software was written in Windows XP which is near obsolete and in order to continue use of the program, a conversion or more likely a complete rewrite is needed to ensure the model is compatible with current operating systems. Mr. Scheidel noted discussions with the Department were taking place and indicated a proposal may be forthcoming from the Department seeking financial assistance to complete the task. In discussing the matter further, Mr. Scheidel noted he could assist the Department with the contracting requirements set by the Department of Administrative Services.

C. UST Fund Lien # 0401005 – Piper’s Store, Conesville

Mr. Gastineau provided an overview of the activities which led to the Board lien on the Piper’s Store property. He noted the lien was originally filed in January 2004 in the amount of \$15,205.00 following completion of certain site assessment activities. He also noted that additional activities had been performed after that original filing which ultimately led to no action required site classification and subsequently, the issuance of a no further action certificate.

Mr. Gastineau reported that following placement of the lien, the site owner reportedly sold the property for \$20,000 through an unrecorded contract to an individual who did not perform a review to examine for liens. He noted that an attorney representing the contract buyer has presented an offer to relinquish the lien for the amount of \$4,750 noting the value of the property and the fact that the deed holder had little to no financial ability to pay the lien herself.

In discussing the matter, it was noted that the overall costs for the work completed was less than anticipated given the high risk classification and it was noted that from the information available, it would appear that the landowner had limited assets for which further recovery might be considered. It was also noted that should the offer not be accepted, that the lien would require renewal due to the 10-year time period that had lapsed since the original filing. Following the discussion, Mr. Beech motioned to accept the offer of \$4,750 to release the lien and Ms. Carlson seconded the motion. The measure passed on a vote of 8-0.

D. DNR Update

Ms. Douskey provided an update on the Department's UST Section noting her section now has three open positions in the LUST field. She also noted that since the last meeting, the Department had the opportunity to meet with Ms. Carolyn Hoskinson, the USEPA Director of the Office of Underground Storage Tanks during her 3-day visit to Iowa. It was also noted that during the visit, Ms. Hoskinson had time to visit with ISU students, the Environmental Professionals of Iowa, Department staff and had also taken time to meet with Ms. Carlson and PMC of Iowa. Lastly, Ms. Douskey noted that in the next week, the annual tank tag forms would be sent out to owners and operators seeking renewal information on each site.

PROGRAM BILLINGS

Mr. Scheidel presented the current monthly billings to the Board for approval.

1. Aon Risk Services.....\$101,024.00
Consulting Services for December 2013 -- \$62,024.00
Claims Processing Services for December 2013 -- \$39,000.00
2. Aon Risk Services.....\$963.36
Reimbursement for Annual Meeting at Lake Panorama National Resort
3. Iowa Attorney General's Office.....\$7,160.96
Legal Services provided for Underground Storage Tank Program
October 2013 (FY2014) Billing
4. Iowa Department of Revenue\$2,040.74
Services provided for the Under Storage Tank Program
1st Quarter FY 2014 Billing
5. Iowa Department of Inspections & Appeals.....\$53.35

Services provided for the Under Storage Tank Program
July – September 2013 (FY 2014) Billing

Mr. Barry motioned to approve the billings as presented and Mr. Mumm seconded the motion. All billings were approved by a vote of 8-0.

MONTHLY ACTIVITY REPORT

Mr. Scheidel reported that the October 2013 and November 2013 activity reports are included in the packet, noting the trend continues downward for the number of open claims. He noted that the total claim expenditures for October and November reflect the payments made for the Sioux City well agreement and noted that in turn that would be reflected with a number of sites attaining site closure. Mr. Scheidel also noted the addition of Department LUST data on the November activity report as had been requested by the Board.

ATTORNEY GENERAL'S REPORT

Mr. Steward provided notice that Mr. Tom Miller, the State's Attorney General, had made it public that he would be pursuing the position again, which he has held since 1988.

CLAIM PAYMENT AUTHORITY

Mr. Gastineau presented the following claim authority requests:

1. **Site Registration 8710744 – Seaton's Jack & Jill, Brooklyn (2nd Board Report)**

The site is high risk for the vapor pathway (nonresidential sewers and basements). Mr. Gastineau noted that a multiphase extraction system (MPE) has been operating since October of 2008 however has been less effective than expected. A teleconference was recently held and the parties agreed to expand the system with an emphasis on targeting the source area of the contamination plume. Mr. Gastineau also noted it could take several more years to reach the target levels and begin post-remediation monitoring.

Mr. Gastineau noted the reserve was \$400,000. Prior Board authority was approved for expenditures up to \$309,000 and costs to date have been \$318,355.87. Projected costs for future work are in the range of \$100,000 to \$250,000 and it was requested total authority be extended to \$500,000.

In discussing the request, the Board members acknowledged the new data provided including a limited timeline of events and information on the populations that might be affected should receptors be actually affected. It was asked what the level of confidence was in the proposed expansion of the system and Mr. Gastineau noted his belief that if the source area is targeted as planned, the plumes should correspondingly decrease in size. Mr. Friedrichsen motioned to approve the request and Mr. Hall seconded the motion. The measure passed on a vote of 8-0.

2. Site Registration: 8916377 - Anamosa Livestock Auction, Anamosa (2nd Board Report)

The site is high risk for the groundwater ingestion pathway and low risk for potential vapor pathways. Mr. Gastineau reported that a small vapor extraction (SVE) system has been in operation since 2008 and will be modified to include an air sparge component that will hopefully result a faster cleanup of the site.

Mr. Gastineau noted the reserve was \$150,000. Prior Board authority was approved for expenditures up to \$130,000 and costs to date have been \$91,299.77. Projected costs for future work are in the range of \$30,000 to \$80,000 and it was requested total authority be extended to \$200,000.

Ms. Carlson motion to approve the request, and Mr. Mumm seconded the motion. The measure passed on a vote of 8-0.

3. Site Registration: 8603538 - City of Clarinda (2nd Board Report)

The site is high risk for the groundwater vapor pathway and is complicated by presence of free product in several wells. Mr. Gastineau noted the former station was razed and rebuilt as a fire station. The monitoring wells containing free product are inside the building which greatly limits the corrective action options. Continued monitoring may succeed in reclassifying the site as concentrations are near the vapor target levels however, continued hand-bailing of the free product is not likely to close the site by 2016. Additional corrective action is needed to remove the free product but has not been proposed at this time due to the site constraints.

Mr. Gastineau noted the reserve was \$215,000. Prior Board authority was last approved in April 1999 for expenditures up to \$160,348.88 and costs to date have been \$161,097.68. Projected costs for future work are in the range of \$50,000 to \$250,000+ and it was requested total authority be extended to \$350,000.

In considering the request, questions were asked as to why a building would be constructed over an area of contamination and it was surmised that since this was a county tax deed site that the action may have been a Brownfield's redevelopment for the community so as to place an unused property back into a use. The concern was noted that if the reconstruction action results in a increase in costs should those costs be borne solely by the Board. Mr. Scheidel noted in cases where the Board is notified before construction activities, a joint effort can be made to utilize available funds to remove contamination which may become inaccessible in the future. Mr. Hall noted that this example resonates through many of the Department programs as there is no central reporting for construction activities and in many cases, new structures are found during site visits. Questions were also asked regarding the free product recovery efforts and it was noted many sites used hand-bailing as the selected option, sometimes due to low recovery volumes, site constraints, or funding issues, or in the interim until a corrective action design report is completed. For this site, it was noted a CADR had not yet been completed.

Mr. Hall motioned to approve the request and Mr. Barry seconded the motion. The measure passed on a vote of 8-0.

4. Site Registration 8609205 – K & H Oil, Corwith (3rd Board Report)

The site is high risk for an actual vapor receptor (adjacent non-residential basement) and low risk for the potential vapor pathways. Mr. Gastineau noted a SVE system is currently in operation to reduce vapor intrusion into the basement of the adjacent building and noted there have been no reports of vapors since the system was installed. He noted that the proposed plan to install sub-slab vapor extraction lines beneath the basement of the adjacent had been withdrawn due to concerns regarding the buildings structural integrity.

Mr. Gastineau noted that USTs were removed in November 2013 and will be replaced with an AST system. During the UST removal, an excavation was completed to remove contaminated soils to the extent possible however it was unlikely to remove all of the contamination due to site constraints and proximity of the adjacent buildings. Additional corrective action would be needed to address the remaining contamination.

Mr. Gastineau noted the present claim reserve is \$350,000, and that prior Board approval had most recently been given in May 2012 for costs up to \$275,000. He noted the costs incurred to date are at \$179,967.81 and projected costs for future work is in the range of \$150,000 to \$250,000+. Mr. Gastineau requested an additional \$225,000 in authority for total authority for work at the site to \$500,000.

Ms. Carlson motioned to approve the request and Mr. Mumm seconded the motion. The measure passed on a vote of 8-0.

5. Site Registration 8609704 – Malnick LLC, Iowa City (3rd Board Report)

The site is high risk for a groundwater ingestion pathway for a non-drinking water well and for the vapor pathways due to proximity of residential and non-residential basements. Mr. Gastineau noted that the site is an active station and that the contamination is deep and extends beneath the street and an adjacent property, limiting the corrective action alternatives. He noted that activities had included a small excavation, operation of an SVE system, and two rounds of chemical injection. The contaminant levels have declined but still exceed the target levels and free product is still present near the pump islands. A third round of chemical oxidation has been suggested by the consultant.

