

May 28, 2015

Board of Directors

**Iowa Comprehensive Petroleum
UST Fund Board**



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Dale T. Cira, *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., Thursday, May 28, 2015. The meeting will be held at the **Lucas State Office Building, 321 East 12th Street, Room 18, Des Moines, IA 50319.**

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. USTCA Closure Contract – Stalled Sites
 - C. USTCA Closure Contract Reauthorization
 - D. UST Fund Agreements
 - E. UST Fund Retention Policy
 - F. 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 April 24, 2015 Board Meeting
10. Other Issues as Presented
11. Correspondence and Attachments

Approval of Prior Board Minutes



IOWA UNDERGROUND STORAGE TANK FUND

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MINUTES

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND PROGRAM

APRIL 24, 2015

ROOM 15
STATE CAPITOL BUILDING
1005 EAST GRAND AVENUE, ROOM 15
DES MOINES, IOWA

Doug Beech, Board Chair, called the Iowa UST Fund Board meeting to order at 10:00 A.M. A quorum was present, with the following Board members present:

Karen Andeweg
Patricia Beck
Joseph Barry
Dawn Carlson (via telephone)
Timothy Gartin
Tim Hall (for Chuck Gipp)
Kurt Mumm (via telephone)
Adam Phillips (for Michael Fitzgerald)
Jeff Robinson

Also present were:

David Steward, Attorney General's Office
Dale Cira, Administrator
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 were any items for discussion. Hearing none, Ms. Carlson moved to approve the minutes of the March 27, 2015 meeting and Mr. Barry seconded the motion. The minutes were approved unanimously.

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. Cira provided an update noting that since last the March meeting, the only change to the legislation under review is that Senate File 489, similar to House File 537, was approved by the Senate Ways and Means Committee on April 13th. There has been no other progress on that bill of note.

Mr. Beech asked Ms. Carlson for any insight she may have on the legislation. Ms. Carlson indicated the Senate bill is pending and that the House decided to strip out the extension of the EPC in light of potential perception issues about a gas tax increase again. She indicated the legislation would not go to the House Ways and Means Committee because there are no tax implications. Mr. Gartin noted he was contacted by a Senator about this legislation and was asked some specific questions. Mr. Gartin referred the Senator to Mr. Gastineau and Mr. Cira and reminded the Senator that his role as a Board Member is not to make policy.

Mr. Cira added that a summary of the actuarial study done by Taylor & Mulder would be provided in the quarterly legislative report due to be sent this month.

B. Actuarial Study Discussion

Mr. Cira initiated the discussion by noting that Taylor & Mulder, Inc. had provided a report during the March meeting. He noted that the Taylor & Mulder report made some key recommendations that were the subject of some discussion, including a potential for the low risk sites to be under-reserved. Mr. Cira noted that the reserves for low risk sites are typically based on a monitoring only approach as that would be the required activity, but added the reality is that those same sites could have more of a remediation cost if a proposal were presented and if the Board chooses to act in the matter. Mr. Cira also noted that Taylor & Mulder identified the concern over large loss claims noting that those claims could account for 18% of expenditures for all claims. He reported that a review is in progress to look at what are currently identified as large loss claims to see if the reserve is overly conservative and so that the files can be discussed in more detail at the annual meeting. Mr. Cira also commented on Taylor & Mulder's comment that there may be unknown claims pending. Mr. Cira concurred but also noted that these are not taken into consideration until a claim is presented for review and for the claims that do materialize it's anticipated that they would not adversely affect the budgeting process or the outstanding reserves.

Mr. Cira noted the three items were topics to discuss and that overall, the actuarial study provided a very positive view of the program. But as is common, there are areas for improvement. Mr. Cira suggested these topics be held for further in-depth discussion at the annual planning meeting and that it be considered along with whatever legislation may be passed.

In considering the material, questions were asked about costs for remediation of low risk sites versus monitoring and it was noted that remedial actions may allow a quicker closure but that it would be a rare case where remediation was less expensive or even the same cost than monitoring. Questions were also asked regarding the status of low risk monitoring and Mr. Reinders of Cunningham Lindsey reported that it is up to consultants to provide budgets for monitoring and/or how to close claims. He also noted that the Department has been looking at sites on a case-by-case basis to see if closure can be justified with the information already known.

Ms. Douskey noted that the Department currently has 180 low risk sites. She noted that for many years the law was written that a site had to meet the target levels and show a steady and declining trend to obtain closure. In 2010, legislation changed that by allowing a site to close if there are four samples in a row that are below the target levels, then the steady and declining is not needed. She also noted that the Department can look at these sites on a case-by-case basis along with a ground water professional to see if closure is warranted.

In considering the low risk sites, the Board members asked that a list be provided at the annual meeting with more information on the monitoring history and if there are avenues to get the sites closed. Mr. Cira agreed noting a review would be done to get a snapshot of where the sites are and assess their "closability".

Mr. Gartin questioned where we go from here with this and the implications of the sunset. He thought the study was completed to create a tool to decide if the Board should wind down and, if doing so, determine how to do it in a rational and reasonable way to protect the citizens of Iowa. Mr. Beech concurred noting that one could now say here is what we need to end this program.

Mr. Cira noted the actuarial study provides some confidence for the Board to move forward with looking at options, such as settlements or a loss portfolio transfer (LPT) to close claims. He noted that by doing so is consistent with the Board's mission to end the program but still be protective of the environment. In considering options, questions were asked if the claims could be sorted so as to identify a group of claims that an insurance company or an environmental firm might be interested in acquiring. Mr. Cira indicated it may be possible to do that. He also noted that claims information is being shared with PMMIC on the sites that they insure but that there hasn't been any discussion yet on doing a LPT for that group of claims. He also noted for a settlement to be considered, a common entity would be needed and that staff could look to see where that might be a possibility. It was also noted that there may be other ways to group the claims. Mr. Steward, however, inserted a word of caution by noting that if the Board were to consider a transfer of a group of claims by a LPT, it would need to be carefully crafted so as not to provide an advantage to one bidder versus another.

Questions were also considered on what options exist for the recalcitrant sites. It was noted an insurance carrier would want resolution for any claims that are taken and if there is no enforceability to force work to be completed, they would likely wish to avoid those sites. It was also noted that the Board does not have the authority to compel access or require anyone to do

complete work, and for many of the sites, it was likely that the Department may face that same limitation. In considering the stalled sites, Mr. Cira noted that a review can be initiated to look at the specifics of the sites to determine the issues and ask is there any way to challenge the Department to become more aggressive on the owners. Mr. Brees, DNR Attorney, indicated his belief that it would be unlikely that the Department alone would pursue a request for more authority to compel access but he noted that if an outside group wanted to address this on the Department's behalf that would be a more realistic way to do it. In addition, Mr. Hall noted as a practical measure, since many of the sites have been known to be contaminated for 20 or more years it's hard to describe the situation as a public safety issue where immediate access is needed.

Mr. Beech said the Board needs to do the best with what we have been given from the Legislature to wrap this up and if claims are left, perhaps a pot of money can be placed in a trust for the Department to deal with those claims. It was noted that there appears to be sufficient reserves available and as such, it may be possible to parcel out the active claims through LPTs or settlements, and then the Department could be tasked to handle the remaining claims including those that are considered recalcitrant and those that will never close. The question though is how long will it take and where the funding will come from to address the issues. Mr. Beech noted that the Board needs to have a plan on how to end the program or that someone else will provide direction on how to end the program. He noted if the members have thoughts or ideas for that, they need to put them on the table for consideration.

In response to the discussion, Mr. Gartin moved to ask Mr. Cira and Mr. Gastineau to develop a proposal that would lay out the time frames for winding the Board down and that the project should involve consultation with the Department and other stakeholders for their input. Mr. Barry seconded the motion.

Before voting, questions were asked whether the motion should be placed on hold pending a determination of whether the program is extended with the proposed legislation, as there is no desire to have the work done twice. In discussion, it was suggested that differing scenarios be considered for the evaluation, such as the \$14M allocation ending in 2016, or perhaps 3-4 years later. Mr. Cira responded that the work done by the working group last year provided much foundation for this next step and noted that information could be provided by the July planning meeting. Mr. Gartin amended his motion to have the plan for winding the program down be provided by the July meeting. The amended motion was approved unanimously.

C. Actuarial Study – Change Order

Mr. Cira reported that Taylor & Mulder, Inc. offered the Board a “not to exceed” price to perform the actuarial analysis which was accepted. He noted that because we asked them to change their presentation date and, thus, their travel, some unrecoverable costs had been incurred. In an effort to compensate Taylor & Mulder, Inc. for these costs, a request was presented for approval to reimburse Taylor & Mulder up to \$680 for actual costs incurred.

Mr. Barry motioned to approve the expenditure and Mr. Hall seconded the motion. The motion was approved unanimously.

D. Cost Recovery: City of Dallas Center

Mr. Cira presented information on this matter, noting the issue had been originally discussed at a previous Board meeting. He noted that in 1998, the City of Dallas Center acquired title to the former Smith Service Station in Dallas Center, Iowa. The City then entered into an agreement with the Board agreeing to reimburse the Board if the property sold within 10 years of last receiving benefits, up to the amount of the benefits provided. The City reported that they attempted to sell the property many times and negotiated a sale in December 2014 for \$10,000. The City of Dallas Center is asking the Board to waive the submission of the \$10,000 collected in the sale of the property because they have maintained that site at considerable expense. The City documented expenses for mowing, snow removal, and other maintenance costs totaling \$19,902. Mr. Hall moved, in the interest of consummating the sale, for the Board to waive the \$10,000 fee. Mr. Gartin seconded the motion. The motion was approved unanimously.

In discussion it was also asked how many other settlements exist and Mr. Reinders indicated there are a handful of similar settlements. Mr. Barry asked that information on the settlements be brought to the next meeting for review.

E. DNR Update

Ms. Elaine Douskey provided an update on the UST Section. She reported that one new person had been hired to work with the tank renewal program.

Ms. Douskey updated the Board on the situation in Villisca. She noted one of Villisca’s municipal wells had been contaminated with petroleum, and that it was initially believed to be related to the closest LUST site. She noted that Seneca Environmental completed additional assessment to evaluate if any of the nearby closed LUST sites may be contributing to the plume but noted that the data suggests the closest LUST site is the primary source of the contamination. She also noted that following the recent approval for funding, Seneca installed a temporary treatment system on the municipal well which was turned on in the past week.

Ms. Douskey provided an update on the RBCA software project. She noted that the system requirements are being written and that those will be handed off to the programmer. She noted the new process will be a web-based program and will allow for data input and review through the site. Ms. Douskey indicated she would bring some handouts to a future meeting to give the Board an idea of the project.

PROGRAM BILLINGS

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

- 1. Aon Risk Services\$97,838.00
 - Consulting Services May 2015 – \$58,838.00
 - Claims Processing Services May 2015 – \$39,000.00

2. Iowa Attorney General's Office \$6,207.19
Services provided for Underground Storage Tank Program
March 2015 (FY 2015) Billing

Ms. Andeweg moved to approve the billings as presented. Ms. Beck seconded the motion. Motion carried unanimously.

MONTHLY ACTIVITY REPORT

A. March 2015 Activities Report

Mr. Cira reported the activities report shows a summary of activities in March. The report shows a net of seven closures for the month. We expect this number to increase now that the weather is improving and a lot more activity is taking place. We continue to make progress.

ATTORNEY GENERAL'S REPORT

Mr. Steward stated there was nothing to report.

CLAIM PAYMENT AUTHORITY

Mr. Cira presented the following claim authority requests:

1. Site Registration 8608180 – Krause Gentle Corp., New Hampton (2nd Board Report)

This former Kum & Go station is now a Napa Auto Parts store. Extensive corrective action has been completed which has mostly removed the on-site contamination. The remaining contamination is beneath the city streets and an adjacent elementary school property. The site is high risk for a water main, residential sewers and for the basement of the school. The water main will be replaced and additional vapor intrusion assessment will be conducted in an attempt to show that the sewers and basement are not at risk.

