

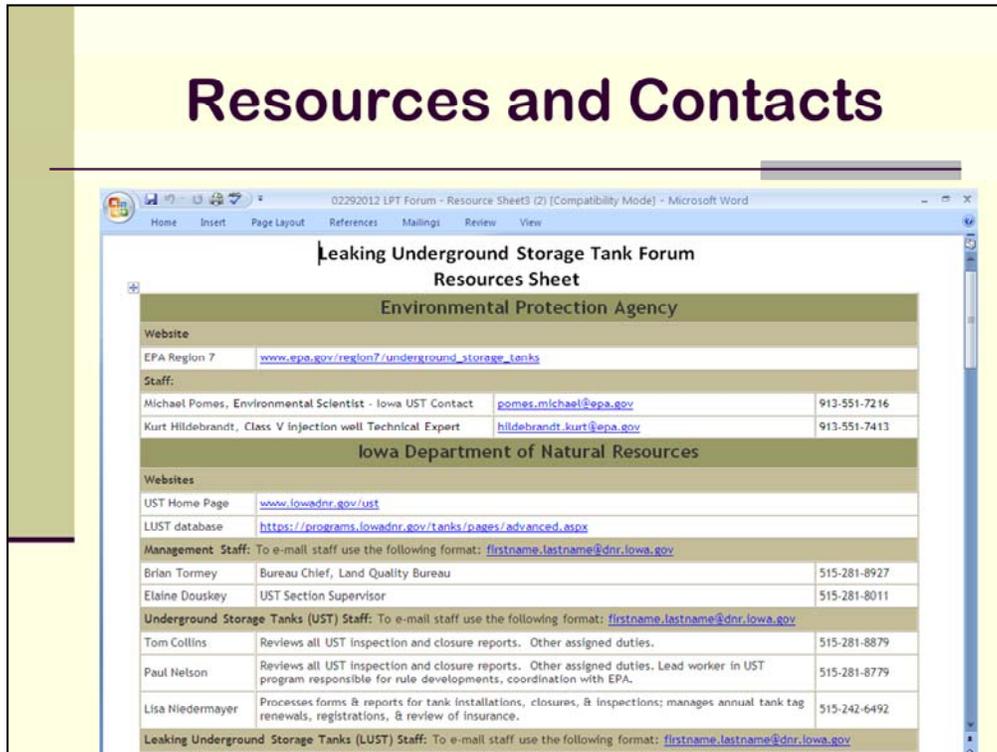


Leaking Underground Storage Tank Forum

February 29, 2012

Iowa Dept of Natural Resources
Iowa Comprehensive Petroleum UST Fund Board
Petroleum Marketers Management Insurance Company
Petroleum Marketers & Convenience Stores of Iowa

Resources and Contacts



- A handout is available – contains a DNR staff list, EPA, and contact information for the participants on the panel today, as well as applicable web sites.

Just a quick introduction to the UST Section of the DNR. We are a staff of 15 (+ 5 field staff) that handle three primary program areas:

- UST Operations - matters associated with active USTs/stations, like installation oversight, inspections, tank registrations/renewals
- LUST – oversight of release investigations, assessments, and cleanup or corrective actions
- Certifications and Licensing (groundwater professionals, UST inspectors, testers, installers, removers)

In addition, DNR FO staff tasks include UST/LUST compliance and enforcement, on-site investigations, assistance to public, and emergency and complaint response.