Mr. Gastineau noted the present claim reserve is \$750,000, and that prior Board approval had most recently been given in May 2010 for costs up to \$630,000. He noted costs incurred to date are at \$635,431.00 and projected costs for future work is in the range of \$150,000 to \$250,000+. Mr. Gastineau requested an additional \$220,000 in authority for total authority for work at the site to \$850,000.

In discussing the request, questions were asked on the approaches taken as costs climb and lead to the Board potentially exceeding its statutory funding authority for a site. Mr. Scheidel noted that claimant's consultants present the approach to take to get a site to completion, the Administrator staff may offer potential alternatives but the ultimate compromise is driven by the consultant's opinion on effectiveness. Theoretically, in situations where an obstacle prevents an

option but it is clearly the best option to address risk but for the obstacle (i.e. structures over the contamination) the Board could propose the claimant monitor the site until site plans allowed for removal of the obstacle and “pre-fund” the future work through escrow or other means. In lieu of moving forward with the approach as presented, Mr. Beech recommended the funding request for the chemical injection be deferred however a motion to approve funding for continued operation of the vapor extraction system in the amount of \$70,000 for authority up to \$700,000.00 was made. Mr. Gartin seconded the motion and the measure passed on a vote of 8-0.

Following the vote, Mr. Gartin presented the question as to what happens should the statutory cap be met. Mr. Scheidel noted that should the funding cap be met, the responsible party would remain liable to complete the Department required activities. It was asked if the city or county acquires the site, would more funding be provided. Mr. Scheidel noted he was not prepared to respond but would research the question with the assistance of counsel. He also noted for those sites approaching the statutory cap, that a pay for performance contracting mechanism could be considered as it would place a cap of the funds to be expended and could be written to provide some legal protections to the Board, owner, consultant, and to the Department.

6. Site Registration 8912094 – Myers Service, Ridgeway (4th Board Report)

The site is high risk for a groundwater ingestion pathway for a drinking water well and for the vapor pathways due to proximity of residential and non-residential basements. Mr. Gastineau reported that an excavation was completed in 2003 and was fairly successful at removing the contamination on the site. A remediation system was then in operation from 2006 thru 2011 to address contamination beneath the city streets however was not successful. A second excavation was recently completed in September 2013 to remove the contamination that extended in the streets on two sides of the site. Due to unforeseen conditions, the costs significantly exceeded the budget and the gravel was put back while additional authority was sought to complete the work. Mr. Gastineau noted that post-excavation monitoring and free product inspections will continue to determine the success of the excavation in removing the risk conditions and free product.

Mr. Gastineau noted the present claim reserve is \$750,000, and that prior Board approval had most recently been given in June 2012 for costs up to \$700,000. He noted costs incurred to date are at \$690, 431.63 and projected costs for future work is in the range of \$75,000 to \$200,000+. Mr. Gastineau requested an additional \$150,000 in authority for total authority for work at the site to \$850,000.

In discussing the matter, it was noted that unlike the last report the excavation had already been performed and additional authority was needed to complete the work. Ms. Carlson motioned to approve the request, and was seconded by Mr. Barry. The measure passed on a vote of 8-0.

7. Site Registration 7910194 – City of Pocahontas (1st Board Report)

This site is classified high risk for soil contamination in proximity to vapor receptors and water lines. Mr. Gastineau noted this site former service station is now the community fire station.

Soil gas sampling has been completed however due to the 2010 water line rule change; further investigation is needed to define the soil contaminant to determine whether the water lines should be replaced or if the risks should be addressed thru excavation or remediation.

Mr. Gastineau noted the claim reserve is \$200,000 and costs incurred to date are \$86,382.95. Projected costs for the additional investigation, then possible water line replacement or remediation are in the range of \$100,000 - \$225,000+. Mr. Gastineau requested total authority be extended to \$250,000.

Mr. Barry motioned to approve the request and Ms. Carlson seconded the motion. The measure passed on a vote of 8-0.

6. State Lead Contract CRPCA 9709-04 - Delaware

This State Lead contract was awarded to MPS Engineers in 1998 to address a perceived commingled plume involving two (2) LUST sites. The sites are classified high risk due to contamination in proximity to multiple private water wells and one municipal water well which is used as the public water source for the community. Mr. Gastineau noted an excavation had been completed on one site and that after a few years of monitoring, the site had been reclassified to a NAR status. He noted an excavation was now proposed on the remaining site in an effort to remove any contamination which may be trapped in the weathered bedrock beneath the former tank system. Following the excavation, monitoring will resume to assess the effects of the excavation.

Mr. Gastineau requested additional funding authorization to complete the excavation and if necessary continue monitoring. He noted that the original contract authorization was \$21,625 and current authorization was \$281,319.00. Mr. Gastineau requested total authority for work at the site be increased by \$100,000 to \$381,319.00.

Mr. Barry motioned to approve the request and Mr. Friedrichsen seconded the motion. The measure passed on a vote of 8-0.

Following the approval, Mr. Friedrichsen inquired as to the number of sites which are approaching the statutory cap, have a high dollar authority or reserve. Mr. Gastineau noted that he could provide that information and would send a note to the members with the information on those sites with a reserve greater than \$500,000 and where payments have exceeded the same threshold.

CONTRACTS ENTERED INTO SINCE THE OCTOBER 24, 2013 BOARD MEETING

Mr. Scheidel reported that the contracts extensions for the two contractors involved in the NFA Re-Opener project (RBCA 0908-01: Environmental Support Services) had been signed since the October 24, 2013 Board meeting.

OTHER ISSUES

No other issues were presented.

CORRESPONDENCE AND ATTACHMENTS

Mr. Gastineau noted a news release was included in the Board packet regarding cost recovery efforts performed in the State of Missouri. He noted that the consultant mentioned in the article did not do work in Iowa.

Mr. Beech asked if there was any further business. Hearing none, Mr. Friedrichsen moved to adjourn, and Mr. Barry seconded the motion. By a vote of 8-0, the Board adjourned at 11:13 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott M. Scheidel". The signature is written in a cursive style with a prominent loop at the end.

Scott M. Scheidel
Administrator

Board Issues

A. Legislative Update



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Φ Φ Φ *MEMO* Φ Φ Φ

TO: **UST Board**

FROM: Scott Scheidel

DATE: January 15, 2014

RE: 2014 Legislative Session

The 2014 Legislative Session began on January 13th. All indications and discussions thus far appear to support a short session. Currently there are not any initiatives that would appear to impact the Board or their mission.

I will likely jointly present to the Environmental Protection Committees, along with DNR, regarding the status of the DNR UST and UST Fund programs sometime in the first half of the session.

The Board does not have any proactive initiatives, but we will monitor bills and committees and report any issues that arise that may affect the Board.

B. FY 2014 Goals Update



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MEMORANDUM

TO: UST Board Members
FROM: Scott Scheidel
DATE: January 17, 2014
SUBJECT: Fiscal Year 2014 Goals Update

This memo is presented as a summary of items discussed during recent FY14 Board meetings and will be tracked for reference in the current fiscal year. These include:

- No Further Action Certificate Issuance
 - Pilot Project – The Polk County pilot project is nearing a start. Following a review of the oldest sites, it was determined most sites will qualify for a NFA certificate. The list of project sites is being readied for distribution and it is anticipated the project will commence in January 2014.

- Identify Sites with Projected Obstacles to Closing within 2016 Time Frame
 - Development of a ‘task force’ to identify possible rule modifications has been communicated to the Department and consultants. A request seeking input or ideas on what modifications might be possible so as to effect a substantial portion of the remaining sites while remaining protective of the environment and of human health was issued in December 2013. Comments to the request received through January 15, 2014 are included on the attached memo.

Goal	Progress	Planned
NFA Issuance	<ul style="list-style-type: none"> • Agreed upon Polk Co Pilot • Met with existing Board closure contractors and agreed upon rates and scope • DNR revising communications 	<ul style="list-style-type: none"> • Contractors to obtain well location maps from DNR records and property owner information from public records • Agree upon certificate filing method • Complete well searches, closures and NFA issuance
ID Obstacles	<ul style="list-style-type: none"> • File by file review to sort by 3 main obstacles completed resulted in 235 identified • Main categories <ul style="list-style-type: none"> ○ Site Conditions ○ Institutional Controls ○ Access/RP ○ Funding challenges • Sought input and commitment of meeting time from DNR and consultants for rule review focused on obstacle elimination and site closure 	<ul style="list-style-type: none"> • Seek finite monitoring plan on low risk sites • Seek rule accommodations on difficult sites or macro scenarios (ie bedrock) • Schedule CA meetings for funding challenged sites • Initiate State Lead projects to resolve inactivity issues • Identify claimants with 3 or more open claims for possible claim closure settlements of entire group of sites
Claims Closures (as of 12/30/13)	<ul style="list-style-type: none"> • 59 claims closed • 7 new claims • 9 claims re-opened 	<ul style="list-style-type: none"> • Identify number of claims closed • Identify number of new or re-opened claims • Identify number of claims pending closure • Increase follow up for closure after NAR classification
DNR Stats	<ul style="list-style-type: none"> • 67 NAR classifications approved 	<ul style="list-style-type: none"> • Identify number of NAR classifications approved • Identify number of NFA certificates issued • NFA certificate goal above
Post Close Funds	<ul style="list-style-type: none"> • Set Board discussion for future meeting 	<ul style="list-style-type: none"> • Evaluate potential options to provide NFA safety net and/or emergency response for DNR post Fund closure



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MEMORANDUM

TO: UST Board Members
FROM: Scott Scheidel
DATE: January 17, 2014
SUBJECT: Communications to Stakeholders

Following the recent Board meetings, a request was issued to the public seeking their input on what they believe to be the reasons that site activities may not be proceeding as promptly as possible and what changes could be completed to allow for more closures while being protective of human health and the environmental. Comments were received from various stakeholders including a tank owner and operator and several consulting firms.