Mr. Cira continued the present claim reserve is \$550,000. Previous Board approval was granted in July 2000 for \$500,000. Total costs incurred to date are \$467,508.88. Projected costs for site monitoring and water line replacement are \$75,000 to \$200,000+. Additional authority recommended of \$150,000 for a total authority of \$650,000. Ms. Andeweg moved to approve the project and Mr. Gartin seconded the motion. The motion passed unanimously.

CONTRACTS ENTERED INTO SINCE THE MARCH 27, 2015 BOARD MEETING

The Board has not entered into any contracts since the March 27, 2015 Board meeting.

OTHER ISSUES

No other issues were presented.

CORRESPONDENCE AND ATTACHMENTS

Mr. Beech indicated the correspondence and attachments could be read after the meeting adjourns.

Mr. Hall motioned to adjourn the meeting at 11:02 A.M. and Ms. Beck seconded the motion. The measure passed with a unanimous vote.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James Gastineau", with a long horizontal line extending to the right.

James Gastineau
Deputy Administrator

Closed Session

Discussion of Pending and Imminent Litigation

Public Comment

Board Issues

A. Legislative Update



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Dale T. Cira, *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
FROM: Dale T. Cira
DATE: May 20, 2015
RE: 2015 Legislative Session

Bills of Interest

House File 652, the successor to HF 537, is a bill for an act relating to Underground Storage Tanks. The bill creates an underground storage tank cost share grant program and fund, provides an appropriation for the grant program, and modifies funding for the existing programs. The bill does not include an extension of the collection of the environmental protection charge. This bill passed out of the House on May 5th. In the Senate, the bill was attached to the similar bill, Senate File 489 and in the last week, an amendment was filed which would require a study be completed and a report be provided to the legislature. The study, as proposed, would include an evaluation of the following:

1. The number of underground storage tanks originally installed prior to 1990 which need to be replaced.
2. The need for and potential costs of replacing underground storage tanks nearing the end of their life cycle, as determined by the board.
3. Any expenses that may be preventing the installation of infrastructure compatible for use with ethanol blended gasoline with a higher percentage of ethanol than E-10, such as E-15 or E-85.
4. Issues with leaking underground storage tank sites that face impediments to redevelopment due to limitations on land use, including but not limited to brownfield sites and grayfield sites, as defined in section 15.291, or problems cleaning up remaining contaminated sites because of lack of assistance from owners of such sites or neighboring property owners.
5. Progress on the cleanup of current leaking underground storage tank sites and an assessment of the potential to complete cleanup of these sites by December 31, 2020.

Senate File 489: This is the Senate version of the former HF 537. SF 489 was introduced on April 13th in the Senate Ways and Means Committee and approved by the committee on the same date, on a vote of 12 -2. In the last week, an amendment (S-3184) was filed which would remove the EPC extension, similar to HF 652, and would also remove the provision that the Board may expend funds on a marketing program to advertise the grant program. The amendment for SF 489 does not include a requirement for a study.

The current version of the bills provides:

- A change in the disbursement to the UST Fund from \$3.5 million per quarter to \$1.75 million per quarter for continuing Fund expenditures
- Establishment of a UST cost share grant program funded by an allocation of \$1.75 million per quarter, to be administered by the Board.
- Board to establish a grant program and develop applicable rules to award grants to eligible applicants to replace UST infrastructure, including but not limited to tanks, lines, pipes, hoses, connections, seals, and pumps.
- Eligible applicants include any owner or operator of a location where petroleum is marketed in this state.
- An eligible applicant may be awarded a grant worth up to fifty percent of the cost to replace infrastructure, with a maximum grant of \$100K. The total grants awarded to an eligible applicant shall not exceed \$1M per calendar year.

We will continue to watch HF 652 and SF 489 and will provide communication on these and any other bills that may materially affect the Board throughout the Session.

Copies of the bills and amendments are attached for reference.

House File 652 - Introduced

HOUSE FILE 652

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 537)

(SUCCESSOR TO HSB 170)

A BILL FOR

1 An Act relating to underground storage tanks, including by
2 establishing an underground storage tank cost share grant
3 program and fund and making an appropriation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.145, subsection 2, paragraph a,
2 subparagraph (1), Code 2015, is amended to read as follows:

3 (1) First, ~~three one million five hundred seven hundred~~
4 fifty thousand dollars per quarter shall be deposited into
5 and credited to the Iowa comprehensive petroleum underground
6 storage tank fund created in section 455G.3, and the moneys so
7 deposited are a continuing appropriation for expenditure under
8 chapter 455G, and moneys so appropriated shall not be used for
9 other purposes.

10 Sec. 2. Section 321.145, subsection 2, paragraph a, Code
11 2015, is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (3) Third, one million seven hundred
13 fifty thousand dollars per quarter shall be deposited into
14 and credited to the underground storage tank cost share
15 grant program fund created in section 455G.6A. The moneys so
16 deposited are a continuing appropriation for expenditure under
17 that section and shall not be used for other purposes.

18 Sec. 3. NEW SECTION. 455G.6A Underground storage tank cost
19 share grant program and fund.

20 1. For purposes of this section, "*grant program fund*" means
21 the underground storage tank cost share grant program fund
22 established by this section.

23 2. An underground storage tank cost share grant program fund
24 is created as a separate fund in the state treasury under the
25 control of the board. The grant program fund is separate from
26 the general fund of the state.

27 3. a. The grant program fund is composed of moneys
28 deposited in the fund pursuant to section 321.145, subsection
29 2, paragraph "a", subparagraph (3), other moneys appropriated
30 by the general assembly for deposit in the grant program fund,
31 and moneys available to and obtained or accepted by the board
32 from the United States government or private sources for
33 placement in the grant program fund.

34 b. The recapture of awards or penalties, or other repayments
35 of moneys originating from the grant program fund, shall be

1 deposited into the grant program fund.

2 *c.* Notwithstanding section 12C.7, interest or earnings on
3 moneys in the grant program fund shall be credited to the grant
4 program fund.

5 *d.* Notwithstanding section 8.33, unencumbered and
6 unobligated moneys remaining in the grant program fund at the
7 close of each fiscal year shall not revert but shall remain
8 available in the grant program fund for the purposes of this
9 section.

10 *e.* Any owner or operator of a location where petroleum is
11 marketed in this state is eligible to apply for and receive
12 funding from the grant program.

13 4. The grant program fund shall be administered by the
14 board.

15 5. Moneys in the grant program fund are appropriated to and
16 shall be used by the board as provided in this subsection.

17 *a.* Up to fifty thousand dollars shall be allocated each
18 fiscal year to the board to support the administration of the
19 grant program. Otherwise the moneys shall not be transferred,
20 used, obligated, appropriated, or otherwise encumbered except
21 to allocate as grants by the board in accordance with this
22 subsection.

23 *b.* The board shall establish a grant program to award grants
24 from moneys in the grant program fund to eligible applicants to
25 replace underground storage tank infrastructure, including but
26 not limited to tanks, lines, pipes, hoses, connections, seals,
27 and pumps.

28 (1) The board shall adopt rules pursuant to chapter 17A
29 for implementation and administration of the grant program and
30 grant program fund.

31 (2) At a minimum, replacement infrastructure must be listed
32 by an independent testing laboratory as compatible for use with
33 ethanol blended gasoline classified as E-85.

34 (3) An eligible applicant may be awarded a grant worth up
35 to fifty percent of the cost to replace infrastructure, with

1 a maximum grant of one hundred thousand dollars. The total
2 grants awarded to an eligible applicant shall not exceed one
3 million dollars per calendar year.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill creates an underground storage tank cost share
8 grant program and a corresponding fund within the state
9 treasury in Code chapter 455G. The bill reduces the amount
10 deposited in the Iowa comprehensive petroleum underground
11 storage tank fund each quarter from \$3.5 million to \$1.75
12 million. The grant program fund shall be credited \$1.75
13 million per quarter from the statutory allocations fund
14 pursuant to Code section 321.145. The grant program fund shall
15 be administered by the Iowa comprehensive petroleum underground
16 storage tank fund board. The grant program funds shall be
17 allocated as grants by the board to replace underground storage
18 tank infrastructure, including but not limited to tanks, lines,
19 pipes, hoses, connections, seals, and pumps. At a minimum,
20 replacement infrastructure must be listed by an independent
21 testing laboratory as compatible for use with ethanol blended
22 gasoline classified as E-85.

23 Any owner or operator of a location where petroleum is
24 marketed in this state is eligible to apply for and receive
25 funding from the grant program. An eligible applicant may be
26 awarded a grant worth up to 50 percent of the cost to replace
27 infrastructure, with a maximum grant of \$100,000. Total grants
28 awarded to an eligible applicant shall not exceed \$1 million
29 per calendar year. The bill requires the Iowa comprehensive
30 petroleum underground storage tank fund board to adopt rules to
31 implement and administer the grant program and fund.

32 The bill changes the amount credited from the statutory
33 allocations fund to the Iowa comprehensive petroleum
34 underground storage tank fund per quarter from \$3.5 million to
35 \$1.75 million.

House File 652

S-3185

1 Amend House File 652, as passed by the House, as
2 follows:

3 1. Page 3, line 1, by striking <one hundred> and
4 inserting <fifty>

5 2. Page 3, after line 3 by inserting:

6 <Sec. ____ . UNDERGROUND STORAGE TANK STUDY. The
7 Iowa comprehensive petroleum underground storage tank
8 fund board shall, by December 15, 2015, conduct a study
9 concerning, and make recommendations to the general
10 assembly regarding potential resolutions of, all of the
11 following:

12 1. The number of underground storage tanks
13 originally installed prior to 1990 which need to be
14 replaced.

15 2. The need for and potential costs of replacing
16 underground storage tanks nearing the end of their life
17 cycle, as determined by the board.

18 3. Any expenses that may be preventing the
19 installation of infrastructure compatible for use with
20 ethanol blended gasoline with a higher percentage of
21 ethanol than E-10, such as E-15 or E-85.

22 4. Issues with leaking underground storage tank
23 sites that face impediments to redevelopment due to
24 limitations on land use, including but not limited
25 to brownfield sites and grayfield sites, as defined
26 in section 15.291, or problems cleaning up remaining
27 contaminated sites because of lack of assistance from
28 owners of such sites or neighboring property owners.

29 5. Progress on the cleanup of current leaking
30 underground storage tank sites and an assessment of
31 the potential to complete cleanup of these sites by
32 December 31, 2020.>

33 3. By renumbering as necessary.

ROBERT M. HOGG

Senate File 489 - Introduced

SENATE FILE 489

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1267)

A BILL FOR

1 An Act relating to underground storage tanks, including by
2 establishing an underground storage tank cost share grant
3 program and fund, making an appropriation, and extending the
4 environmental protection surcharge.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.145, subsection 2, paragraph a,
2 subparagraph (1), Code 2015, is amended to read as follows:

3 (1) First, ~~three one million five hundred~~ seven hundred
4 fifty thousand dollars per quarter shall be deposited into
5 and credited to the Iowa comprehensive petroleum underground
6 storage tank fund created in section 455G.3, and the moneys so
7 deposited are a continuing appropriation for expenditure under
8 chapter 455G, and moneys so appropriated shall not be used for
9 other purposes.

10 Sec. 2. Section 321.145, subsection 2, paragraph a, Code
11 2015, is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (3) Third, one million seven hundred
13 fifty thousand dollars per quarter shall be deposited into
14 and credited to the underground storage tank cost share
15 grant program fund created in section 455G.6A. The moneys so
16 deposited are a continuing appropriation for expenditure under
17 that section and shall not be used for other purposes.

18 Sec. 3. Section 424.19, Code 2015, is amended to read as
19 follows:

20 **424.19 Future repeal.**

21 This chapter is repealed effective June 30, ~~2016~~ 2026.

22 Sec. 4. NEW SECTION. **455G.6A Underground storage tank cost**
23 **share grant program and fund.**

24 1. For purposes of this section, "*grant program fund*" means
25 the underground storage tank cost share grant program fund
26 established by this section.