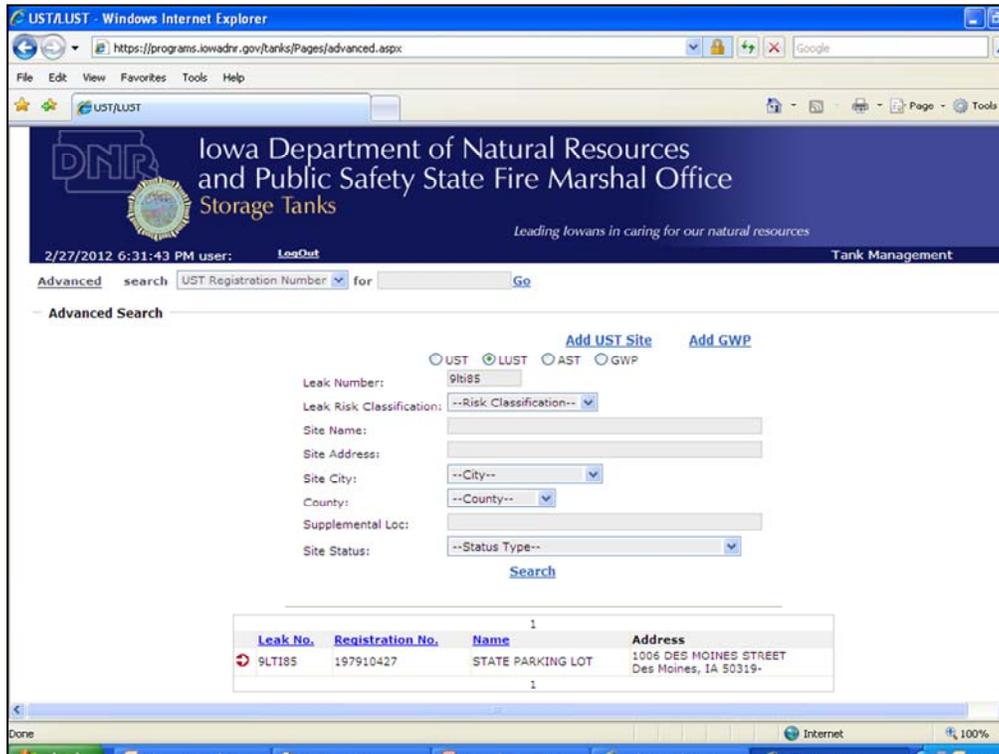
Changes over the last two years...

-New Administration = New Management Staff

- Director: Roger Lande
- Deputy Director: Chuck Gipp, who is DNR’s representative on the UST Fund Board
- Environmental Services Administrator: Bill Ehm



- Lots of good resources under this new UST web page, particularly for the owner/operator.
- Menu on left will direct you to topic-specific information
- In the center of the UST home page is a link the Storage Tanks database, where you can look up specific sites.



-Once in the database, a user can search for UST, LUST, and Aboveground Storage Tank (AST) sites.

-See search area about 1/3 down the page next to “Advanced” and the drop down arrow. Also can use radial select buttons in center of page.

-Searches can be on specific sites by Leak number (LUST) or Registration number (UST), or by entire Cities or Counties. I encourage you to go look at these pages and bring up your site.

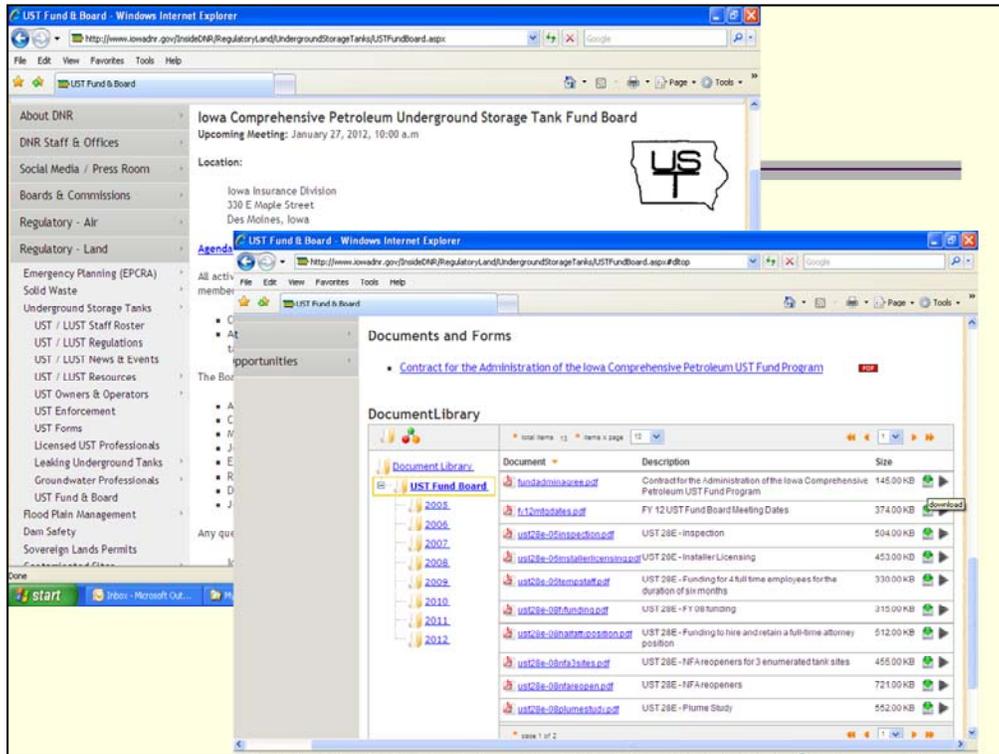
-See arrow within the red circle – clicking these lead the user to a new screen with more information on the site.