The request for comment noted that a committee may be established to further evaluate ideas presented so as to help site owners and operators comply with the environmental regulations pertaining to LUST sites in Iowa.

The comments received to date have been sorted, to some degree, to allow easier review; these include:

Owners

In comparison to other states, IA appears to have the most difficulty obtaining closure for several reasons that I see:

- 1) Sampling once per year doesn't show much for trends because there is only one sample collected each year rather than semi-annual or quarterly
- 2) I think that the software and calculations used for what could be a potential pathway are too restrictive
- 3) When there are hydrogeological conditions that prevent certain testing there needs to be options for that rather than sites just sitting in limbo.

Other Stakeholders (Note: site specific comments are not listed)

PLEASE ask the Board to meet monthly in the summer months or at least every 6 weeks

One of the primary reasons many of the sites do not move forward is that the CGP does not have the authority to move a project in the direction he/she would recommend or consider to be the best course

to closure. We are given the perceived responsibility; however, the final decisions are influenced by outside parties.

DNR Consistency - This is critical for consultants to come up with effective exit strategies. This should always be on DNR's New Years Resolution list.

Timely reviews would help.

DNR Staffing - DNR must speed up the review process for Tier 2s and SMRs. Some recommendations include:

- ◇ Redistribute projects within DNR staff.
- ◇ Every incoming report gets a 15-minute review by staff. Obvious deficiencies get a fast rejection without a detailed letter.
- ◇ Get more outside reviewers as soon as possible.
- ◇ Get updated/revised Tier 2 software as soon as possible.

DNR can work on guidance based on current rules to make guidance more coherent, easier to follow, and easier to update. This could lead to changes in rule.

RP is not the Site Owner - This situation changes the entire game. Lawsuits, lack of cooperation, and harassment deeply affect all environmental activities. These sites need significantly more project management funds to deal with these issues and keep them moving.

The sites get sold, and then sold, and then re-sold; the financial benefits get transferred to each buyer, but the RP remains? GWP needs to contract with the current property owner (for access) but the RP is so far removed that the addresses aren't even known anymore...or they are deceased – who finally has to sign a report / NAR request? current property owner....?

Owner/RP does not want to sign a contract. Unhappy with the fund refusing work/ contractor not always letting the owner know they are there (relates to pre-2005 activities).

Current owner does not want an over excavation and unwilling to enact an institutional control for affected area. Site is currently low risk. Business does not want to be interrupted.

Approach to site activities - Aside from the obvious causes for delay (ie access, funding, etc) I think part of the problems lie with us, the consultants. It seems when we get a new site from another consultant, we can see a different road to follow, which may not have been the same if we had the site all along. Internally, we are working to avoid this with a roundtable discussion for each site, and laying a plan in place for each pathway and each site, as a group. If one step of the plan changes, so does our approach. When we bring new eyes to a site, perhaps we can see the less obvious solution. The same approach could be taken with a panel, or with additional RFPs, clustering sites together.

The CGP certification gives the practicing professional an all-encompassing impression that he/she can perform all duties under the certification. CGP's have niches not dissimilar to professional engineers. However, the current system does not separate these strengths/weaknesses and assumes all CGP's can do all functions equally. CGP's not versed in remediation tend to direct the projects to their strengths like Tier 3 monitoring and can have difficulty selling remediation due to the lack of experience.

Taking over from a previous consultant. No notes from former consultant; site maps not correct, utilities not correctly mapped, and monitoring well locations were "off" from the real location onsite

vs. the site map....it would be helpful if DNR would just allow the Tier 2 to be run again using current data, maps, and software.

IDNR doesn't require remediation; high risk sites can be monitored indefinitely. The IDNR rarely takes initiative to direct a project course of action when needed. This lends to the funding agency's ability to have more control over project direction.

Funding

Funding has always been a primary difficulty for the CGP. Historically, sites that are recommended for remediation are often directed to Tier 3 monitoring. Routinely, budgets are reduced without competitive bids "because it seemed high" as the explanation. As long as the adjuster has this attitude/ability to direct funding to keep costs down and not necessarily in the best interest of moving a site to closure, consultants have no motivation to pursue other options outside of monitoring in most cases. For projects outside the funding program or in other states, consultants are allowed to investigate or evaluate possible directions to get a site to closure and are compensated for these efforts. See how Nebraska approaches this.

Environmental companies need to see a profit in closing sites, not the loss of a client and an income. The Fund should offer a cash bonus incentive for accepted NARs and NFAs. SMRs don't pay well enough; companies can't make good profits by providing quality SMRs. For ILO and problem sites, the CGP may require a site visit and hours of talking with the RP/ILO/site owner to get them to allow an SMR to be conducted, let alone starting corrective action. Increasing the base price for SMRs would be a start.

Offer a cash incentive for reports that are accepted by DNR. The difficulty is that the DNR can't review most reports in a timely fashion due to staffing constraints. Timely review is the key; a cash incentive needs to be awarded within 90 days or so. Most Tier 2s and SMRs are reviewed in batches by outside reviewers and sometimes not for several years after they are submitted.

Consulting costs are not deemed reimbursable. When CGP oversight fees are itemized, they are not approved. On many occasions we have been solicited to recommend remedial alternative approaches (in detail) on low risk, free product, or monitoring only sites only to discover this effort is considered overhead and not reimbursable. Remedial alternative evaluations take time and often additional data collection outside of Tier 2 requirements since the investigative approach significantly lacks the appropriate information for a thorough remedial evaluation of available options. The end result can be for naught if the reimbursement program doesn't like/agree with the recommendation or potential fees as compared to continued monitoring over a given period of time. If the fund would pay for remedial alternative evaluations (including additional testing if recommended), many of these sites would/could proceed toward closure.

Unclear Policies. (Consultant) has requested copies of the reimbursement "Policies" often referenced by GAB as reasons not to approve fee amounts or scopes. We requested this to avoid delays and wasted time preparing proposals as well as invoicing denials. To date the only documentation we have received has been Seneca's and Barker's Fee schedules (as reasonable rates). As I understand it, these fee schedules were for the Closure Contracts and should not be applicable to stand alone projects. Clear reimbursement policies should be documented, including established allowable costs, and made available to all.

Corrective Action Conferences: Many high risk and low risk sites would benefit from corrective action conferences, but these take a lot of time and energy from DNR and CGPs. While the CGP may

benefit in the long run, in the short run the CGP is often not well paid for preparation and participation in the conference(s), especially if several conferences are held.

Investigation - Not fully characterizing soil and/or groundwater mass. This leads to underestimating remedial efforts and/or remedial timeframe.

Investigation – Sampling: Better sampling procedures could lead to lower concentrations from groundwater samples. Proper development of monitoring wells is required before groundwater sampling. Proper development leads to less turbid groundwater samples. Less turbid samples generally result in lower analytical results because the actual dissolved BTEX concentrations are measured, not BTEX concentration from suspended particles. DNR should require samples free of suspended particles and the Fund should help by funding practices which encourage low turbidity.

Pathway Issues - Identify an alternative method of addressing the PGWS pathway. I understand the IDNR would prefer the implementation of the current IC standards at all sites in order to classify the PGWS pathways to no action. However, the continued requirement of a specific local ordinance to meet the IC requirements will almost assuredly leave a large number of the remaining sites in a monitoring situation for years. Many of these sites are located in areas where public water has been present for decades and no new private wells have been installed in decades because the use of the public supply is far more cost effective for the user. In addition, most cities do have ordinances that requires hookup to the city water if it is available within a certain distance (usually 200 – 300'). So in order for a private well to be installed in this situation, the property owner would 1) need to get a permit from the County Agent and 2) still hook whatever structure the proposed well is intended for to public water. This combination of circumstances would seem to make the future installation of a drinking water well demonstratively remote although not impossible. In order to attain a permit to install the well it is the permitting authority's obligation to determine if the installation of the well could cause harm to health or environment as defined in Iowa Admin Code (567) Chapter 38.12. I believe this should also apply to contaminant plumes related to LUST sites. The issue I see as it relates to the issuance of a permit is the ability of the permitting authority to easily identify the location of LUST site PGWS RID plumes when they are doing their evaluation. It's been almost 15 years since we first started completing institutional controls and since that time there have been amazing advances in GIS mapping capabilities. If a GIS database of PGWS RID plumes were available and review of this database by County Sanitarians was required as part of the private well permitting process, the potential for the installation of wells within an identified PGWS RID plume should be remote. If the IDNR would agree to allow reclassification of those sites where public water was available if there was a means for the County Sanitarians to identify the restricted areas it seems to me the UST Fund could justify the cost of building the database based on the site monitoring cost reductions for the closed sites. I believe PEs are required to do something similar to this when they complete a permit application with Water Supply for a new water main installation, so there may already be something out there to use or modify for this purpose. What I've suggested here would only apply if public water is available within the entire RID plume, so this wouldn't help a handful of sites I have out in the country.