27 2. An underground storage tank cost share grant program fund
28 is created as a separate fund in the state treasury under the
29 control of the board. The grant program fund is separate from
30 the general fund of the state.

31 3. a. The grant program fund is composed of moneys
32 deposited in the fund pursuant to section 321.145, subsection
33 2, paragraph "a", subparagraph (3), other moneys appropriated
34 by the general assembly for deposit in the grant program fund,
35 and moneys available to and obtained or accepted by the board

1 from the United States government or private sources for
2 placement in the grant program fund.

3 *b.* The recapture of awards or penalties, or other repayments
4 of moneys originating from the grant program fund, shall be
5 deposited into the grant program fund.

6 *c.* Notwithstanding section 12C.7, interest or earnings on
7 moneys in the grant program fund shall be credited to the grant
8 program fund.

9 *d.* Notwithstanding section 8.33, unencumbered and
10 unobligated moneys remaining in the grant program fund at the
11 close of each fiscal year shall not revert but shall remain
12 available in the grant program fund for the purposes of this
13 section.

14 *e.* Any owner or operator of a location where petroleum is
15 marketed in this state is eligible to apply for and receive
16 funding from the grant program.

17 4. The grant program fund shall be administered by the
18 board.

19 5. Moneys in the grant program fund are appropriated to and
20 shall be used by the board as provided in this subsection.

21 *a.* Up to fifty thousand dollars shall be allocated each
22 fiscal year to the board to support the administration of
23 the grant program. The board may use up to one and one-half
24 percent of the moneys in the grant program fund each fiscal
25 year to market the grant program. Otherwise the moneys shall
26 not be transferred, used, obligated, appropriated, or otherwise
27 encumbered except to allocate as grants by the board in
28 accordance with this subsection.

29 *b.* The board shall establish a grant program to award grants
30 from moneys in the grant program fund to eligible applicants to
31 replace underground storage tank infrastructure, including but
32 not limited to tanks, lines, pipes, hoses, connections, seals,
33 and pumps.

34 (1) The board shall adopt rules pursuant to chapter 17A
35 for implementation and administration of the grant program and

1 grant program fund.

2 (2) At a minimum, replacement infrastructure must be listed
3 by an independent testing laboratory as compatible for use with
4 ethanol blended gasoline classified as E-85.

5 (3) An eligible applicant may be awarded a grant worth up
6 to fifty percent of the cost to replace infrastructure, with
7 a maximum grant of one hundred thousand dollars. The total
8 grants awarded to an eligible applicant shall not exceed one
9 million dollars per calendar year.

10

EXPLANATION

11

The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill creates an underground storage tank cost share
14 grant program and a corresponding fund within the state
15 treasury in Code chapter 455G. The bill reduces the amount
16 deposited in the Iowa comprehensive petroleum underground
17 storage tank fund each quarter from \$3.5 million to \$1.75
18 million. The grant program fund shall be credited \$1.75
19 million per quarter from the statutory allocations fund
20 pursuant to Code section 321.145. The grant program fund shall
21 be administered by the Iowa comprehensive petroleum underground
22 storage tank fund board. The grant program funds shall be
23 allocated as grants by the board to replace underground storage
24 tank infrastructure, including but not limited to tanks, lines,
25 pipes, hoses, connections, seals, and pumps. At a minimum,
26 replacement infrastructure must be listed by an independent
27 testing laboratory as compatible for use with ethanol blended
28 gasoline classified as E-85.

29 Any owner or operator of a location where petroleum is
30 marketed in this state is eligible to apply for and receive
31 funding from the grant program. An eligible applicant may be
32 awarded a grant worth up to 50 percent of the cost to replace
33 infrastructure, with a maximum grant of \$100,000. Total grants
34 awarded to an eligible applicant shall not exceed \$1 million
35 per calendar year. The bill requires the Iowa comprehensive

1 petroleum underground storage tank fund board to adopt rules to
2 implement and administer the grant program and fund.

3 The bill extends the duration of the environmental
4 protection charge on petroleum diminution collected from
5 underground storage tank owners or operators until June 30,
6 2026.

Senate File 489

S-3184

- 1 Amend Senate File 489 as follows:
- 2 1. Page 1, by striking lines 18 through 21.
- 3 2. Page 2, by striking lines 23 through 25 and
- 4 inserting <the grant program. Otherwise the moneys
- 5 shall>
- 6 3. Title page, by striking lines 3 and 4
- 7 and inserting <program and fund and making an
- 8 appropriation.>
- 9 4. By renumbering as necessary.

ROBERT M. HOGG

SF489.1898 (4) 86
(amending this SF 489
to CONFORM to HF 652)

B. USTCA Closure Contract – Stalled Sites



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Dale T. Cira, *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: James Gastineau
DATE: May 20, 2015
SUBJECT: USTCA Closure Contract Sites

Pursuant to the Board's request for information on sites added to the State Lead Closure Contract, the following is provided for reference.

As of April 30th, site work is ongoing at 52 LUST sites and work has already been completed on 20 sites. Letters seeking access have also been sent to an additional 38 sites however access rights have not yet granted. Information on the 38 sites is included in the attached table for reference.

In addition to the 110 sites already identified, there are still candidates for the project. In many of the remaining cases, eligibility issues will compound access issues. Some of the issues identified include:

- Sites deemed ineligible for funding or partially eligible
- Sites that no longer exist as a single land parcel or address has changed
- Sites no longer owned by the claimant.

For those sites where work is proceeding, access issues still arise on occasion. For example, current landowners may request no new drilling activities or may limit placement of borings. Access to neighboring properties is also a concern in some cases.

Several sites have also already been confirmed to be high risk needing corrective action. The closure contract process does not provide for corrective action, other than limited actions to address immediate concerns. It is anticipated the Department will prioritize the high risk sites and may ask the Board to issue RFPs to retain contactors on a case-by-case basis to address both fund-eligible and non-eligible sites.

State Closure Contract
USTCA #1104-01
Access Pending - May 2015

UST No.	LUST No.	Site Name	Site City	IUSTF eligible	Date of Last Access Ltr	Who Sent Letter	To Whom (LO, Clmt)	Site Comments	LUST Start Date	Last Report to DNR	Class
000022	9LTI74	Inman Oil Co.	Earlham	Not Eligible	2/27/14	DNR	LO	Prior CC site; RP deceased; USTs rem 1998	02/29/00	2011	High Risk
7910031	8LTP69	Former Gas Station	Hamlin	Not Eligible	7/25/13	DNR	LO	Prior CC site; T2 SCR submitted 2007	08/26/91	2007	Not Class
7910061	8LTT28	Former Mobil Station	Glidden	ILO	7/23/13	DNR	LO = clmt	Prior CC site; T2 SCR submitted 2007	05/27/92	2007	Not Class
7910197	9LTFB79	Monona Dining Co.	Monona	ILO / GS	10/10/14	Fund	LO	LO (bank) acquired site by foreclosure	06/08/95	2005	High Risk
7910358	9LTF47	Fmr. Schwartz Property	Clinton	ILO	7/28/14	Fund	LO	Last claimant sold site, add'l sales since	11/25/97	2002	Low Risk
7910549	9LTM11	Former Gas Station	Des Moines	ILO	6/27/13	DNR	LO	Claimant deceased; site sold several times	08/09/05	2008	High Risk
8600193	7LTE25	Former Columbus City Market	Columbus City	RM	4/11/13	DNR	LO = clmt	3rd clmt; not interested in pursuing work	07/18/89	2009	Low Risk
8600797	8LTQ17	Fmr. Middle America Truck Stop	Williamsburg	RT	11/21/14	Fund	LO = clmt	Claimant not responsible party; T3 mon app'd	09/25/91	2011	High Risk
8601197	7LTS56	JMC Conoco	Wapello	RM	11/10/14	Fund	LO = clmt	3rd claimant; not resp party	08/30/90	2011	High Risk
8601322	8LTP10	Double Circle Farm Supply	Kiron	RM	1/24/14	DNR	LO	Claimant has agreement w/DNR (AS1 / US1 issues)	07/25/91	2004	High Risk
8602669	7LTU47	Former T&M Mini Mart	Iowa City	RM	5/6/13	DNR	LO	RP deceased; heirs sold site	09/17/90	2005	Low Risk
8603333	9LTM21	Fmr. Country Cupboard	Richland	Not Eligible	5/21/13	DNR	LO	Tanks rem 1995; reported 2005	09/19/05	2006	Low Risk
8603751	9LTD65	Hedgeapple Development	West Liberty	ILO	12/4/2014	Fund	LO = clmt	60 day cc letter sent 12/04/14.	03/24/05	2011	NC
8603962	7LTV99	Crestland Corp	Shenandoah	RT	5/15/15	Fund	LO	Clmt sold site / dissolved; need RBCA eval	10/03/90	2000	Low Risk
8604062	8LTE85	Fmr. Gas Station	Marshalltown	RM	9/17/14	Fund	LO	Clmt sold site; LO 'not interested'	11/13/90	2002	Low Risk
8605424	8LTNS2	Mahler Construction	Bettendorf	Not Eligible	12/20/13	DNR	LO	Low risk for PGWS pathway	05/16/91	2005	Low Risk
8605567	8LTA64	Knox Corp (dba Cozy Mart)	Davenport	RM	5/15/15	Fund	LO	Claimant sold site; active UST site	10/11/90	2011	Low Risk
8605807	9LTI67	Eagle Investors, LLP	Manson	ILO	5/15/15	Fund	LO	Claimant sold site; active UST site	04/06/00	2007	Low Risk
8606226	8LTH28	B&F Distrib (dba Pilot Travel)	Clear Lake	RM	5/15/15	Fund	LO	Claimant dissolved, new owner - active UST site	11/26/90	2004	Low Risk
8607378	8LTX83	Fmr. Clarks Standard	Richland	ILO	12/3/14	Fund	LO = clmt	Tanks rem 1988; sampling 2007; city well within 100 ft	01/11/94	2007	Not Class
8607386	9LTN72	63rd St. Texaco	Des Moines	Not Eligible	2/4/15	DNR	LO	Fmr LUST NAR 1992; new rcl. 2008	09/29/08	--	Not Class
8609663	8LTD55	Ginn Oil	Carter Lake	RM	3/6/15	Fund	LO	Active USTs; site sold multiple times	06/21/91	2002	High Risk
8609670	7LTH11	Former O'Brien Mobil	Hudson	RM	8/22/13	DNR	LO	RP deceased; heirs sold site	11/04/89	2010	Low Risk
8610019	8LTQ12	Warren Co. Service Center	Indianola	Not Eligible	6/19/14	DNR	LO	Part of larger parcel; active carwash	09/23/91	2003	Low Risk
8610050	7LTK08	Larry's Services	Marshalltown	RM	5/15/15	Fund	LO = clmt	No RP; claimant /owner is part of a trust	02/28/90	2010	Low Risk
8710285	7LTV32	Gibson&Herman (dba New Starr)	Raymond	RM / GS	5/15/15	Fund	LO	Claimant sold site; active UST site	09/21/90	2007	High Risk
8811018	7LTI11	Former Story City Standard	Story City	RM / GS	10/6/14	Fund	LO	Clmt sold site; redeveloped as a bank	01/25/90	2004	Low Risk
8811046	8LTD05	Fmr. Gas Station	Delhi	RM / GS	4/13/15	Fund	LO	3rd claimant; site has active USTs	10/29/90	2011	High Risk
8811321	7LTF94	Dayton Oil Co.	Dayton	RM / GS	5/15/15	Fund	LO	Claimant sold site; DWW, vapor paths	09/28/89	2009	High Risk
8811334	7LTK61	Fmr. Gas Station	Pleasant Valley	RM / GS	4/14/15	Fund	LO	Clmt in bankruptcy; site sold	03/23/90	2010	High Risk
8913667	9LTE16	Tom Ralles Trust	Des Moines	ILO / GS	10/9/14	Fund	LO = clmt	No RP; clmt sold site	11/21/96	2000	High Risk
8915410	7LTL97	Fmr. Mensing Motor co	Lowden	RM / AST?	10/22/14	Fund	LO	RP deceased; heirs sold site	05/09/90	2004	High Risk
8915618	8LTI68	Fmr. Ubben's Service	Meservey	RM	11/26/14	Fund	LO = clmt	Claimant sold site; buyer took transfer	10/12/90	2006	High Risk
8916618	8LTE01	Hogs Head, Inc.	Sioux City	RM	5/15/15	Fund	LO	Claimant sold site; active UST site	10/30/90	2005	NAR-PP
9017022	7LTC17	King's Material	Cedar Rapids	RT	10/8/12	Fund	LO = clmt	RP owns site; AST/UST issue - DOJ letter 2006	01/11/89	2002	High Risk
9017087	8LTI50	Former K's Kwik Shop	Kalona	RM	10/8/12	Fund	LO = clmt	Clmt sold site; now parking for adj lot - last work 2005	12/10/90	2005	High Risk
9017115	8LTQ46	Medora Store	Indianola	Not Eligible	3/12/14	DNR	LO	Lien released; ownership uncertain	10/04/91	1999	Low Risk
9217546	8LTV99	Fmr. Gas Station	Rockwell City	Not Eligible	4/6/15	DNR	LO	RP sold site; tank closure data; need GW data	04/09/93	--	Not Class