-Once a specific site is selected (from previous page), the user can again obtain more information.

-About a third down the page is a grey bar with many tabs – here, the ‘LUST’ tab is highlighted. Each of these tabs provides topic-specific info about the site.

-If you go to the UST site tab, you will be directed to information about operating or closed fuel dispensing facilities. On that page there is also a link to the compliance inspection reports (newer feature).

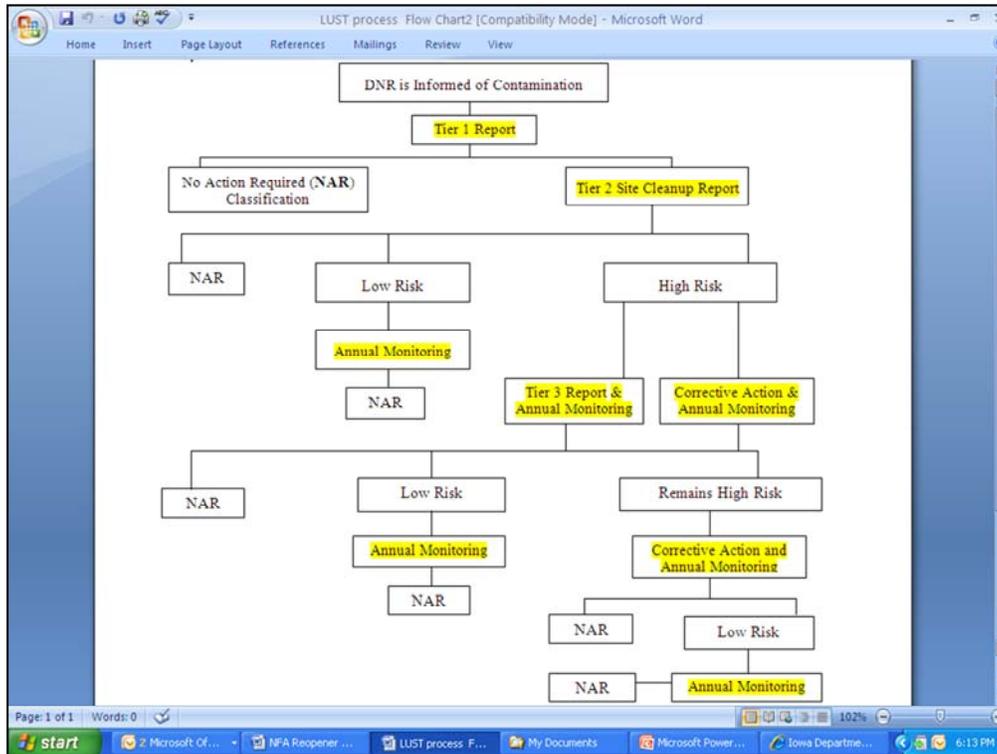


Something new that has been added to the website is the UST Fund Board packets and a listing of '28E' or interagency agreements between DNR and the Fund. (access this page by clicking "UST Fund & Board" link on the left hand side of the UST home page).

- The 28E agreements and Fund Board packets can be found by scrolling to the bottom of the page. To access the Fund Board packets, click the plus sign (+) under Document Library. These are listed by year. By clicking the year, the PDF documents for that year are then listed to the right.

Getting LUST Sites Closed





The process by which a LUST site is assessed and closed is set out in Chapter 135 of IAC.

This depiction is a simplified version of the process.

The highlighted steps are where some activity is required or a report must be completed (by the owner and their certified groundwater professional) for DNR review. DNR LUST staffers review and comment on these reports ensuring they meet what is required by rule and guidance regarding the risk assessment and corrective action activities.

(walk through chart)

The risk evaluation process is very prescribed by rule – specifically, a determination of whether the petroleum release is causing a risk to public health, safety and the environment must be made. Risk relates to exposure, and we are specifically looking at whether the contamination is in contact or near drinking & non-drinking water wells, water lines, basements or sewers corridors (vapors-inhalation/explosion hazards) and to waterways of the state.

When these conditions are found, they must be remedied / corrected/ addressed (detailed on next slide).

Corrective Action Meeting Process

- High Risk sites – invitation to meet
- Participants: RP, DNR, Funding rep, CGP
- Set plan & schedule– actions to reduce risks
 - Cleanup
 - Remove / relocate receptors
 - Tier 3 assessment
 - Use of land use restrictions (ICs, ECs)
- Memorandum of Agreement (MOA)
- Implement Plan

When a site is determined to be high risk, corrective actions must be planned and approved by the DNR, and in coordination with the Responsible Party (RP), Certified Groundwater Professional (CGP) and Funding entity. Plans can be submitted via a Corrective Action Design Report (CADR), or through a meeting process.