Bedrock / Stable Plume - The life and death of petroleum contaminant plumes when limestone bedrock hasn't been impacted is fairly established science and we're all well aware they die a very slow death. The release occurs followed by the resulting plume expanding until it reaches relative equilibrium at which point the plume size remains more or less constant until at some point the contribution of the source area declines and the plume begins a slow reduction in size. We all know this is how these plume behave over the long term but the process over the short term is a continuous process of changing concentrations where perimeter wells may go from no detection to a few ppb and after a couple of years go back again. Interior plume well concentrations may vary significantly due

to precipitation events or periods of drought, the gw elevation, statistical lab error or a number of other things. Many of the contaminant plumes we are still working on were identified in the early 1990's and much of the petroleum responsible for the plumes was released years prior to that. If the USTs were removed from a site in the 1990's the plume has now had almost 25 years to stabilize and of the sites I'm working on the vast majority appear to be stable. They may not be "steady or declining" as we currently define it, but they are stable and the risk analysis should focus on the stable plume. Perhaps there could be some discussion about guidance for demonstrating a stable plume recognizing that concentrations within plumes are almost never static or continually declining.

Remedy Selection –

Not conducting pilot tests to collect good site data to design appropriately sized remedial measures and not using pilot testing as a means to "rule out" technologies (applicability testing).

Implementation of the remedy based on fund approval or bias versus completing an appropriate remedy selection along with remedial life cycle costing.

Not requiring firms to demonstrate remediation competence prior to providing remedial solutions. Also, allowing firms to "engineer" solutions without having engineers.

Unwillingness to "scrap" an existing remedial strategy in order to implement a more appropriate remedial solution. Also failing to analyze the remedial strategy over the life of the project and respond to new conditions.

Remediation –

Not going forward with the entire remedial measure in an attempt to minimize spend. An example would be to utilize excavation to mitigate soil mass, but not utilize dewatering to allow access or leaving mass in place rather than shoring a structure, roadway, and/or utility.

If implementing remediation, not requiring aggressive optimization of the remedial system in order to maximize mass removal and duration.

Not allowing sufficient site visits to complete expeditious restarts and/or preventative maintenance. Uptime is key in getting the projects to effectively mitigate the impacts.

Utilizing "vendor designed" solutions versus engineered solutions for non-system technologies. For example, chemical oxidation can be very safe and successful if properly scoped and implemented through an engineering design. Vendors tend to "sell" their technology as "always" working and may not take the site specific issues into consideration.

Allowing a bad experience with one vendor's product to taint the opinion of a whole class of remedial techniques. For example, both Biox and ORC have been touted as "chemical oxidation", when they are more of an oxygenation/bioenhancer. True chemical oxidation may actually work in cases where ORC or Biox have failed. Likewise, viewing a vendor's product as a magic bullet that works everywhere.

Remediation Goals - (5 to 8) years ago the goal, often fund driven, was to remediate sites to Low Risk and then stop. In recent times, we have seen funding for remediation of Low Risk sites. This change in goals has likely delayed remediation efforts for many sites and may have guided other sites to the wrong remediation approach.

Outside Parties - City or County won't allow completion of corrective action, i.e., unwilling to issue permits, sign County certification letters,

Free Product - The measurement of < 0.02 ft. of product for two consecutive years often stops many sites from reaching NFA. How was this thickness and duration calculated? Lithology type, recovery rate, and product type should all be considered when calculating acceptable free product thicknesses. 0.02 ft of product in a well-sorted sand is a lot different than a dense till.

MTBE - MTBE sampling is a large waste of funds. Can understand sampling each monitoring well once or twice to identify if MTBE is present, but it seems unnecessary to collect data for years.

Reports

Many Tier 2 reports and some SMRs are submitted in an incomplete form the CGPs must know will be rejected by DNR but the CGP is counting on receiving a detailed letter explaining the deficiencies and how the reports can be made acceptable. For example, sometimes an SMR recommends reclassification when the CGP must know that the report has one or more major deficiencies that will prevent reclassification upon review. However, the reclassification recommendation looks good to the client and recommending reclassification to NAR generally gets the SMR reviewed within 90 days. A detailed review letter from the DNR listing all deficiencies makes the rewrite easier on the CGP. This wastes DNR time and delays the entire process.

How could the submittal of poor reports be penalized and good reports rewarded when there is no incentive to provide good, accurate reports and the review process is so slow?

Many times CGPs are late with activities and reports and miss DNR submittal dates by several months. Sometimes this is because the sites are complex and have extensive contamination that takes time to define, analyze, and report. Other times the CGPs are fairly busy and doing several LUST reports at once, requiring additional time to complete. As the UST-RBCA field "matures" in Iowa and there are fewer LUST sites to investigate and undergo corrective action, there will be fewer CGPs and they will be able to handle fewer sites and activities. The quality of the work goes down as the time allotted to each site goes down. If we wish to keep the CGPs and increase the flow of work, the cash flow must be great enough to keep CGPs, draw new environmental professionals to LUST work, and give CGPs time and incentive to provide good reports.

Training - CGPs and DNR staff need more and better training and education in RBCA and corrective action. Ideally the DNR would hold more training programs and give more feedback on guidance and report submittal. Ideally the Fund would pay for more seminars and training programs for CGPs and DNR. Perhaps the Fund could offer Environmental Professionals of Iowa some supplemental funding for training? Scholarships?

C. DNR Update

Approval of Program Billings



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Scott M. Scheidel, *Administrator*

Board Members:

Michael L. Fitzgerald Joseph D. Barry Jeff W. Robinson Karen E. Andeweg Chuck Gipp
Timothy L. Gartin Dawn M. Carlson Patricia J. Beck N. Kurt Mumm

MEMORANDUM

TO: UST Board Members
FROM: Scott Scheidel
DATE: January 15, 2014
SUBJECT: Summary of Bills for Payment

NOTICE

The following is a summary of UST bills requiring Board approval for payment:

1. Aon Risk Services\$104,460.00
 Consulting Services January 2014 -- \$65,560.00
 Claims Processing Services January 2014 -- \$39,000.00

2. Aon Risk Services\$104,460.00
 Consulting Services February 2014 -- \$65,560.00
 Claims Processing Services February 2014 -- \$39,000.00

3. Iowa Attorney General's Office\$3,464.88
 Services provided for Underground Storage Tank Program
 November 2013 (FY 2014) Billing

4. Iowa Attorney General's Office\$3,954.54
 Services provided for Underground Storage Tank Program
 December 2013 (FY 2014) Billing

Monthly Activity Report and Financials Reviewed

A. December 2013 Activity Report

Iowa UST Fund
Monthly Activities Report

Dec-13

	Open Claims		Open Claims		Open & Closed	
Claims	November Ending	Monthly Net Changes	December Ending	Totals since Inception		
RETROACTIVE						
number	33	0	33	447		
reserve	\$1,658,975.37	\$269,716.51	\$1,928,691.88	\$1,928,691.88		
paid	\$6,540,886.29	\$25,283.49	\$6,566,169.78	\$17,082,135.26		
	\$8,199,861.66	\$295,000.00	\$8,494,861.66	\$19,010,827.14		
REMEDIAL						
number	445	(1)	444	4,454		
reserve	\$21,387,087.29	(\$762,714.90)	\$20,624,372.39	\$20,624,372.39		
paid	\$76,342,064.16	\$918,152.32	\$77,260,216.48	\$208,621,115.06		
total	\$97,729,151.45	\$155,437.42	\$97,884,588.87	\$229,245,487.45		
INNOCENT LANDOWNER						
number	148	1	149	1,120		
reserve	\$5,484,288.75	\$4,705.22	\$5,488,993.97	\$5,488,993.97		
paid	\$11,305,437.81	\$507,390.33	\$11,812,828.14	\$28,703,412.90		
total	\$16,789,726.56	\$512,095.55	\$17,301,822.11	\$34,192,406.87		
GLOBAL OPT-IN						
number	108	(1)	107	1,299		
reserve	\$577,872.92	(\$3,012.52)	\$574,860.40	\$574,860.40		
paid	\$864,148.51	(\$10,987.48)	\$853,161.03	\$9,545,910.96		
total	\$1,442,021.43	(\$14,000.00)	\$1,428,021.43	\$10,120,771.36		
UNASSIGNED REVENUE FUND PROJECTS						
number	31	0	31	221		
reserve	\$687,491.89	(\$2,575.00)	\$684,916.89	\$684,916.89		
paid	\$231,425.11	\$2,574.89	\$234,000.00	\$2,607,131.96		
total	\$918,917.00	(\$0.11)	\$918,916.89	\$3,292,048.85		
NFA RE-EVALUATIONS						
number	14	1	15	43		
reserve	\$383,451.75	\$19,675.03	\$403,126.78	\$403,126.75		
paid	\$196,548.25	\$325.00	\$196,873.25	\$680,390.28		
total	\$580,000.00	\$20,000.03	\$600,000.03	\$1,083,517.03		
TANK PULLS						
number	37	(5)	32	292		
reserve	\$412,804.00	(\$21,351.00)	\$391,453.00	\$391,453.00		
paid	\$5,667.00	\$0.00	\$5,667.00	\$3,047,257.63		
total	\$418,471.00	(\$21,351.00)	\$397,102.00	\$3,438,710.63		