**C. USTCA Closure Contract
Reauthorization**



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Dale T. Cira, *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: James Gastineau
DATE: May 20, 2015
SUBJECT: USTCA Closure Contract – Reauthorization

Background

The Board and the Department of Natural Resources (DNR) entered into 28E agreements in 1997, 2004 and most recently in 2010, to conduct UST closures, RBCA evaluations and emergency response activities at sites where DNR has determined such action is needed and either there is no responsible party able to pay, the responsible party cannot be found, or the responsible party is recalcitrant in undertaking the corrective action measures. The most recent agreement also allows the work to be performed on sites that are fund eligible and is intended primarily for those sites owned or under the control of innocent landowners.

Pursuant to the agreement, the Board retained two environmental contractors to complete the necessary work. The vendor agreements, initiated in 2011, will expire in August 2015. The agreements may be renewed for up to two additional 12 month extensions, as approved by the Board.

Status

Currently, 108 sites have been identified for the vendor agreements and access agreements have been issued to the landowner and/or fund claimant.

Board authority for the project has been given for costs up to \$1,000,000 and costs incurred to date, total \$533,512. As work is completed on each site, funds will be transferred to the eligible claims and for non-eligible sites, where appropriate, cost recovery actions will be considered.

Recommendation

The Department still has a significant number of sites that could be added to the contracts including a number of stalled claim eligible sites. In an effort to assist DNR, the following recommendations are presented:

- a) Extend the term of both the 28E agreement and contractor agreements by 12 months for work through August 30, 2016.

- b) Increase Board authority for the project to \$2,000,000 to allow for additional sites to be added and allow for limited corrective actions to be completed at select fund eligible sites.

Note: In the event, the Department requests corrective action for a non-eligible site, a request for approval would be presented to the Board for consideration prior to the expenditure of any funds.

FOURTH EXTENSION OF 28E AGREEMENT

This Fourth Extension of 28E Agreement is entered into by and between the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board (hereinafter "Board"), and the Iowa Department of Natural Resources (hereinafter "DNR"). This Fourth Extension is effective as of the date it is fully executed by all parties.

EXTENSION OF 28E AGREEMENT

On September 1, 2010, the parties entered into an Agreement to enable the Board to issue and administer contracts with consultants to perform corrective action related to underground storage tank ("UST") sites where the DNR has determined corrective action is needed and either there is no responsible party able to pay for the needed corrective action or the responsible party is recalcitrant in undertaking the needed corrective action or UST system removal.

The initial term of the Agreement was from September 1, 2010, to August 31, 2012. Section III of the Agreement grants the parties the option to extend the Agreement up to four terms of one year each. In 2014, the parties extended the termination date of the Agreement to August 31, 2015.

Pursuant to Section III of the Agreement, the parties have agreed to extend the termination date of the Agreement for a fourth additional term. Therefore, the parties hereby enter into this Fourth Extension of 28E Agreement, and agree to extend the term of the Agreement to August 31, 2016, unless otherwise terminated or extended pursuant to the terms of the Agreement.

FILING AND RECORDING

It is agreed the Board will electronically file this Agreement with the Secretary of State, and electronically file any amendment, modification, or notice of termination of this Agreement within thirty days as provided in Iowa Code section 28E.8.

**IOWA COMPREHENSIVE PETROLEUM
UNDERGROUND STORAGE TANK
FUND BOARD**

**IOWA DEPARTMENT OF NATURAL
RESOURCES**

BY: _____
Douglas Beech, Chair

BY: _____
Chuck Gipp, Director

DATE: _____

DATE: _____

D. UST Fund Agreements



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Dale T. Cira, *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: James Gastineau
DATE: May 20, 2015
SUBJECT: UST Fund Agreements

Pursuant to the Board's request for information on outstanding agreements similar to that recently discussed involving a LUST site in Dallas Center, our records indicate that there are 12 similar agreements in use; 8 are associated with claims that have been closed and 4 are associated with claims that remain open:

Site #	Parties to the Agreement	Date of Agreement	Last Payment	End Date
9117294	Linn Co / City of Lisbon	3/14/2000	8/19/2005	8/19/2015
8811086	Lyon Co / City of George	6/26/2000	7/28/2014	7/28/2024
8601203	Mills Co / City of Tabor	3/13/2002	1/31/2012	1/31/2022
8607873	Montgomery Co / City of Elliott	7/17/2003	7/16/2012	7/16/2022
8606620	Madison Co / City of Winterset	6/1/2004	3/12/2009	3/12/2019
8600856	Taylor Co / City of Lenox	10/5/2009	5/17/2010	5/17/2020
8810987	Tama Co / City of Chelsea	3/15/2010	3/31/2014	3/31/2024
8608432	Iowa County / Will Eye LLC	1/22/2013	2/28/2014	2/28/2024

OPEN CLAIMS

8603538	Page Co / City of Clarinda	2/18/1997	4/8/2015
8606755	Cass Co / MAN Properties LLC	10/1/2010	4/30/2015
8608015	Madison Co / Ms. Joan Acela	3/13/2012	1/29/2015
8606688	Taylor Co / City of Bedford	3/21/2013	7/16/2013

For each site listed, the agreements provide that in the event the property is sold, the Fund is to be notified and recovery efforts, subject to the terms of the agreement, would apply.

In addition to those listed, new agreements are also possible. In those cases with a pre-existing eligible claim, an agreement for future funding may not be necessary however parties taking over a claim may be subject to a copayment requirement. In cases where a County or City was determined to be eligible for a site that would not have otherwise been eligible, an agreement would be needed in order to preserve funding to the site.

E. UST Fund Retention Policy



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Dale T. Cira, *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: James Gastineau
DATE: May 20, 2015
SUBJECT: UST Fund Retention Policy

Background

The State Records Commission was established to provide economy and efficiency in the organization, maintenance, use, preservation and disposition of records to assure that needless records will not be created or retained and to assure that valuable records will be preserved. The State Records Commission, through the State Archives and Records Program maintains the State of Iowa Records Management Manual which includes records series retention and disposition schedules that have been reviewed and adopted. These schedules direct state agencies in the maintenance and final disposition (preservation or destruction) of records. Records of state agencies may not be destroyed unless prior approval of the commission is obtained or if a records retention schedule in the State Records Management Manual provides for destruction of the records in question.

Board Responsibilities

State regulations require each agency establish and maintain a program for the management of its records. The Board retained Aon Risk Services, Inc. to serve as the records officer for the records produced in the administration of the Iowa UST Fund Program. Records produced include but not necessarily limited to:

Claim Files – Retroactive claims, Remedial Claims, Innocent Landowner Claims, Above Ground Storage Tank Claims, Global Settlement claims, and the Loan Guarantee program

State Contracting Files – Community Remediation Projects, State Lead Projects, Closure Contracts, Contracts for RBCA Software, UST Operator Training contracts, UHL Water Analyses project, Licensing for inspectors / installers,

Administration Records - Agendas, minutes of meetings, annual budgets, periodic reports to the Board, and any other reports necessary to respond to reasonable requests from the Board.
Financial Records including claims posted, cash deposits, and expenses.

The Claim files are the bulk of the records created for the program. Active claim files are maintained on site at the office of Cunningham Lindsey US, Inc. Closed claim files are maintained at a secure off-site secure storage facility. The claim files include the paper records of the owner's submission of a claim form, all correspondence, budgets and invoices to support

claim payments and all reports submitted for confirmation of work. All claim files established since the program onset in 1989 are currently maintained, and account for approximately 1200 boxes at the storage facility.

The State Lead Project files and Administration Records are also a sizeable component of the information created and used in the program. State Lead project files for active projects are maintained in the administrator's office as are the current and recent program administration records. Closed files and administration records that no longer needed for audit purposes are stored off-site for preservation of the records. In addition to the paper files documenting the claim payments, an electronic record is maintained in the pay record system used by the administrator's office.

The Board contract requires Aon maintain control over all data, including confidential data, that is collected, maintained, or used in the course of program administration. All data is the property of the Board and Aon is required to return any and all data collected, maintained, created or used in the format it is maintained.

Recommendation

As the UST Fund program winds down, it is prudent to begin the effort to discern which records must be maintained. In an effort to reduce the volume of records that must be handled, it is requested the Board grant the Administrator authority to implement the following records retention schedules, applicable to all agencies, as included in the State Records Management Manual:

Adopted Date: 01/09/2003
Reference Number: ADM 02-03.G
Records Series: **State Issued Contracts and Agreements for Services**
Retention Period: Closure plus 10 years
Final Disposition: Destroy

Adopted Date: 01/13/2003
Reference Number: LEG 12.01.01.G
Records Series: **Non-Litigation & Litigation Case Files**
Retention Period: Closure plus 10 years
Final Disposition: Destroy

Adopted Date: 01/13/2003
Reference Number: LEG 12.02-01-01.G / LEG 12.02-01-02.G
Records Series: **Approved General Claims / Disapproved General Claims**
Retention Period: Closure plus 10 years
Final Disposition: Destroy

Adopted Date: 07/08/2004
Reference Number: BUD 02-10-01-01.G
Records Series: **Accounts Payable Backup Detail to Claims**
Retention Period: Closure plus 10 years
Final Disposition: Destroy

The intent of this request is to allow for a slow exit from the storage of records that are no longer needed or used. Claim files and State Lead project files closed more than 10 years from the current date will be reviewed prior to destruction to ensure confidential information is properly handled. A record of all files destroyed will be maintained, for a period of 5 years, as required by the State Records Manual (Policy # OFF 04-01-02.G, effective 01/13/2003).

For reference, the following number of claim files will be placed in queue for review and destruction (i.e., closed prior to May 28, 2015): Retroactive claims (347), Remedial claims (3077), Innocent Landowner (663), Above Ground Storage Tank claims (267). In addition, all pre-RBCA SCR Community Remediation project files and State Lead project files meeting the same criteria will be added to the review process.

All records regarding the administration of the program, including bonding records, board packets, minutes, and financial reports will be maintained for the duration of the program and will be relinquished to the Board upon completion of the contract or as requested. In addition, the electronic database will be maintained to reflect the payments made for each claim by date, amount, and to whom payments were made.