The meeting process began in 2004, at which time there were 1,185 high risk sites in need of corrective action (actions/activities to reduce the public health or environmental risk). At the meeting, participants discuss feasible and economical options for addressing risks at the site. A plan is made and schedule for implementation is set.

The MOA captures the plan or approach, and who will be responsible for what (plan, implementation, budget approval, report reviews, etc)

Since 2004, 1,060 meetings have been held. Plans have been set for 577 sites. Of these about one third (196) have been reclassified to either low risk or 'no action required', as a result of conducting corrective actions, and /or monitoring.

How many of you have participated in these meetings? If you have not, we strongly urge you to get involved. This is really your chance to learn the details of the risks at your site, the funding options & benefits, & planned activities. It your opportunity to provide input, share your knowledge of the site (obstacles and other concerns).

Getting LUST Sites Closed -- Obstacles

- No RP
- No Funding
- Site complexities (geology, physical obstacles, political or community concerns)
- Not conducting timely corrective actions
- Not conducting timely monitoring

Top five Obstacles to getting LUST sites closed:

-No viable responsible party (solutions: UST Fund-lead, ARRA or other Federal funding, usually w/ cost recovery).

-No funding available (Solutions: exhaust possibilities: ATP, Global Settlement, ILO, pay reinstatement fees) (James can elaborate). If a responsible party feels they cannot pay for required activities, they can submit a request to DNR to complete an ability-to-pay (ATP) analysis. If they are determined unable to pay, the state (DNR & Fund) may be able to assist with financing and managing the work needed (with possible cost recovery/lien).

- Site complexities are quite varied and more difficult to resolve, but this is where meeting and brainstorming can lead to resolution (e.g., Early site and community well)

LUSTs by the Numbers

February 2012

- 6291 LUST sites – 5250 closed sites
- 1039 Open LUST sites
 - 567 High Risk
 - 311 Low Risk
 - 73 NAR w/ FPR
 - 88 Not Classified
- 161 NAR sites in FFY11; 48 in FFY12

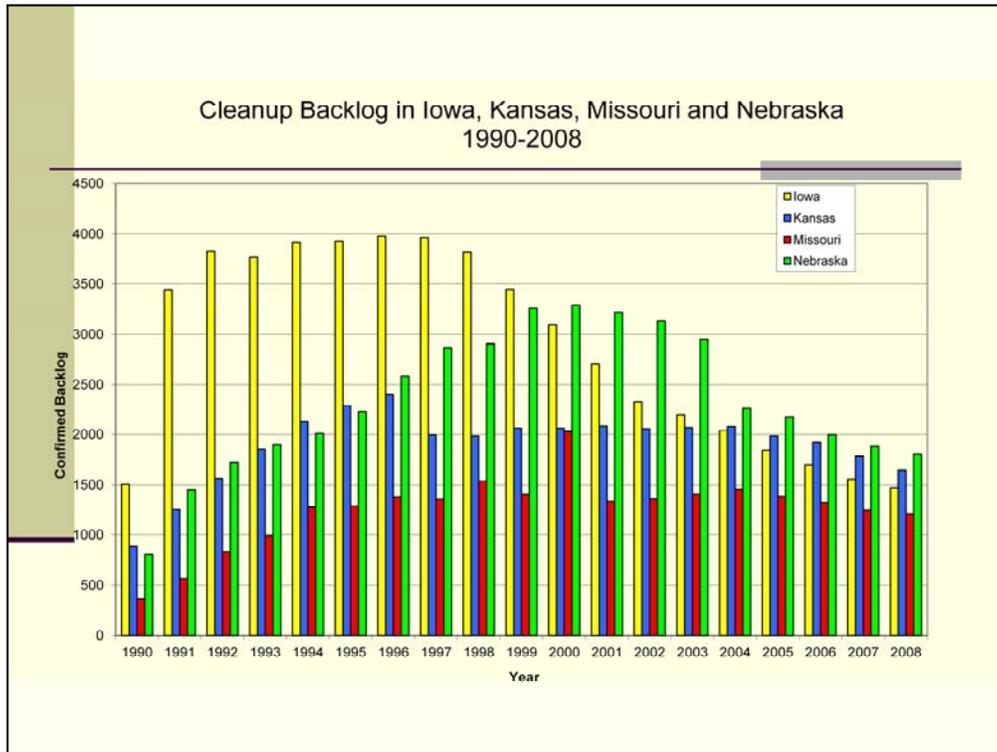
Acronyms:

LUST = Leaking Underground Storage Tank

NAR = No Action Required

FPR = Free Product Recovery

FFY = Federal Fiscal Year (runs from 10/1 thru 9/30 of each year)



- A visual showing the number of 'open' LUST sites per year over time. EPA refers to this as the state's 'cleanup backlog'.