Corrective Action Meetings (12/15)	
Scheduled:	10
Completed:	1,190
MOA's	488

UST Operators (A / B)	2,663
UST Operators (C)	167
A/B (FY2011-13)	\$255,160.00
A/B (FY2014)	\$5,800.00

RT Claims	#
New	0
Reopened	0
Closed	0

RM Claims	#
New	0
Reopened	0
Closed	3

ILO Claims	#
New	0
Reopened	0
Closed	1

GS Claims	#
New	0
Reopened	0
Closed	0

USTCA	#
New	0
Reopened	0
Closed	0

NFA Re-Eval	#
New	1
Reopened	0
Closed	0

Tank Pull	#
New	1
Reopened	1
Closed	6

DNR @ 12-31-13	
Total LUST	6589
High Risk	513
Low Risk	232

Invoice Type Totals	DECEMBER	FYTD	Program to Date
Admin	\$ 62,987.36	\$ 311,083.36	
Claims	\$ 39,000.00	\$ 195,000.00	
Government	\$ 230,603.63	\$ 342,858.34	
2004 Tank Pull	\$ -	\$ -	\$ 1,761,013.44
2010 Tank Pull	\$ 59,162.46	\$ 525,075.78	\$ 3,095,403.74
American Soils	\$ -	\$ -	\$ 5,678,422.58
AST Removal	\$ -	\$ -	\$ 2,121,637.24
AST Upgrade	\$ -	\$ -	\$ 5,460,478.50
CADR Charges	\$ 25,292.41	\$ 51,056.62	\$ 4,356,413.02
Corrective Action	\$ 3,012.52	\$ 1,632,791.72	\$ 52,921,098.54
Expenses / OT	\$ 200.00	\$ 6,500.00	\$ 257,160.00
Free Prod Recover	\$ 90,982.09	\$ 374,086.38	\$ 10,276,376.48
Monitoring	\$ 215,969.79	\$ 883,179.13	\$ 28,353,188.13
Operations/Maint	\$ 69,145.24	\$ 253,306.72	\$ 9,725,378.51
Over-excavation	\$ 791,908.10	\$ 1,944,310.59	\$ 29,843,568.44
Water Lines	\$ 3,105.00	\$ 172,841.14	\$ 2,195,477.00
Post RBCA Evals	\$ 320.00	\$ 5,608.97	\$ 210,018.46
RBCA	\$ 4,527.00	\$ 122,362.15	\$ 25,905,250.67
Remed Imp/Const.	\$ 93,980.38	\$ 637,898.86	\$ 27,113,123.62
SCR Charges	\$ 9,071.85	\$ 9,071.85	\$ 54,217,410.28
Site Check	\$ -	\$ -	\$ 140,052.59
Soil Disposal	\$ -	\$ 53,680.40	\$ 738,386.66
Tank (UST) Pull	\$ -	\$ -	\$ 5,146,329.59
Tank (UST) Upgrade	\$ -	\$ -	\$ 5,891,868.20
Tier III	\$ 10,187.31	\$ 36,986.54	\$ 1,308,427.80
Utilities	\$ 23,463.79	\$ 79,280.58	\$ 1,896,560.95
Well Closure	\$ 6,806.80	\$ 152,230.49	\$ 3,478,112.26
Total Invoice Types	\$ 1,407,134.74	\$ 6,940,267.92	\$ 281,140,860.51

Remediation Budgets Approved to Date		
last month (Dec '13)	2	\$67,186
Trailing 12 mos	59	\$3,020,697
Prev Trail 12 mos	40	\$3,497,121
Total Since Jan 2003	1,114	\$45,225,618

Project Contracts	Open	Closed	Pending
CRP's	10	36	0
Tank Closure	2	5	0
Plastic Water Line	0	2	0

B. December 2013 Financial Report

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING DECEMBER 31, 2013**

0471 - UST REVENUE FUND (Bonding)

Balance of Fund, December 1, 2013		\$4,014,548.69
Receipts:		
Motor Vehicle Use Tax (IDOT - vehicle registration)	\$3,500,000.00	
Intra State Fund Transfers Received	\$0.00	
Interest Income	\$2,072.47	
Interest Income - Capital Reserve Fund	\$0.00	
		\$3,502,072.47
Disbursements:		
Bond Interest Payment	\$0.00	
Bond Principal Payment	\$0.00	
EPC Charges	\$0.00	
Transfer to General Fund	\$0.00	
Transfer to Unassigned Revenue Fund (0450)	\$0.00	
Transfer to Innocent Landowner Fund (0485)	\$0.00	
Transfer to Remedial Non-Bonding Fund (0208)	\$0.00	
		<u>\$0.00</u>
Balance of Fund, December 31, 2013		<u>\$7,516,621.16</u>

0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)

Balance of Fund, December 1, 2013		\$10,967,531.08
Receipts:		
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$0.00	
Refund/Overpayment	\$105.00	
Transfer From UST Revenue Fund (0471)	\$0.00	
Compensation for Pooled Money Investments	\$0.00	
Amort / Accretion	\$0.00	
Buys/ Sells	\$0.00	
Interest Income	\$4,469.23	
		<u>\$4,574.23</u>
Disbursements:		
UST Administrator's Fees	\$101,987.36	
Adjustment	\$0.00	
Attorney General's Fees	\$7,160.96	
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (i.e. Lien Filing, Overpayment Refund)	\$0.00	
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$0.00	
Bond Trustee's Fees - Bankers Trust	\$0.00	
Claim Settlement	\$0.00	
Custodial Fees - BONY	\$0.00	
Department of Revenue EPC Collection Fees	\$2,040.74	

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING DECEMBER 31, 2013**

Innovative Technology	\$0.00	
Inspection & Appeals Service Fees	\$53.35	
Legal and Professional Fees	\$0.00	
Postage / Printing / Miscellaneous	\$0.00	
Professional Admin Services (Investments)	\$0.00	
Professional Services - Owner/Operator Training	\$0.00	
Rebate	\$0.00	
Special Project Claims - Closure Contract Project	\$2,775.00	
Travel Expenses-UST Board Members	\$0.00	
Warrant Float Expense	\$0.00	
28E Agreement - DNR Plume Study	\$0.00	
Statutory Transfer to DNR (technical review - recurring)	\$0.00	
Statutory Transfer to IDAL (fuel quality inspections - recurring)	\$0.00	
Appropriation 2013	\$0.00	
Appropriation 2014	\$221,348.58	
Transfer of Funds to Innocent Land Owners	\$0.00	
		\$335,365.99
Balance of Fund, December 31, 2013		\$10,636,739.32

0208 - UST REMEDIAL NON-BONDING FUND

Balance of Fund, December 1, 2013		\$6,016,484.58
Receipts:		
Remedial Refunds	\$0.00	
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer From UST Revenue Fund (0471)	\$0.00	
		\$0.00
Disbursements:		
Retroactive Claims	\$25,283.49	
Remedial Claims	\$1,164,906.39	
Adjustment	\$0.00	
28E Agreement - NFA Claims	\$325.00	
Transfer to Unassigned Revenue Fund	\$0.00	
Balance of Outdated Warrants & Cancelled Warrants	\$0.00	
		\$1,190,514.88
Balance of Fund, December 31, 2013		\$4,825,969.70

0478 - UST MARKETABILITY FUND

Balance of Fund, December 1, 2013		\$745,493.44
Receipts:		
Interest	\$1,390.92	
Use Tax	\$0.00	
		\$1,390.92
Disbursements:		
Intra State Fund Transfer	\$0.00	
Transfer to Innocent Landowners Fund	\$0.00	
		\$0.00
Balance of Fund, December 31, 2013		\$746,884.36

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING DECEMBER 31, 2013**

0485 - UST INNOCENT LANDOWNERS FUND

Balance of Fund, December 1, 2013		\$5,443,715.93
Receipts:		
Cost Recovery (i.e. lien settlements)	\$0.00	
ILO Refunds	\$0.00	
Transfer From UST Revenue Fund (0471)	\$0.00	
Transfer From Loan Gaurantee Fund (0238)	\$0.00	
Outdated Warrants	\$0.00	
Miscellaneous Income	\$0.00	
		\$0.00
Disbursements:		
Cost Recovery Reimbursement	\$0.00	
Cost Recovery Global Settlement	\$0.00	
Adjustment	\$0.00	
Intra State Fund Transfers Paid (to Unassigned Revenue)	\$0.00	
Other Contractual Services	\$0.00	
Global Settlement Claims	\$3,012.52	
Innocent Landowner Claims	\$206,684.78	
Transfer to Remedial Fund (0208)	\$0.00	
Balance of Outdated Warrants	\$0.00	
		\$209,697.30
Balance of Fund, December 31, 2013		\$5,234,018.63

0238 - UST LOAN GUARANTEE FUND (Non-Bonding)

Balance of Fund, December 1, 2013		\$0.00
Receipts:		
Loan Application Fees	\$0.00	
Interest Income	\$0.00	
		\$0.00
Disbursements:		
Transfer to Innocent Landowners Fund	\$0.00	
		\$0.00
Balance of Fund, December 31, 2013		\$0.00

0614 - UST CAPITAL RESERVE FUNDS (Bonding)

Balance of Fund, December 31, 2013		\$0.00
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Combined UST Capital Reserve Fund Balances, December 31, 2013

\$0.00

TOTAL FUND BALANCES, December 31, 2013

\$28,960,233.17

FOOTNOTES:

Note 1: Funds labeled "Bonding" were created as a result of the issuance of UST Revenue Bonds. Disbursements from these funds are restricted by the Revenue Bond indenture.