F. DNR Update

Approval of Program Billings



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Dale T. Cira, *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: James Gastineau
DATE: May 28, 2015
SUBJECT: Summary of Bills for Payment

NOTICE

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

1. Aon Risk Services \$97,838.00
Consulting Services June 2015 -- \$58,838.00
Claims Processing Services June 2015 -- \$39,000.00
2. Iowa Attorney General's Office \$3,980.91
Services provided for Underground Storage Tank Program
April 2015 (FY 2015) Billing
3. Iowa Department of Revenue \$1,198.38
Services provided for Underground Storage Tank Program
3rd Quarter FY 2015 EPC billing

Monthly Activity Report and Financials Reviewed

A. April 2015 Activities Report

Apr-15

	Open Claims		Open Claims	Open & Closed
Claims	March Ending	Monthly Net Changes	April Ending	Totals since Inception
RETROACTIVE				
number	27	0	27	447
reserve	\$1,543,945.45	\$3,816.71	\$1,547,761.56	\$1,547,761.56
paid	\$5,897,576.83	\$22,523.27	\$5,920,100.10	\$17,758,228.46
	\$7,441,522.28	\$26,339.38	\$7,467,861.66	\$19,305,990.02
REMEDIAL				
number	375		370	4,457
reserve	\$19,451,424.78	\$189,397.57	\$19,640,822.35	\$19,640,822.35
paid	\$71,975,870.71		\$71,843,819.31	\$213,186,533.43
total	\$91,427,295.49	\$57,346.17	\$91,484,641.66	\$232,827,355.78
INNOCENT LANDOWNER				
number	129		125	1,130
reserve	\$4,474,498.68	\$423,519.86	\$4,898,018.54	\$4,898,018.54
paid	\$11,011,553.51		\$10,810,075.42	\$31,029,845.30
total	\$15,486,052.19	\$222,041.77	\$15,708,093.96	\$35,927,863.84
GLOBAL OPT-IN				
number	83		80	1,303
reserve	\$424,367.98		\$402,900.97	\$416,900.97
paid	\$705,580.88		\$685,047.89	\$9,761,663.03
total	\$1,129,948.86		\$1,087,948.86	\$10,178,564.00
UNASSIGNED REVENUE FUND PROJECTS				
number	68		67	276
reserve	\$1,817,786.44	\$3,927.00	\$1,821,713.44	\$1,821,713.44
paid	\$398,213.56	\$6,073.00	\$404,286.56	\$2,882,955.70
total	\$2,216,000.00	\$10,000.00	\$2,226,000.00	\$4,704,669.14
NFA RE-EVALUATIONS				
number	15		13	55
reserve	\$300,194.81		\$271,729.55	\$271,729.55
paid	\$489,805.19		\$428,270.45	\$1,131,494.11
total	\$790,000.00		\$700,000.00	\$1,403,223.66
TANK PULLS				
number	39	3	42	389
reserve	\$511,407.00	\$43,999.00	\$555,406.00	\$555,406.00
paid	\$11,232.34		\$0.00	\$4,122,742.98
total	\$522,639.34	\$2,766.66	\$555,406.00	\$4,678,148.98

Corrective Action Meetings (04/15/2015)	
Scheduled:	17
Completed:	1,244
MOA's	488

UST Operator Training	
UST Operators (A/B)	2,977
A/B/C (FY2011-15)	\$343,210

2015 Discretionary Incentive Goal	115	Net Closed YTD	27
Claims closed - APR (RT, RM, ILO, NFA)	11	Re-Open <30 days	0
Claims closed YTD	31	Re-Open YTD <30 d	4

RT Claims	#
New	0
Reopened	0
Closed	0

RM Claims	#
New	0
Reopened	0
Closed	5

ILO Claims	#
New	0
Reopened	0
Closed	4

GS Claims	#
New	0
Reopened	0
Closed	3

USTCA	#
New	2
Reopened	0
Closed	3

NFA Re-Eval	#
New	0
Reopened	0
Closed	2

Tank Pull	#
New	12
Reopened	0
Closed	9

Invoice Type Totals	APRIL	FYTD	Program to Date
2004 Tank Pull	\$ 93,028.50	\$ 680,938.15	\$ 1,761,013.44
2010 Tank Pull	\$ -	\$ -	\$ 4,189,798.00
American Soils	\$ -	\$ -	\$ 5,678,422.58
AST Removal	\$ -	\$ -	\$ 3,306,435.24
AST Upgrade	\$ -	\$ -	\$ 7,911,496.87
CADR Charges	\$ 15,270.75	\$ 69,996.86	\$ 4,587,549.70
Corrective Action	\$ -	\$ 92,074.73	\$ 52,423,154.11
Expenses / OT	\$ 2,500.00	\$ 21,160.00	\$ 287,920.00
Free Prod Recover	\$ 59,839.30	\$ 553,567.93	\$ 11,097,982.08
Monitoring	\$ 146,419.86	\$ 1,330,413.98	\$ 30,585,910.21
Operations/Maint	\$ 45,668.34	\$ 248,498.32	\$ 10,142,312.72
Over-excavation	\$ 4,130.00	\$ 1,855,778.20	\$ 32,233,273.12
Water Lines	\$ 4,561.28	\$ 322,494.67	\$ 2,536,799.57
Post RBCA Evals	\$ 1,036.65	\$ 11,162.88	\$ 227,435.99
RBCA	\$ 6,136.45	\$ 288,621.56	\$ 26,424,938.58
Remed Imp/Const	\$ 37,306.85	\$ 632,294.06	\$ 28,779,177.67
SCR Charges	\$ -	\$ -	\$ 54,217,410.26
Site Check	\$ -	\$ 2,433.73	\$ 142,486.32
Soil Disposal	\$ -	\$ -	\$ 738,386.66
Tank (UST) Pull	\$ -	\$ 18,350.00	\$ 3,979,734.25
Tank (UST) Upgrade	\$ -	\$ -	\$ 3,440,649.83
Tier III	\$ 5,647.38	\$ 38,248.96	\$ 1,362,411.40
Utilities	\$ 20,516.10	\$ 102,735.06	\$ 2,070,832.39
Well Closure	\$ 22,211.25	\$ 202,859.19	\$ 3,815,813.29
Total Invoice Types	\$ 464,272.71	\$ 6,471,628.08	\$ 290,991,248

Remediation Budgets Approved to Date		
last month (APR 2015)	7	\$393,211
Trailing 12 mos	43	\$3,023,034
Prev Trail 12 mos	55	\$3,056,783
Total Since Jan 2003	1,165	\$48,605,152

Project Contracts	Open	Closed	Pending
CRP's	5	39	0
Tank Closure	2	5	0
Plastic Water Line	0	2	0

DNR @ 4-28-2015		USTF @ 3-31-15	
Open LUST / Claims	811		540
High Risk	453		322
Low Risk	180		117
NAR-FP	68		37
Not Class.	110		23
No Action Required			41

B. April 2015 Financial Report

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING APRIL 30, 2015**

0471 - UST REVENUE FUND (Bonding)

Balance of Fund, April 1, 2015	\$4,031,798.87
---------------------------------------	----------------

Receipts:

Motor Vehicle Use Tax (IDOT - vehicle registration)	\$0.00	
Intra State Fund Transfers Received	\$0.00	
Interest Income	\$2,666.24	
Interest Income - Capital Reserve Fund	\$0.00	
		\$2,666.24

Disbursements:

Bond Interest Payment	\$0.00	
Bond Principal Payment	\$0.00	
EPC Charges	\$0.00	
Adjustments	\$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	
		\$0.00

Balance of Fund, April 30, 2015	\$4,034,465.11
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0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)

Balance of Fund, April 1, 2015	\$10,096,700.54
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Receipts:

Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$0.00	
Refund/Overpayment	\$0.00	
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	\$7,288.69	
		\$7,288.69

Disbursements:

UST Administrator's Fees	\$97,838.00	
Adjustment	\$0.00	
Attorney General's Fees	\$3,980.91	
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	\$0.00	

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING APRIL 30, 2015**

Innovative Technology	\$0.00	
Inspection & Appeals Service Fees	\$0.00	
Legal and Professional Fees	\$19,950.00	
Postage / Printing / Miscellaneous	\$0.00	
Professional Admin Services (Investments)	\$0.00	
Professional Services - Owner/Operator Training	\$2,500.00	
Rebate	\$0.00	
Special Project Claims - Closure Contract Project	\$24,456.00	
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 2014	\$0.00	
Appropriation 2015	\$42,688.50	
Transfer of Funds to Innocent Land Owners	\$0.00	
		\$191,413.41
Balance of Fund, April 30, 2015		\$9,912,575.82

0208 - UST REMEDIAL NON-BONDING FUND

Balance of Fund, April 1, 2015		\$11,164,052.15
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	\$22,523.27	
Remedial Claims	\$325,557.75	
Adjustment	\$0.00	
28E Agreement - NFA Claims	\$4,563.00	
Transfer to ILO/GS Fund	\$0.00	
Transfer to Unassigned Revenue Fund	\$0.00	
Balance of Outdated Warrants & Cancelled Warrants	\$0.00	
		\$352,644.02
Balance of Fund, April 30, 2015		\$10,811,408.13

0478 - UST MARKETABILITY FUND

Balance of Fund, April 1, 2015		\$777,672.27
Receipts:		
Interest	\$3,938.14	
Use Tax	\$0.00	
		\$3,938.14
Disbursements:		
Intra State Fund Transfer	\$0.00	
Transfer to Innocent Landowners Fund	\$0.00	
		\$0.00
Balance of Fund, April 30, 2015		\$781,610.41

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING APRIL 30, 2015**

0485 - UST INNOCENT LANDOWNERS FUND

Balance of Fund, April 1, 2015		\$7,332,594.74
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	\$15,935.04	
	\$15,935.04	\$15,935.04
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	\$15,493.03	
Innocent Landowner Claims	\$79,644.57	
Transfer to Remedial Fund (0208)	\$0.00	
Balance of Outdated Warrants	(\$7,110.91)	
	\$88,026.69	
Balance of Fund, April 30, 2015		\$7,260,503.09

0238 - UST LOAN GUARANTEE FUND (Non-Bonding)

Balance of Fund, April 30, 2015		\$0.00
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0614 - UST CAPITAL RESERVE FUNDS (Bonding)

Balance of Fund, April 30, 2015		\$0.00
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Combined UST Capital Reserve Fund Balances, April 30, 2015	\$0.00
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TOTAL FUND BALANCES, April 30, 2015	\$32,800,562.56
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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 April 30, 2015

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING APRIL 30, 2015**

		FISCAL 2015 BUDGET
0471 - UST REVENUE FUND (Bonding)		
Balance of Fund, July 1, 2014	\$524,210.38	\$524,210.38
Receipts:		
Motor Vehicle Use Tax (IDOT - vehicle registration)	\$10,500,000.00	\$14,000,000.00
Intra State Fund Transfers Received	\$47,842.43	
Interest Income	\$9,273.57	\$100,000.00
Interest Income - Capital Reserve Fund	\$0.00	
	<u>\$10,557,116.00</u>	<u>\$14,100,000.00</u>
Disbursements:		
Bond Interest Payment	\$0.00	
Bond Principal Payment	(\$981.16)	
EPC Charges	\$0.00	
Adjustments	\$47,842.43	
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)	\$7,000,000.00	\$14,000,000.00
	<u>\$7,046,861.27</u>	<u>\$14,000,000.00</u>
Balance of Fund, April 30, 2015	<u>\$4,034,465.11</u>	<u>\$624,210.38</u>
0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)		
Balance of Fund, July 1, 2014	\$11,681,366.83	\$11,681,366.83
Receipts:		
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$0.00	\$5,000.00
Refund/Overpayment	\$100.00	
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	\$52,012.63	\$125,000.00
	<u>\$52,112.63</u>	<u>\$130,000.00</u>
Disbursements:		
UST Administrator's Fees	\$1,019,879.32	\$1,240,000.00
Adjustment	\$0.00	
Attorney General's Fees	\$37,393.68	\$50,000.00
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (i.e. Lien Filing, Overpayment Refund)	\$0.00	\$150.00
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$4,404.75	\$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	\$15,489.71	\$37,500.00
Innovative Technology	\$0.00	