-Iowa is represented by the yellow bars.

-Many LUST sites were identified early on in our program (compared to other states) – this was because many sites were being tested for petroleum contamination to qualify for the State's insurance/remedial benefits program.

Mining for NARs



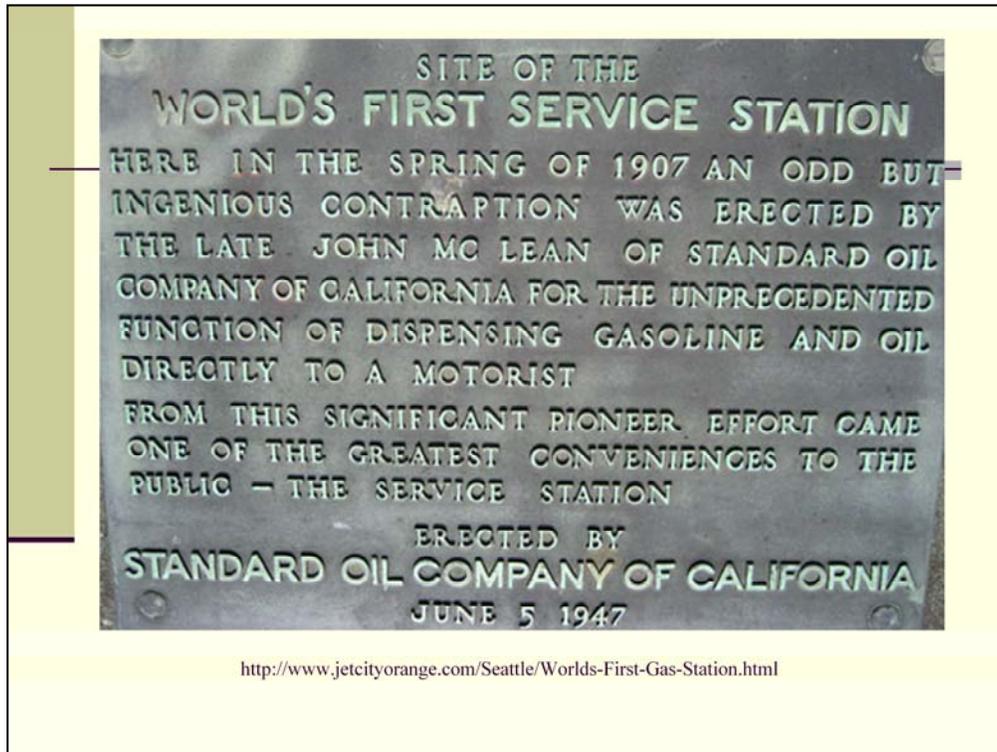
- ILO copayment waived
- 2010 Statutory change – monitoring at low risk sites – four gw < SSTLs = done. See 135.12(6)d
- Waiver of exit monitoring criteria where justifiable See 135.12(6)h
- Fund can pay for cleanup at low risk sites where economically feasible
- Use of Ics/ECs on actual plume vs. modeled plume if plume is shown to be stable
- Use of version 3.0 of Tier 2 model

NAR = No action required (site classification)

-Our common goal is to close sites – owners, EPA, DNR, Fund, legislators, others. But DNR's primary goal in closing sites is to alleviate or reduce risks, while other benefits include reduced liabilities, or making properties sellable/ ready for development.

- Some statutory changes were recently (2010) implemented with the intended purpose to accelerate closure of sites:

- Four sampling events where groundwater concentrations are less than site-specific target levels (SSTLs), groundwater pathways are closed. Still must address soil pathways. See 135.12(6)d. (prior to this change if levels were below SSTLs, but fluctuating up and down, a low risk site could not be closed)
- Funding through UST Fund Board can now be expended for cleanup low risk sites (with qualifications)
- Allowing DNR flexibility in assessing monitoring results for closure (waiver of exit monitoring criteria where justified by CGP).
- Use of Institutional Controls (IC)/ Environmental Covenants (EC) over actual plume area (vs. a larger modeled plume area) – basically restricting land uses on a property (e.g., prohibiting installation of drinking water wells).



- Seattle & Standard Oil make claim to the first gas station; however, Shell Oil Co., claims to have opened the first drive-through refueling station in St. Lois in 1905.