Funds labeled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

C. Year-to-Date Financials as of December 31, 2013

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING DECEMBER 31, 2013**

		FISCAL 2014 BUDGET
0471 - UST REVENUE FUND (Bonding)		
Balance of Fund, July 1, 2013	\$14,470,480.24	\$14,470,480.24
Receipts:		
Motor Vehicle Use Tax (IDOT - vehicle registration)	\$7,000,000.00	\$14,000,000.00
Intra State Fund Transfers Received	\$0.00	
Interest Income	\$46,140.92	\$150,000.00
Interest Income - Capital Reserve Fund	\$0.00	
	\$7,046,140.92	\$14,150,000.00
Disbursements:		
Bond Interest Payment	\$0.00	
Bond Principal Payment	\$0.00	
EPC Charges	\$0.00	
Transfer to General Fund	\$0.00	
Transfer to Unassigned Revenue Fund (0450)	\$3,500,000.00	\$7,000,000.00
Transfer to Innocent Landowner Fund (0485)	\$4,500,000.00	\$9,000,000.00
Transfer to Remedial Non-Bonding Fund (0208)	\$6,000,000.00	\$12,000,000.00
	\$14,000,000.00	\$28,000,000.00
Balance of Fund, December 31, 2013	\$7,516,621.16	\$620,480.24
0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)		
Balance of Fund, July 1, 2013	\$8,133,085.03	\$8,133,085.03
Receipts:		
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$0.00	\$10,000.00
Refund/Overpayment	\$14,590.41	
Transfer From UST Revenue Fund (0471)	\$3,500,000.00	\$7,000,000.00
Compensation for Pooled Money Investments	\$0.00	
Amort / Accretion	\$0.00	
Buys/ Sells	\$0.00	
Interest Income	\$26,902.52	\$125,000.00
	\$3,541,492.93	\$7,135,000.00
Disbursements:		
UST Administrator's Fees	\$506,083.36	\$1,240,000.00
Adjustment	\$0.00	
Attorney General's Fees	\$22,593.27	\$50,000.00
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (i.e. Lien Filing, Overpayment Refund)	\$14.00	\$150.00
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$5,033.00	\$5,100.00
Bond Trustee's Fees - Bankers Trust	\$0.00	
Claim Settlement	\$0.00	
Custodial Fees - BONY	\$0.00	
Department of Revenue EPC Collection Fees	\$3,819.30	\$37,500.00
Innovative Technology	\$0.00	

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING DECEMBER 31, 2013**

		FISCAL 2014 BUDGET
Inspection & Appeals Service Fees	\$180.45	
Legal and Professional Fees	\$0.00	
Postage / Printing / Miscellaneous	\$0.00	\$500.00
Professional Admin Services (Investments)	\$0.00	
Professional Services - Owner/Operator Training	\$6,300.00	\$100,000.00
Rebate	\$0.00	
Special Project Claims - Closure Contract Project	\$182,582.67	\$500,000.00
Travel Expenses-UST Board Members	\$0.00	\$700.00
Warrant Float Expense	\$0.00	
28E Agreement - DNR Plume Study	\$0.00	
Statutory Transfer to DNR (technical review - recurring)	\$0.00	\$200,000.00
Statutory Transfer to IDAL (fuel quality inspections - recurring)	\$0.00	\$250,000.00
Appropriations FY 2013	\$29,375.45	
Appropriations FY 2014	\$281,857.14	
Transfer of Funds to Innocent Land Owners	\$0.00	
	\$1,037,838.64	\$2,383,950.00
Balance of Fund, December 31, 2013	\$10,636,739.32	\$12,884,135.03
0208 - UST REMEDIAL NON-BONDING FUND		
Balance of Fund, July 1, 2013	\$4,347,071.02	\$4,347,071.02
Receipts:		
Remedial Refunds	\$0.00	\$0.00
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer From UST Revenue Fund (0471)	\$6,000,000.00	\$12,000,000.00
	\$6,000,000.00	\$12,000,000.00
Disbursements:		
Retroactive Claims	\$273,139.61	\$700,000.00
Remedial Claims	\$5,237,573.55	\$6,000,000.00
Adjustment	\$0.00	
28E Agreement - NFA Claims	\$27,571.55	\$500,000.00
Transfer to Unassigned Revenue Fund	\$0.00	
Balance of Outdated Warrants	(\$17,183.39)	
	\$5,521,101.32	\$7,200,000.00
Balance of Fund, December 31, 2013	\$4,825,969.70	\$9,147,071.02
0478 - UST MARKETABILITY FUND		
Balance of Fund, July 1, 2013	\$742,024.35	\$742,024.35
Receipts:		
Interest	\$4,860.01	\$25,000.00
Use Tax	\$0.00	
	\$4,860.01	\$25,000.00
Disbursements:		
Intra State Fund Transfer	\$0.00	
Transfer to Innocent Landowners Fund	\$0.00	
	\$0.00	\$0.00
Balance of Fund, December 31, 2013	\$746,884.36	\$767,024.35

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING DECEMBER 31, 2013**

		FISCAL 2014 BUDGET
0485 - UST INNOCENT LANDOWNERS FUND		
Balance of Fund, July 1, 2013	\$2,176,164.40	\$2,176,164.40
Receipts:		
Cost Recovery (i.e. lien settlements)	\$0.00	\$25,000.00
ILO Refunds	\$0.00	
Transfer From UST Revenue Fund (0471)	\$4,500,000.00	\$9,000,000.00
Transfer From Loan Gaurantee Fund (0238)	\$0.00	
Outdated Warrants	\$0.00	
Miscellaneous Income	\$1,375.00	
	\$4,501,375.00	\$9,025,000.00
Disbursements:		
Cost Recovery Reimbursement	\$0.00	
Cost Recovery Global Settlement	\$0.00	
Adjustment	\$0.00	
Intra State Fund Transfers Paid (to Unassigned Revenue)	\$0.00	
Other Contractual Services	\$0.00	
Global Settlement Claims	\$38,831.31	\$100,000.00
Innocent Landowner Claims	\$1,414,315.66	\$1,500,000.00
Transfer to Remedial Fund (0208)	\$0.00	
Balance of Outdated Warrants	(\$9,626.20)	
	\$1,443,520.77	\$1,600,000.00
Balance of Fund, December 31, 2013	\$5,234,018.63	\$9,601,164.40
0238 - UST LOAN GUARANTEE FUND (Non-Bonding)		
Balance of Fund, December 31, 2013	\$0.00	\$0.00
0614 - UST CAPITAL RESERVE FUNDS (Bonding)		
Combined UST Capital Reserve Fund Balances, December 31, 2013	\$0.00	\$0.00
TOTAL FUND BALANCES, December 31, 2013	\$28,960,233.17	\$33,019,875.04

FOOTNOTES:

Note 1: Funds labeled "Bonding" were created as a result of the issuance of UST Revenue Bonds.
funds are restricted by the Revenue Bond indenture. All bond funds are \$0.00 8/31/08
Funds labeled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

Attorney General's Report

Claim Payment Approval

**IOWA UNDERGROUND STORAGE TANK PROGRAM
SECOND BOARD REPORT
DECEMBER 18, 2013
CENTRAL IOWA FS, INC.
2221 215TH ROAD
GUTHRIE CENTER
SITE REGISTRATION NUMBER: 8603881
LUST NUMBER: 8LTG09**

RISK CLASSIFICATION:

HIGH

LOW

UNDETERMINED

PRESENT CLAIM RESERVE: \$ 200,000.00

PREVIOUS BOARD APPROVAL:

\$ 120,000.00

Number and Date of each previous Board Report: 1st: April 15, 2002

PREVIOUS COSTS INCURRED: \$ 68,225.04

COSTS INCURRED SINCE LAST BOARD APPROVAL:

1. Free product recovery	21,269.12
2. Site monitoring reports	23,060.61
3. Over-excavation	<u>19,836.83</u>

TOTAL COSTS INCURRED TO DATE: \$ 132,391.60

PROJECTED COSTS:

- ❖ Site Monitoring Report
- ❖ Free product recovery
- ❖ Implementation of over-excavation

TOTAL PROJECTED COSTS: \$ 75,000.00 to 150,000.00 +

ADDITIONAL AUTHORITY RECOMMENDED:

\$ 130,000.00

TOTAL AUTHORITY:*

\$ 250,000.00

COMMENTS: The site is low risk for the potential groundwater vapor pathways. Free product is also present. An excavation completed in 2002 reduced the contaminant levels, but did not remove all contaminants. The consultant is proposing to conduct a larger excavation after completing additional plume delineation. Affected population likely less than 20.

*Previous approval + additional recommended

Site Timeline

- 1990 - Claim filed by Central IA FS, Inc. after contamination discovered during an insurance site check.
- 1994 - Free product discovered.
- 1995 - USTs are removed.
- 1995 - SCR is submitted recommending low risk classification.
- 1996 - SCR is accepted as low risk; monitoring required.
- 1999 – RBCA Tier 2 is submitted, DNR issues a ‘not accepted’ letter
- 2000 - Revised Tier 2 is submitted; DNR accepts as low risk.
- 2002 - A small excavation is completed in the area of free product near the former UST basin.
- 2004 - Free product not observed since the excavation, free product inspections cease.
- 2000 to present – Annual low risk monitoring is completed.
- 2010 - Free product encountered during the low risk monitoring event. Recovery restarted. Minimal levels of free product continue to be observed thru 2013.