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING APRIL 30, 2015**

		FISCAL 2015 BUDGET
Department of Inspection & Appeals Service Fees	\$0.00	\$500.00
Legal and Professional Fees	\$22,321.12	
Postage / Printing / Miscellaneous	\$0.00	\$500.00
Professional Admin Services (Investments)	\$0.00	
Professional Services - Owner/Operator Training	\$21,160.00	\$100,000.00
Rebate	\$0.00	
Special Project Claims - Closure Contract Project	\$193,902.80	\$800,000.00
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)	\$132,005.47	\$250,000.00
Statutory Transfer to IDOT (railway study)	\$0.00	\$500,000.00
Appropriations FY 2014	\$92,768.29	
Appropriations FY 2015	\$281,578.50	
Transfer of Funds to Innocent Land Owners	\$0.00	
	\$1,820,903.64	\$3,184,450.00
Balance of Fund, April 30, 2015	\$9,912,575.82	\$8,626,916.83
0208 - UST REMEDIAL NON-BONDING FUND		
Balance of Fund, July 1, 2014	\$8,681,846.71	\$8,681,846.71
Receipts:		
Remedial Refunds	\$0.00	
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer From UST Revenue Fund (0471)	\$7,000,000.00	\$14,000,000.00
	\$7,000,000.00	\$14,000,000.00
Disbursements:		
Retroactive Claims	\$435,621.62	\$700,000.00
Remedial Claims	\$4,729,390.26	\$6,000,000.00
Adjustment	\$0.00	
28E Agreement - NFA Claims	\$259,516.52	\$500,000.00
Transfer to ILO/GS Fund	(\$550,337.46)	
Transfer to Unassigned Revenue Fund	\$0.00	
Balance of Outdated Warrants	(\$3,752.36)	
	\$4,870,438.58	\$7,200,000.00
Balance of Fund, April 30, 2015	\$10,811,408.13	\$15,481,846.71
0478 - UST MARKETABILITY FUND		
Balance of Fund, July 1, 2014	\$755,308.99	\$755,308.99
Receipts:		
Interest	\$26,301.42	\$25,000.00
Use Tax	\$0.00	
	\$26,301.42	\$25,000.00
Disbursements:		
Intra State Fund Transfer	\$0.00	
Transfer to Innocent Landowners Fund	\$0.00	
	\$0.00	\$0.00
Balance of Fund, April 30, 2015	\$781,610.41	\$780,308.99

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING APRIL 30, 2015**

		FISCAL 2015 BUDGET
0485 - UST INNOCENT LANDOWNERS FUND		
Balance of Fund, July 1, 2014	\$8,604,467.48	\$8,604,467.48
Receipts:		
Cost Recovery (i.e. lien settlements)	\$4,556.20	\$25,000.00
ILO Refunds	\$105.00	
Transfer From UST Revenue Fund (0471)	\$0.00	
Transfer From Loan Gaurantee Fund (0238)	\$0.00	
Outdated Warrants	\$0.00	
Miscellaneous Income	\$36,164.64	
	\$40,825.84	\$25,000.00
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	\$152,846.85	\$80,000.00
Innocent Landowner Claims	\$1,274,810.68	\$2,000,000.00
Transfer to/from Remedial Fund (0208)	\$0.00	
Balance of Outdated Warrants	(\$42,867.30)	
	\$1,384,790.23	\$2,080,000.00
Balance of Fund, April 30, 2015	\$7,260,503.09	\$6,549,467.48
0238 - UST LOAN GUARANTEE FUND (Non-Bonding)		
Balance of Fund, April 30, 2015	\$0.00	\$0.00
0614 - UST CAPITAL RESERVE FUNDS (Bonding)		
Combined UST Capital Reserve Fund Balances, April 30, 2015	\$0.00	\$0.00
TOTAL FUND BALANCES, April 30, 2015	\$32,800,562.56	\$32,062,750.39

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.

D. Lien Status Update

Iowa Underground Storage Tank Fund Liens Filed

(Updated 05-21-2015)

Lien #	County	Site #	Claim #	Site Address	Property Owner	Owner Address	Cost Recovery Letter	Cost Rec. Ltr - ticker date	Lien Fee Requested	Mid Notice & Fee	Lien Amount	Lien Filing Date	Book & Page	Request Release Fee	Lien Settlement
0310004	Palo Alto	8918647	13007	510 Inman Ave, Mallard	Theodore J and Norma J Larson	510 Inman Ave, Mallard 50562		10/1/2003		10/2/2003	10/24/2003	\$59,055.50	10/30/2003 ; renewed 10/30/2013		
0404009	Butler	8608131	12039	12682 Highway 3, Dumont	Dave Dohlman	11794 195th St, Dumont 50625-7504		1/20/2004		3/24/2004	4/12/2004	\$13,650.00	4/14/2004; renewed 3/17/2014	2004-1676, 2014-	
0404010	Ida	8710293	73001 & 73013	Hwy 59 & 175, Ida Grove	Robin Hill Trust, %Vernus Wunschel	Box 113, Ida Grove 51445				4/19/2004	4/29/2004	\$330,131.40	4/30/2004; renewed 6/24/14	6-349	
0605012	Keokuk	8609694	73040 / 11003	407 South Barnes St, What Cheer 50268	Melvin & Karen Foubert	601 N. Barnes St, What Cheer 50268-1033		2/2/2006	3/31/2006	4/24/2006	5/15/2006	\$82,373.75	5/16/2006	2006-0962	
0610017	Jefferson	8601629	11023 & 14009	206 West Main St, Lockridge 52635	Richard & Connie Richardson	206 West Main St, Lockridge 52635-9705		7/13/2006	8/30/2006	10/13/2006	10/24/2006	\$35,202.00	10/25/2006	2006-2472	
0611018	Taylor	300033	13053 & 15001	NE Corner Adams & 3rd St, Gravity 50848	Terry J Smith	PO Box 133, Gravity IA 50848		7/6/2006	8/15/2006	10/18/2006	11/7/2006	\$52,090.00	11/9/2006	6-265,266	
0611019	Clay	8915566	15012	502 North Main St, Everly, 51338	Roger Ginger	Box 347, Everly, IA 51338		5/26/2006		10/18/2006	11/7/2006	\$14,932.00	11/13/2006	2006-3529	
0701022	Van Buren	8600890	11032 / 14002	SW Corner Hwy. 1 & 180th St., Keosauqua	Henry Robbins	102 Greenvale Drive, Mansfield, TX 76063-5556		10/20/2006	11/30/2006	12/22/2006	1/16/2007	\$32,980.90	1/19/2007	136-856	
0702023	Montgomery	8607574	15013	Tenville IA 50864	Marvin G. Shipley	2048 Tennville Avenue, Villisca 50864		10/30/2006	11/30/2006	1/23/2007	2/13/2007	\$2,795.00	2/16/2007	302-663,664	
0704025	Tama	9017159	14005	TJ's Gas & Bait, 100 Jacobs St., Chelsea 52215	Tony J. & Christie Jacobi	2772 370th Street, Chelsea, IA 52215		12/7/2006	1/30/2007	4/25/2007	5/15/2007	\$17,839.00	5/17/2007	43-474	
0706029	Woodbury	9217516	73002	29 Deer Run Trail, Climbing Hill 51015	Pat Benjamin	7 Merville Blacktop, PO Box 25, Climbing Hill 51501		3/27/2007	4/30/2007	6/1/2007	8/1/2007	\$14,400.00	8/7/2007	692 - 10744, 10745	
0801030	Cass	8608073	82102	Griswold Custom Classics, LC 802 Main St., Griswold, IA	Griswold Custom Classics LC	Clifford Speck, 802 Main St., Griswold, IA 51535		10/12/2007	11/30/2007	1/11/2008	1/31/2008	\$6,365.00	2/1/2008	2008 - 223	Payment plan started 9/2013

Attorney General's Report

Claim Payment Approval

**IOWA UNDERGROUND STORAGE TANK PROGRAM
SIXTH BOARD REPORT
MAY 18, 2015
VALLEY RESTAURANT, INC.
108 N 'U' AVENUE
VILLISCA
SITE REGISTRATION NUMBER: 8607575
LUST NUMBER: 7LTY50**

RISK CLASSIFICATION:

HIGH

LOW

UNDETERMINED

PRESENT CLAIM RESERVE:

\$ 1,000,000.00

PREVIOUS BOARD APPROVAL:

\$ 770,000.00

Number and Date of each previous Board Report: 1st: January 14, 2002; 2nd: October 13, 2008;
3rd: April 5, 2012, 4th: October 21, 2014, 5th: January 21, 2015

PREVIOUS COSTS INCURRED:

\$ 667,726.58

COSTS INCURRED SINCE LAST BOARD APPROVAL:

1. Site monitoring reports	21,036.84
2. Remediation (temporary water treatment system)	4,550.46
3. Corrective action teleconference	<u>1,284.00</u>

TOTAL COSTS INCURRED TO DATE:

\$ 694,559.36

PROJECTED COSTS:

- ❖ Site Monitoring Report
- ❖ Temporary treatment system (completed, \$40K left to invoice).
- ❖ Install new city water well (\$255K+)

TOTAL PROJECTED COSTS:

\$ 305,440.64

ADDITIONAL AUTHORITY RECOMMENDED:

\$ 230,000.00

TOTAL AUTHORITY:*

\$ 1,000,000.00

COMMENTS: The site is high risk for municipal water wells, non-drinking water wells, sanitary sewers, and plastic water mains. Remedial efforts including excavation and the operation of an air sparge/soil vapor extraction system have remediated much of the contamination. However, at least one city well is currently impacted. This well has been shut down. Since the last board meeting, an extensive investigation was completed which indicates the contamination did come from this LUST site. A temporary drinking water treatment system has been installed to help the city meet their water demand. A longer term solution is needed. The best option appears to be the installation of a new city well outside of the area of potential contamination influence. Affected population could include the entire population of Villisca, approximately 1,300.

*Previous approval + additional recommended

Site Timeline

- 1986 – Contamination was discovered in several city water wells. The contamination was suspected to be from this site and possibly also the municipal power building. City well #2 was reportedly originally impacted in 1961.
- 1987 – The USTs and ASTs are removed from the site. An excavation was completed in the AST area.
- 1995 – Claim filed by Valley Restaurant, Inc., doing business as Sierp Oil Co. This is a late filed retroactive claim handled under the innocent landowner fund. Claim is eligible to the extent that the contamination is caused by the USTs.
- 1996 – SCR is submitted and accepted as high risk. CADR due in 120 days.
- 1996 – Free product recovery begins.
- 1999 – RBCA Tier 2 submitted. DNR issues a ‘not accepted’ letter.
- 2000 – Revised Tier 2 is accepted as high risk. CADR or Tier 3 due in 120 days.
- 2000 – Eligibility is determined to be 97% for the USTs. The remaining 3% is attributed to the ASTs and is not eligible for reimbursement.
- 2001 – CADR recommending an air sparge/soil vapor extraction (AS/SVE) system is submitted. DNR issues a ‘not accepted’ letter.
- 2002 – Revised CADR is submitted and accepted for excavation combined with an AS/SVE system.
- 2003 – An excavation of the former UST area followed by the installation and start-up of the AS/SVE system are completed.
- 2007 – First corrective action teleconference is held on June 28, 2007. The excavation and remediation system have effectively cleaned up the former UST area. The system will be shut-down. However, contamination remains to the west in the direction of the city wells. Additional plume delineation is necessary.
- 2007 – Second corrective action teleconference is held on November 8, 2007. Agreed to complete additional excavation and AS/SVE to the west of the current treatment area.
- 2009 – The additional excavation is completed.
- 2010 – The AS/SVE system startup is completed.
- 2014 – The excavation and AS/SVE system have accomplished the goal of cleaning up the western portion of the property. The system is shut down in July.
- 2014 – The fund is notified on October 17th that a city well has been impacted. The impacted well appears to be one which was previously impacted in 1986. The well is the city’s most productive well and they will have a hard time meeting their water requirements now that it is shut down.
- 2015 – An investigation of this LUST site and a former LUST site, the United Farmers Mercantile Cooperative, concludes that the contamination is from this LUST site. The investigation also appears to rule out the Casey’s, which is a former LUST site, as a potential source of the contamination. A temporary drinking water treatment was installed in April to help the city meet their spring water needs.

Site Timeline

- 1997 - Contamination is discovered during an investigation of an adjacent property.
- 1998 - The contamination is reported to the IDNR and a LUST number is issued.
- 2005 - An ILO claim form is filed by the property owner, Bessie Orness.
- 2006 - Tier 2 submitted and accepted as low risk. Annual monitoring is required.
- 2007-2010 - No monitoring is completed due to the copay requirement.
- 2010 - Claimant informed of change in law waiving the copay requirement for innocent landowners.
- 2012 - Annual monitoring begins.
- 2014 - Additional soil and groundwater plume delineation is completed in preparation for potential low risk corrective action.

**IOWA UNDERGROUND STORAGE TANK PROGRAM
 FIRST BOARD REPORT
 MAY 18, 2015
 CAMPUS AMOCO
 102 E. BURLINGTON STREET
 IOWA CITY
 SITE REGISTRATION NUMBER: 8600878
 LUST NUMBER: 8LTD40**

RISK CLASSIFICATION:

HIGH LOW NAR-FP

PRESENT CLAIM RESERVE: \$ 150,000.00

ELIGIBILITY: Contamination was discovered on this property during a site investigation in August of 1990. The DNR was informed of the release in October of 1990. A timely claim was filed. This is an eligible remedial claim.

COST INCURRED TO DATE:

1. Site clean-up report (SCR)	\$ 27,727.94
2. Tank upgrade	14,043.80
3. RBCA Tier II report	2,800.00
4. Site monitoring reports	3,000.00
5. Free product recovery	<u>27,763.71</u>
TOTAL COST TO DATE	\$ 75,335.45

PROJECTED COSTS:

- | | |
|---|--------------------------------------|
| ❖ Free product recovery by hand-bailing | ❖ Free product plume delineation |
| ❖ Corrective Action Design Report | ❖ Consider corrective action options |

<u>TOTAL PROJECTED COSTS:</u>	Hand bailing only - \$3,500/year x 10 years	<u>\$35,000.00</u>
	Free product plume delineation using LIF	<u>\$25,000.00</u>
	Corrective action design report	<u>\$3,500.00</u>
	Corrective action options	<u>\$150,000 to \$250,000+</u>

TOTAL AUTHORITY RECOMMENDED:

\$150,000.00

COMMENTS:

The site is classified as no action required with free product. There are at times more than one foot of free product present in two monitoring wells on-site. This has declined significantly from up to sixteen feet of free product thickness in the wells in 1993 and 1994. The site is now the parking lot and outdoor café of a Starbucks. The area is highly developed and the free product is present at a depth of more than 40 feet below grade. The corrective action options will be limited and expensive. At this time, we are only requesting enough authority to complete free product plume delineation using laser induced fluorescence (LIF), continue hand-bailing of the free product, and then exploring corrective action alternatives. Affected population likely less than 20.

Site Timeline

- 1990 - Claim is filed by Campus Amoco Service.
- 1993 - Free product is discovered during the site investigation. Free product by hand bailing begins.
- 1995 - SCR is submitted and accepted as high risk. CADR due in 120 days.
- 1995 - Free product recovery using a skimmer pump begins.
- 1998 - Tier 2 submitted / accepted as no action required (NAR), with free product.
- 2002 - The property is sold, the USTs are removed, and the site ceases to operate as a gas station.
- 2003 - All free product recovery ceases. The responsible party did not sign contracts, and the new owner did not complete a benefit transfer. From 8/ 1993 thru 5/2003, approximately 1,511 gallons of free product were reported to have been recovered by hand bailing and the use of a skimmer pump.
- Prior to 2012 - The property is leased to Starbucks to use as a parking lot. They also have added outside seating over top of one of the monitoring wells with free product in it.
- 2012 - Working together, the fund, the DNR, and especially the groundwater professional convince the property owner to complete a benefit transfer.
- 2013 - Free product recovery by hand bailing resumes in February.
- 2015 - In the two years since free product recovery has resumed, approximately 50 gallons of product has been recovered. A more aggressive approach is needed to comply with DNR requirement that product be recovered to the 'maximum extent practicable'.

Site Timeline

- 1991 - Contamination is discovered during the tank pull sampling. A claim is filed by Vernon's Conoco.
- 1993 - Free product is discovered during the site investigation. Hand bailing of free product begins.
- 1994 - A site cleanup report (SCR) is submitted. The DNR issues a 'not accepted' letter.
- 1995 - Two revised SCRs are submitted. Both are rejected by the DNR.
- 1996 - A third revised SCR is submitted. DNR issues a 'not accepted' letter.
- 2004 - The first corrective action teleconference is held on October 11, 2004. It is agreed that a small soil vapor extraction (SVE) system will be installed.
- 2005 - The SVE system becomes operational in October of 2005.
- 2007 - The SVE system is shut down in October of 2007 and post-remediation monitoring begins.
- 2014 - The City of Anamosa well ordinance is documented as an institutional control and a reclassification SMR is submitted in April. The DNR issues a 'not accepted' letter.
- 2014 - A revised reclassification SMR is submitted in November. The DNR accepts the site as no action required (NAR) in December.
- 2015 - The monitoring wells were abandoned on April 28, 2015.

**Contracts Entered Into
Since April 24, 2015 Board Meeting**



IOWA UNDERGROUND STORAGE TANK FUND

Douglas M. Beech, *Chairperson*

Dale T. Cira, *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: Dale T. Cira
DATE: May 20, 2015
SUBJECT: Contracts Entered Into Since April 24, 2015 Board Meeting

The Board has not entered into any contracts since the April 24, 2015 Board meeting.

Other Issues as Presented

Correspondence and Attachments

Journal.com

Woodbury County jail gets more testing amid contaminant concerns



MAY 09, 2015 10:30 PM • BRET HAYWORTH
BHAYWORTH@SIOUXCITYJOURNAL.COM

SIOUX CITY | State and local officials are looking for a new solution to the old problem of groundwater and soil contamination at the Woodbury County Law Enforcement Center.

The building, at 407 Seventh St., is on the site of a former gas station. The contamination was believed to have been adequately addressed when an air filtration system was installed in the building in 2003. But it has shown up again in recent testing.

After years of regular tests to ensure that existing levels of hazardous chemicals don't pose a health risk, a sample taken late last year has raised concerns, said county Human Resources Department Director Ed Gilliland.

The sample, taken by consultant Northwest Environmental Services, of Alton, Iowa, and sent to the Iowa Department of Natural Resources, showed higher levels of benzene than had been seen previously. The amount was below statewide target levels, said DNR Environmental Specialist Matthew Graesch. County and state officials now are looking hard at the site.

The state agency has been doing twice-yearly testing of wells under the facility. All along, there have been substantial amounts of petroleum floating on top of the water under the building. The goal is to ensure that petroleum vapors won't get into the facility, Graesch said.

The tests have been to check for chemicals such as benzene, which can damage the immune system or cause poisoning.

"Things aren't necessarily getting worse, but (tests are) showing that it isn't going away by itself. So we're going to take an active role rather than a passive role," Graesch said.

The building holds the jail, Sheriff's Office quarters and courts. Sheriff Dave Drew and 3rd

District Court Administrator Leesa McNeil said late last month they had not noticed any petroleum odors and that no employees had complained of symptoms.

A crew in April drilled holes around the building as a first step in designing a better solution for the property. Details about possible plans will be aired Thursday when the DNR meets with county officials.

"The situation is in pretty good control at this point," Gilliland said. "The DNR has their nose right on it. They've got the expertise."

Drew said the fact that problems keep popping up is a concern. He'll remain skeptical until the May discussions play out.

"The question is, what if it isn't OK? Does it make me feel better? No, it makes me concerned," Drew said. "We just want to make sure everything is good here."

Graesch said relatively dry conditions in 2012 and 2013 years made the petroleum more likely to move underground.

"It may have remobilized," Graesch said.

Graesch said when the jail was built, officials didn't take the usual step of carting away soil from the former gas station.

Building Services Director Mark Elgert said the existing filtration system is designed to pull more fresh air into the LEC. If benzene is detected, a series of exhaust fans kicks in.

That system was added after workers in the early 2000s complained about petroleum-like odors in the building's basement. Environmental studies showed the odor was caused by benzene fumes.

The county was reimbursed for nearly all of the \$240,000 paid for contamination cleanup in 2003. The reimbursement came from the Innocent Land Owners Fund, a pool of money collected by the state from petroleum companies.

Gilliland said similar ongoing cleanup issues occur on other old gas station properties. Another is in the 300 block of South Floyd Boulevard.

Gilliland said if more equipment is needed for a fix, it will be added this year. Any costs to the county would again come out of the Innocent Land Owners Fund.

Gilliland, Graesch and Woodbury County Board Chairman Mark Monson said aggressive action will be taken this year to address any problems.

"It is a safe place to work and will continue to be," Monson said.

Timeline for jail benzene problems

1987: Woodbury County Law Enforcement Center opens at 407 Seventh St. on the grounds of a former gas station.

2001: Employees in the building complain about petroleum-like odors in the basement. Environmental studies show the odor is caused by benzene fumes.

2003: A new filtration system is installed in the building, and contamination levels drop.

2015: State and county officials begin a new round of testing to see if high levels of water and soil contamination have returned.

Notes of Third Corrective Action Conference

Held: Thursday, May 14, 2015 at 1:30 in room 5W of the Wallace building
Site: Former Coastal #1047, Osage, Iowa
LUST No. 8LTF53
Status: Third conference; no further meetings scheduled
Synopsis: This non-granular bedrock site is high risk for groundwater to several drinking water wells (DWWs). The site has undergone several episodes of remediation: periodic high vacuum extraction, air sparge/soil vapor extraction, and injection of chemical oxidant and oxygen-releasing compound. Groundwater concentrations are greatly reduced but still above SSTLs. The DNR will not require additional active groundwater treatment at this time but will allow annual monitoring of drinking water well receptors and site monitoring wells with annual reporting as a reasonable closure strategy.

Participating:

RP: Jen Hurley of Kinder Morgan (in person)
CGP: Scott Stanley, Jeff TeGrotenhuis, David Wombacher of MWH (in person)
DNR: Ruth Hummel, Project Manager, & Jeff White, Conference Facilitator (in person)

Power Point Presentation (44 slides) by Jeff TeGrotenhuis, Lead Engineer w/ MWH

- Introductions and H&S Minute
- Remediation Activities Completed to Date
- Dissolved-Phase Impacts – Groundwater (No Soil Exceedances)
- Residual Risks – Nearby Water Wells
- What is a Reasonable Closure Strategy

Discussion:

MWH: We have conducted several remediation activities to date and groundwater contaminant concentrations are significantly reduced. Soil contamination is less than the target levels. However, there are several drinking water wells nearby and the groundwater benzene concentrations are still above the SSTL. We would like to discuss possible exit strategies.

DNR: The regulations don't allow for groundwater modeling for these sites because plume movement in fractured bedrock is not predictable. So we can't close these sites with modeling or plume stability. In addition, the owner of one DWW has complained several times over the years regarding petroleum odors in their DWW and questioned the DNR about the cleanup of the site. Another DWW has had very low-level petroleum detections in water samples.

For a non-granular bedrock site with drinking water wells (DWWs) within 1,000 feet, the regulations say the SSTL for the groundwater benzene plume is 5 ppb. We agree that at this point additional active remediation may not be much more effective than natural attenuation in achieving this goal. But we cannot reclassify the site based upon the existing conditions.

MWH: The last detection of any BTEX compound in any DWW sample was 2006. The contaminant mass has been greatly reduced at the site. It is highly unlikely we will see any future impacts to the area DWWs from this site. Could we monitor then and rely on natural attenuation to reduce the benzene to the SSTLs?