**IOWA UNDERGROUND STORAGE TANK PROGRAM
 FIRST BOARD REPORT
 DECEMBER 18, 2013
 FAUSER OIL CO.
 422 S. FREDERICK STREET
 OELWEIN
 SITE REGISTRATION NUMBER: 8605859
 LUST NUMBER: 9LTA36**

RISK CLASSIFICATION:

HIGH LOW UNDETERMINED

PRESENT CLAIM RESERVE: \$ 125,000.00

ELIGIBILITY: Contamination was discovered on this property in 1994 while completing work for a community remediation project (CRP). The contamination is determined to be from a pre-10/26/90 release. This is an eligible remedial claim.

COST INCURRED TO DATE:

1. CRP Site clean-up report	\$ 7,794.30
2. Tank upgrade	8,835.00
3. RBCA Tier II report	4,600.00
4. Site monitoring reports	26,657.09
5. Free product recovery	26,500.00
6. Tier III report	<u>15,000.00</u>
TOTAL COST TO DATE	\$ 86,386.39

PROJECTED COSTS:

- | | |
|-----------------------------------|--------------------------------------|
| ❖ Site Monitoring Report | ❖ Free product recovery |
| ❖ Corrective Action Design Report | ❖ Consider corrective action options |

TOTAL PROJECTED COSTS: \$ 25,000.00 to 150,000.00+

TOTAL AUTHORITY RECOMMENDED:

\$175,000.00

COMMENTS:

The site is classified as low risk for the potential vapor pathways. A site monitoring report submitted in December 2013 recommends site reclassification to NAR with Free Product. If reclassification is accepted, the free product issue will still need to be resolved. Low but persistent levels of free product remain in one monitoring well near the on-site building, and the current approach of monthly hand-bailing is unlikely to achieve site closure. The site is no longer an active gas station, but excavation does not appear to be an option due to the depth of the contamination and proximity to the former station building. A teleconference will be requested to discuss options. Affected population likely less than 20.

Site Timeline

- 1994 - Contamination is discovered during the Community Remediation Project (CRP).
- 1994 - Claim is submitted by Seedorff Oil Co.; determined to be an eligible remedial claim.
- 1995 - Site cleanup report (SCR) and 2 revisions are submitted; accepted as high risk, CADR required.
- 1999 - Tier 2 submitted. DNR issues 'not accepted' letter.
- 1999 - Benefits are transferred to Fauser Oil Company.
- 2000 - Revised Tier 2 submitted with a high risk classification.
- 2001 - DNR accepts the Tier 2 and high risk classification. CADR due in 120 days.
- 2004 - The first observation of free product is made.
- 2004 - Tier 3 report recommending reclassification to low risk is accepted.
- 2005 – present - Annual low risk monitoring and monthly hand-bailing of free product.

**IOWA UNDERGROUND STORAGE TANK PROGRAM
FIFTH BOARD REPORT
DECEMBER 30, 2013
FAUSER OIL COMPANY
HWY 939, WINTHROP
SITE REGISTRATION NUMBER: 8607099
LUST NUMBER: 7LTU84**

RISK CLASSIFICATION:

HIGH

LOW

UNDETERMINED

PRESENT CLAIM RESERVE: \$ 525,000.00

PREVIOUS BOARD APPROVAL: \$ 475,000.00

Number and Date of each previous Board Report: July 2004, Aug. 2006, July 2010, September 2010

PREVIOUS COSTS INCURRED: \$ 291,412.50

COSTS INCURRED SINCE LAST BOARD APPROVAL:

1. Free product recovery	12,500.00
2. Site monitoring reports	7,611.00
3. Over-excavation	<u>178,769.00</u>

TOTAL COSTS INCURRED TO DATE: \$ 490,292.50

PROJECTED COSTS:

- | | |
|--------------------------|---|
| ❖ Site Monitoring Report | ❖ Implementation of chem-ox or excavation |
| ❖ Tier III Work Plan | |

TOTAL PROJECTED COSTS: \$ 25,000.00 to 150,000.00 +

ADDITIONAL AUTHORITY RECOMMENDED:

TOTAL AUTHORITY:*

\$ 600,000.00

COMMENTS: The site is high risk for the groundwater vapor pathway for residential sewers, and low risk for the potential soil and groundwater vapor pathways. Two large excavations have been completed at this site including removing and replacing a section of the county highway. Soil vapor sampling failed on the edge of the excavation area this fall. The consultant is proposing to Tier III approach to address the vapor pathways. If this does not succeed, chemical oxidation or a third excavation could be completed. Affected population likely less than 20.

*Previous approval + additional recommended

Site Timeline

- 1990 - Claim filed by Fauser Oil Co. after contamination discovered during tank pull.
- 1994 - SCR submitted, DNR accepts as high risk (12/28/94). CADR due in 90 days.
- 1996 - CADR is submitted, accepted 04/2/1996. Recommendation: monitoring with water line replacement.
- 2000 - Tier 2 is submitted recommending high risk.
- 2001 - DNR issues 'not accepted' letter, revised Tier 2 is submitted.
- 2002 - DNR accepts revised Tier 2 as high risk in letter dated 01/31/2002. CADR required.
- 2003 - Free product discovered during monitoring event.
- 2004 - CADR submitted, accepted. Will conduct HVE events.
- 2004 - 1st board report, authority is increased to \$140,000.
- 2004-2005 - Nine HVE events completed to remove free product and reduce the contaminant levels
- 2006 - 1st teleconference; agreed to plume delineation ahead of an excavation.
- 2006 - 2nd board report, authority increased to \$310,000.
- 2006 - 1st excavation is completed on-site and across county highway where plume has migrated.
- 2009 - 2nd teleconference to discuss how remaining contamination beneath the county road. Agreed to complete a second excavation.
- 2009 - 3rd board report, authority request to \$455,000. The board defers on May 28, 2009, pending vapor intrusion study group results.
- 2009 - 3rd teleconference July 2009; agreed to more plume delineation.
- 2009 - 4th teleconference September 2009. The consultant still recommends excavation.
- 2010 - 3rd board report presented again requesting authority to \$455,000 to complete second excavation, board grants authority to \$335,000 on July 13, 2010 to allow monitoring and free product recovery to continue.
- 2010 - 5th teleconference to discuss plans pending board approval.
- 2010 - 4th board report, authority increased to \$475,000 on September 30, 2010. Water lines now high risk in addition to the vapor pathways and free product.
- 2011 - Second excavation is completed.
- 2013 - Free product not observed since the 2011 excavation. DNR accepts cessation of free product inspections. Some vapor issues remain on edges of the excavations.

**IOWA UNDERGROUND STORAGE TANK PROGRAM
 FIRST BOARD REPORT
 JANUARY 14, 2014
 SAPP BROTHERS PETROLEUM, INC.
 903 WEST THOMAS AVENUE
 SHENANDOAH
 SITE REGISTRATION NUMBER: 8607906
 LUST NUMBER: 9LTM32**

RISK CLASSIFICATION:

HIGH LOW UNDETERMINED

PRESENT CLAIM RESERVE: \$ 200,000.00

ELIGIBILITY: Contamination was discovered on this property as part of a community remediation project in 1991. The release was reported to the IDNR and a timely claim was filed. This was determined to be an eligible remedial claim.

COST INCURRED TO DATE:

1. Site clean-up report	\$ 17,241.05
2. CADR (pre-RBCA)	4,595.00
3. RBCA Tier 2 report	27,832.25
4. Site monitoring reports	19,363.57
5. Free product recovery	5,117.40
6. Well closure	<u>1,900.00</u>
TOTAL COST TO DATE	\$ 76,049.27

PROJECTED COSTS:

- | | |
|-----------------------------------|--------------------------------------|
| ❖ Site Monitoring Report | ❖ Free product recovery |
| ❖ Corrective Action Design Report | ❖ Consider corrective action options |

TOTAL PROJECTED COSTS: \$ 150,000.00 to 350,000.00+

TOTAL AUTHORITY RECOMMENDED: \$350,000.00

COMMENTS:

The site is high risk for the vapor and water line pathways. Free product is present in several monitoring wells. The site, in part, is on railroad right-of-way. Significant contamination is present on site, beneath city streets, and adjacent residential properties. A large on site excavation is in the planning stage pending approval by the railroad. Other technologies will need to be considered for the off-site contamination. Affected population likely less than 20.

Site Timeline

- 1990 - Remedial claim filed, a release had not yet been verified.
- 1991 - The site was added to a community remediation project (CRP). Contamination was confirmed.
- 1993 - SCR is completed / accepted as high risk. CADR submittal to be coordinated with the adjacent sites
- 1995 - CADR recommending monitoring only is accepted
- 1997 - RBCA Tier 2 is submitted recommending a low risk classification.
- 1998 - The DNR issues a 'not accepted' review letter dated January 14, 1998.
- 2001 – 3rd revised Tier 2 is submitted / DNR approves as NAR classification November 19, 2001.
- 2005 - Contamination is discovered when the tanks and piping are removed. Contamination determined to most likely be from pre-10/26/1990 release.
- 2012 - Tier 2 is submitted as high risk, approved April 2012. CADR required..
- 2012 - Free product discovered.