DNR: Yes, we should be able to work out a "Tier 3" monitoring program.

MWH: Is the monitoring plan negotiable?

DNR: The Tier 2 monitoring plan has already been reduced. You will need to monitor the DWWs and monitoring wells on the existing monitoring plan on an annual basis.

RP: Is there a limit on how long we need to continue to monitor the site after we are no longer seeing any detections in the DWW receptors?

DNR: The regulations say continue to monitor until exit monitoring criteria are met. Exit monitoring criteria in this case is concentrations below applicable SSTLs in all site monitoring plan wells for three consecutive (post-remediation) annual sampling events.

MWH: We don't have information on all DWW receptors but for some we have logs showing shale aquitards and construction information showing they are screened deep. DWW3 is reportedly used only for washing machinery and may be able to be classified as a NDWW.

DNR: You may be able to complete a Tier 3 to reclassify individual receptors where you have good well construction information and have multiple lines of evidence showing well integrity and aquifer separation. To establish a well is a NDWW (with higher SSTLs) we would need to see documentation such as a letter from the well owner stating the water from the well is only used for non-drinking water purposes such as equipment washing and lawn watering and is not hooked up to the same plumbing system as the drinking water. A "Not Potable Water" sign at faucets would be required.

MWH: MW11 does not penetrate bedrock and is often dry. Does it need to be replaced with a deep monitoring well?

DNR: Yes, we need a bedrock monitoring well there because we don't have an acceptable alternative sampling location and the benzene concentration at MW11 was above the benzene target level for DWWs.

MWH: Do you need specific measurements as proof of natural attenuation?

DNR: Not really. According to the regulations for this site we need three consecutive years of less than applicable target levels in all monitoring plan wells. You are now sampling semi-annually; you may monitor annually and report annually. Analyze groundwater by method OA-1.

Selected Corrective Action and Schedule

- DNR will email notes of the conference by 5/20/15.
- CGP & Kinder Morgan will sample the existing monitoring plan and provide the next SMR by 10/30/15.
- CGP and Kinder Morgan will continue to sample DWWs and appropriate monitoring plan wells on an annual basis and provide SMRs by October 30 while working to evaluate and clear individual DWWs.

Everyone 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 Ruth Hummel at the UST Section of the DNR.

Notes of Fifth Corrective Action Conference

Iowa Department of Natural Resources (DNR)

Held: Tuesday, May 12, 2015 at 1:30 PM in 5W of the Wallace building
Site: Rock C Store in Iowa Falls, Iowa
LUST No. 8LTC27
Status: This was the fifth conference; no further are scheduled, but we could hold one in September 2015 to evaluate the corrective action design report (CADR).
Synopsis: The site is high risk for soil leaching to protected groundwater source at a non-granular bedrock site. Soil remediation is required. A soil vapor extraction system was operated for several years to address free product. The soil contamination is deep and under an active UST system. The certified groundwater professional (CGP) will conduct an injection pilot test, solicit bids for carbon injection, and provide a CADR for carbon injection by 9/1/15.

Participating

RP: Preston Aust (by phone)
Funding: Steve Reinders of Cunningham Lindsey (CL) (by phone)
CGP: Gaylen Hiesterman of Cardno ATC (by phone)
DNR: Kate Meyer, Project Manager, and Jeff White, Facilitator (in person)

Funding Report by Steve Reinders of Cunningham Lindsey (CL)

- \$330,266 spent to date.
- The project has funding authorization to \$403,000.

Background by Gaylen Hiesterman, CGP

- Since the last meeting we completed soil and groundwater sampling and provided a site monitoring report (SMR). The soil plume to the north and east is better defined; it is beneath the UST system and building.
- The groundwater plume is better defined with MW12 to the east.
- Recommendation: A two-pronged attack, with in situ chemical oxidation for the groundwater contamination first and activated carbon injection for reducing contaminant movement over the long term.
- The main emphasis should be toward the groundwater contamination in the bedrock. The contamination in the clay will be more difficult.

Discussion

DNR: In the mapping of the soil contamination plume, you used the 1991 shallow soil samples from the UST tank and line removal. These should have been ignored in the software because they are too shallow. When you ignore them, the soil plume becomes larger and less defined. More deep samples are needed to define the extent of the soil contamination.

CGP: Yes, we will need better soil definition if we are going to treat the soil contamination. Regenesys recommends reducing the soil maximum first with surfactants, then using carbon injection.

DNR: Activated carbon reportedly does not work well directly on soil contamination; the contamination needs a medium such as water or vapor in which to move from soil particles to the carbon. The surfactant could dissolve some of the contamination from the soil on top of the bedrock and the contamination could enter the porous and fractured top of the bedrock. We don't want to introduce more contamination into the bedrock.

Another option is simply to inject the carbon directly into the fractured bedrock in groundwater and prevent or capture any contamination leaching from the soil. If there is no apparent soil leaching, that pathway is interrupted.

CL: We are open to looking at carbon injection. We would want all three potential vendors/injectors to be approached.

CGP: We would like for EcoVac to be approached about surfactants too. Will EPA allow injection into bedrock?

DNR: Contact Kurt Hildebrandt of UIC at EPA Region 7; keep him informed. This approach is a combination of remediation, Tier 3, and technological controls. If the contamination is not leaching, it is not getting worse. We could leave some of the soil contamination if we treat or prevent groundwater contamination.

CGP: We have a number of potential injection locations: MP 1 through MP7, SVE wells, maybe some monitoring wells. Some of these are into bedrock. Regensis strongly recommends we conduct an injection pilot test using fresh water. They have a crew to run the test, or perhaps we could do the test ourselves. A pilot test should provide data to help determine how many pounds of carbon and how many days would be needed.

DNR: We have heard some concern from EPA and others that carbon injected into the subsurface will accumulate in the filter pack and open areas in monitoring wells, causing samples to be clean. We will likely require that at least some monitoring wells will need to be installed or re-installed to determine actual groundwater contamination.

There are no bedrock monitoring wells or deep SVE wells at the soil source because we don't want to have such a well act as a preferential pathway and contaminate the groundwater. However, the groundwater in the bedrock is pretty hot. If a monitoring well or injection well is properly installed in bedrock with double casing and concrete, it is unlikely to serve as a conduit. This would let you treat at the soil source.

RP: Some concrete pavement is broken up and needs to be fixed.

CGP: We will fix the concrete when we do the site visit.

DNR: The end goal is to leave the soil, treat the groundwater, minimize the soil leaching, reach steady or declining conditions (not fluctuating), and reclassify the site to NAR.

CGP: I recommend we do semi-annual groundwater sampling in the spring and fall. We should be able to do the pilot test in June and provide the CADR by the end of August.

CL: Likely we will have to get more spending authority from the Fund Board after the CADR and before we implement the injection.

DNR: We would like to conduct any injection this year, if possible.

Selected Actions and Schedule

- By 5/18/15, DNR will email conference notes to all participants.
- By 5/26/15, CGP will provide a budget and proposal for:
 - Conducting an injection pilot test.
 - Contacting three carbon contractors and a surfactant contractor regarding remediation at the site.
 - Writing and submitting a corrective action design report (CADR) for injection.
- By 6/1/15, CL will evaluate the budget and proposal.
- By 7/1/15, CGP will conduct a fresh water injection pilot test.
- By 9/1/15, CGP will provide a CADR.
- If necessary, another conference could be held if injection is not appropriate or to evaluate the CADR.

Everyone agreed to this approach and schedule.

Jeff White, Conference Facilitator

Kate Meyer, DNR Project Manager

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 Kate Meyer at the UST Section of the DNR.

Notes of Third Corrective Action Conference

Iowa Department of Natural Resources (DNR)

- Held:** Tuesday, May 5, 2015 at 1:30 in room 5W of the Wallace building
Site: Former Tapkens Convenience Store at 619 W. Main, Anamosa, Iowa
LUST No. 8LTG00
Status: This was the third conference; no further conferences are scheduled at this time.
Synopsis: This non-granular bedrock site is high risk for soil contamination and soil and groundwater vapor to confined space. A large over-excavation (OE) removed most of the contaminated soil down to bedrock, but an unknown amount of contaminated soil exists under the street near a sewer main. The certified groundwater professional (CGP) will conduct groundwater vapor and soil plume delineation; provide a site monitoring report (SMR) by 7/15/15; and conduct a soil vapor extraction (SVE) pilot test by 9/1/15.

Participating:

- RP:** Robyn Cummings (by phone)
Funding: Steve Reinders of Cunningham Lindsey (by phone)
CGP: Scott Behrends of GeoSource (by phone)
DNR: Matt Graesch, Project Manager, & Jeff White, Facilitator (in person)

Funding Report by Steve Reinders of Cunningham Lindsey

- \$213,046 spent to date.
- The Global Settlement will cover all but \$400 of the copay.
- The site has funding authority to \$275,000.

Comments by Matt Graesch, DNR project manager.

- The site was initially evaluated as a standard Tier 2, but recently converted to non-granular bedrock.
- The groundwater vapor plume must be defined to the target levels and the soil contamination must be defined to 0.54 ppm benzene.

Background and Recommendations by Scott Behrends, CGP with GeoSource

- We conducted an over-excavation (OE) of contaminated soil of 1,550 cubic yards to bedrock in 2013 and removed a lot of very contaminated material.
- Two soil samples on the west and northwest sides of the excavation were still above the target levels after the OE: W-11 had more than 7 ppm benzene at a location too near the street to excavate.
- We installed horizontal piping for a soil vapor extraction (SVE) system and vertical piping for an air sparge system in two vertical wells in the backfill of the OE.
- The city has an acceptable ordinance prohibiting private drinking water wells.
- Recommendation: Conduct a soil vapor extraction (SVE) pilot test in the backfill of the OE. If the SVE reaches MW25, this technology might clean up the soil.

Discussion:

DNR: Would the city allow drilling in the street? The extent of the contamination found in MW25 needs to be defined under the street.

CGP: The city might let us drill. But this is a critical corner and traffic control is difficult. Soil sample W-11 is six feet from the traffic curb. The west sidewall of the OE is mostly clay; there aren't any good sand layers to serve as vapor conduits. The soil contamination appears to have moved just above bedrock.

DNR: Could we use injection of chemical oxidants or carbon?

CGP: There are lots of rounded boulders and rocks in a sandy clay matrix. Push technologies don't work well.

DNR: Could you excavate under the sanitary sewer main if you installed sewer bypass pumps?

CGP: A large sanitary sewer main goes by the site with wastewater from the reformatory. It is full of sewage and likely far too much for bypass pumps.

CL: We should do the pilot test and soil delineation. The soil will need corrective action.

DNR: We should do soil sampling, groundwater sampling, and soil gas sampling before the pilot test. After an SVE pilot test, we would need to wait six months before sampling. Sample all the monitoring wells above the site specific target levels (SSTLs). A couple of boreholes in the street between MW25 and B5 would help.

CGP: During the OE we found an old, filled tank basin (no UST) near W11 and MW25. There were concrete chunks from the old pavement.

DNR: That could explain the high soil contamination at W-11.

An SVE pilot test in that permeable gravel backfill might need a large blower to address that big volume of backfill, especially if there are air leaks into it. You need to talk with the city right away about drilling in the street.

CGP: I will do the sampling, provide an SMR in July and conduct the pilot test in August.

Selected Corrective Action and Schedule

- DNR sends out notes of the conference by 5/8/15.
- CGP will submit a proposed budget for the sampling and SMR by 5/6/15
- CL will evaluate the budget by 5/13/15.
- CGP will submit an SMR by 7/15/15 with results of soil, groundwater, and soil gas and groundwater vapor sampling.
- CGP will conduct an SVE pilot test in August and provide a report. We will likely hold another conference in September 2015.

Everyone agreed to this approach and schedule.

Matt Graesch, DNR Project Manager

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 Matt Graesch at the UST Section of the DNR.