**Contracts Entered Into
Since December 12, 2013 Board Meeting**



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Scott M. Scheidel, *Administrator*

Board Members:

Michael L. Fitzgerald Joseph D. Barry Jeff W. Robinson Karen E. Andeweg Chuck Gipp
Timothy L. Gartin Dawn M. Carlson Patricia J. Beck N. Kurt Mumm

MEMORANDUM

TO: UST Board Members
FROM: Scott Scheidel
DATE: January 15, 2014
SUBJECT: Contracts Entered Into Since December 12, 2013 Board Meeting

The Board has entered into 3 agreement extensions since the December 12, 2013 meeting. These are addendums to the Operator Training Reimbursement Agreements, with:

- 1) Rounds & Associates, Inc.
- 2) Antea USA, Inc.
- 3) Practical American Safety Solutions, Inc.

Other Issues as Presented

Correspondence and Attachments

Notes of First Corrective Action Conference Iowa Department of Natural Resources (DNR)

Held: Thursday, December 19, 2013 at 9:30 in room 5W of the Wallace Building
Site: Council Bluffs Fleet Maintenance
LUST No. 9LTP27
Status: This was the first conference; no further meetings are currently scheduled.
Synopsis: A release of approximately 2,200 gallons of gasoline occurred in 2011. Free product is found in several monitoring wells and the site is high risk for groundwater and soil leaching to water lines and soil vapor to sanitary sewer. The certified groundwater professional (CGP) will conduct additional soil delineation and provide an abbreviated corrective action design report (CADR) by 3/20/14. The CADR will provide additional information about the proposed soil vapor extraction (SVE) system; possible soil vapor sampling; additional soil plume definition; over-excavation (OE) of contaminated soils; and a Tier 3 Work Plan. Another conference could be held to discuss possible corrective actions.

Participating:

RP: Dave McDermott, Fleet Supervisor; Pat Miller, Operations Director; and Greg Reeder, Public Works Director, all of Council Bluffs (by phone)
Funding: Tom Norris of PMMIC (by phone)
CGP: Kris LeVier and Bob Kalinski of RDG Geoscience & Engineering (by phone)
DNR: Shelly Nellesen, Project Manager, & Jeff White, Facilitator (in person)

Funding Report by Tom Norris of PMMIC

- The copay has been satisfied.
- The DNR is requiring OA2 (diesel and waste oil) analyses of samples because of diesel contamination found before the release. Since the release was gasoline, PMMIC will not pay for the OA2 analyses.

Deficiencies by Shelly Nellesen, DNR

- In the latest SMR, there was no monitoring plan for the high risk water line. Please provide in the next submittal.
- The SMR needs to state that the water line target level has not been met for toluene.

Background and Recommendations by Kris LeVier, CGP

- This site had a gasoline release in 2011; the site is insured by PMMIC.
- The UST system had troubles with the startup, so Neuman Equipment was called in; they determined it was a line leak and found a hole in the line.
- I started a Tier 2 and installed a monitoring well near the joint that leaked, but found no product there. We found the free product in the tank pit.
- The initial borings (before the release) found soil contamination at several locations.
- The gasoline soil contamination turns out to be north of the tank pit; I don't know why.
- We sampled groundwater in 2011 and it was pretty hot. We sampled again in 2013 and it was much lower, at least for benzene.
- The site is high risk for soil and groundwater to a water line and for soil vapor to a sanitary sewer main.
- We conducted pilot tests for product recovery with a vacuum (pump) truck and didn't get good results. A pilot test with a peristaltic pump got poor recovery.
- A soil vapor extraction (SVE) test in an extraction well north of the site got poor results, but an SVE test in MW10 near the tank pit got great results.
- Recommendations: Install an SVE system with extraction around the tank pit and conduct an over-excavation (OE) after the system has operated.

Discussion

DNR: We have a number of questions about the site and the UST system. Does the City have as-built plans of the system? Photographs?

City: No, we do not have accurate as-built plans. I took a number of photographs as the system was being built.

DNR: Is the backfill in the UST system crushed limestone (as said in the insurance report) or pea gravel, as stated in the Tier 2 Report? Or both?

CGP: I thought it was pea gravel, like river rock.

City: I have some color pictures I will send.

DNR: Reportedly some of the gravel had to be dewatered. How much water was removed and from where? How deep is the tank pit?

City: We don't know. I don't think a lot of water was removed. The USTs are eight feet in diameter, so the tank pit is about 12 feet deep. The tanks are strapped to a concrete pad.

DNR: Our concern with SVE is that the SVE system will only be effective in removing free product/LNAPL (light non-aqueous phase liquid) that is in the gravel backfill and above the water table. Unless the water table drops a lot, the SVE effluent will decrease abruptly when the unsaturated gravel backfill is vacuumed clean of gasoline. However, free product will continue to appear in monitoring wells, especially when the water table drops. Then another technology will be necessary to remove the free product / LNAPL from gravel saturated with water and gasoline.

CGP: The water table has varied a lot, from three to seven feet. If it drops, the SVE will work.

DNR: Have you considered dewatering the gravel by pumping the tank pit? This has been done successfully a number of times.

CGP: I don't know.

DNR: You are recommending that the groundwater plume should be evaluated in Tier 3 after shutdown of the SVE. We would need to evaluate a Tier 3 Work Plan first. Likely it would take six months after remediation system shutdown before valid sampling could take place and at least two years of monitoring with semi-annual reporting.

City: Will this Tier 3 be covered by PMMIC?

PMMIC: Generally, yes. We will know more after the remediation. One more thing: the DNR requires TEH-diesel analyses of samples. We won't pay for these analyses because the release was gasoline.

DNR: We are requiring that soil and groundwater samples be analyzed by methods OA1 (BTEX) /OA2 (Diesel and waste oil) because it was found in the insurance investigation. If PMMIC won't pay for the entire analyses, the City will have to cover it. We can't say how long the samples will have to be analyzed for this; it depends upon what is found.

CGP: This area has been a dump, a railroad yard, near ASTs, and the adjacent property is an AST site with free product. When Charlie's Excavating was working here, they reported burning eyes and bad smells.

DNR: You should conduct more soil plume definition before you conduct an over-excavation (OE). The EB sampling series happened before the release and the clean samples aren't useful in plume delineation. You also need to know the location of the edge of the gravel so you don't dig into it and bring in lots of water.

PMMIC: The soil sampling could be done with a geoprobe.

DNR: Why do you want to delay the OE until after the SVE has shut down?

CGP: We don't want to pull free product into the area of the OE. We don't know the extent of the gravel.

DNR: The water would move slowly in a clay, so it should be okay if the OE is in the clay and the water table is fairly low. You could also do some dewatering.

CGP: We could do soil gas sampling at an alternative point of compliance to evaluate the risk to the sanitary sewer. If that passed we might not have to do an OE.

DNR: Yes, but the soil source would have to be above the water table at the times of collecting the initial and confirmation samples. How often does the water get low enough?

CGP: The soil source was at MW15 at 5.5 feet deep. Water was that deep in 2012. It's not that deep now.

City: This has been a dry year with record low river levels.

DNR: We normally do not accept soil gas sampling as valid when conducted while a remediation system is in operation. Could the SVE control the vapors from the soil source?

CGP: Probably not. The soil source is in clay and the pilot test there didn't show much radius of influence. We will install a soil gas well around MW3 and MW16 and conduct the sampling if the water table drops below the depth of the soil source.

DNR: Yes, evaluate the receptor if the water table drops low enough. But the water table might not drop low enough in a reasonable amount of time and the water line is also high risk for soil leaching. We can't just wait and hope for the water table to drop. We would prefer that you conduct an OE as soon as possible. Does the City have any issues with OE?

City: The OE is planned close to the north dispenser and that dispenser would have to be shut down. But the other two dispensers could stay open.

CGP: The trenching and concrete work around the tank basin for the SVE wells will have to be done around half the basin at a time. We can't let the concrete over the tanks get isolated.

DNR: Please provide a limited corrective action design report (CADR) for the SVE system with soil sampling results, soil vapor sampling results, proposed OE, and Tier 3 Work Plan. You have done almost all of the CADR for the SVE; it just needs some additional information on the SVE equipment, a monitoring plan, schedule, etc. You don't have to follow the CADR format; just be sure the information required is contained somewhere and we receive a properly signed signature page from the City. You could do the soil borings in January or February and maybe the soil gas sampling then when water levels are often at the lowest; provide the CADR in March; do the SVE installation in May; and conduct the OE in the summer. Could you get the SVE started by July?

CGP: I think so. It generally takes three months to get a system delivered.

DNR: Depending upon the results of the soil delineation and CADR, we could well have to hold a second conference in March or April to discuss the findings and what actions are best.

PMMIC: I will evaluate the proposal when it gets to me. I have to go. (Disconnects.)

DNR: Keep us informed of progress and any problems.

Selected Actions and Schedule

- DNR sends out conference notes by 12/30/13.
- CGP conducts drilling and sampling by 2/28/14.
- CGP provides a CADR by 3/20/14.
- DNR will review the CADR within 10 days of receiving it.
- Another corrective action conference could be held before or after CADR submittal.

Everyone except Tom Norris of PMMIC agreed to this approach and schedule

Jeff White, Conference Facilitator

Note: These notes are generalizations of ideas and comments made by participants in the meeting. They were not recorded verbatim or transcribed. If you have any questions or suggestions, please contact Shelly Nellesen at the UST Section of the DNR.