



IOWA UNDERGROUND STORAGE TANK

Financial Responsibility Program

Susan E. Voss, *Chairperson*

Scott M. Scheidel, *Administrator*

Board Members: Michael L. Fitzgerald Jeff W. Robinson Cathy A. Rottinghaus James M. Holcomb
Richard Leopold Delia A. Meier Douglas M. Beech

NOTICE OF PUBLIC MEETING

A public meeting of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board has been scheduled for 10:00 a.m., Friday, March 30, 2007. **The meeting will be held at the Iowa Insurance Division located at 330 E Maple St, Des Moines, Iowa.**

The tentative agenda for the meeting is as follows:

10:00 a.m. Call to Order

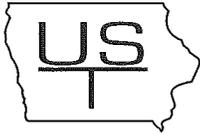
1. Approval of Prior Board Minutes
2. Closed Session – Discussion of Pending and Imminent Litigation (To adjourn by 10:30 a.m.)
3. Public Comment Period
4. Board Issues
 - A. Legislative Update —
 - B. CRPCA 0612-39 Galva
 - C. Potential 28E with DNR for New Legal Services Bureau Position
 - D. DNR Update
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 February 23, 2007 Board Meeting
10. Other Issues as Presented
11. Correspondence and Attachments

— Nancy Lincoln
— Jackie Johnson

New Board members

April 27th

Approval of Prior Board Minutes



IOWA UNDERGROUND STORAGE TANK FUND

Susan E. Voss, Chairperson

Scott M. Scheidel, Administrator

Board Members:

Michael L. Fitzgerald ❖ Jeff W. Robinson ❖ Cathy A. Rottinghaus ❖ James M. Holcomb
Jeffrey R. Vonk ❖ Della A. Meier ❖ Douglas M. Beech

MINUTES IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND PROGRAM

February 23, 2007

COMMISSIONER'S CONFERENCE ROOM IOWA INSURANCE DIVISION, 330 EAST MAPLE STREET DES MOINES, IOWA

Liz Christiansen sat as Chair for the absent Susan Voss and called the Iowa UST Board meeting to order at 10:05 A.M. A quorum was present. Roll call was taken with the following Board members present:

Cathy Rottinghaus (via telephone)
Doug Beech
Stephen Larson (for Michael Fitzgerald)
Jeff Robinson

Also present were:

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

APPROVAL OF PRIOR BOARD MINUTES

The minutes from the January 26, 2007 meeting were reviewed. Mr. Beech moved to approve the minutes, Ms. Rottinghaus seconded the motion, and by a vote of 4-0, the minutes were approved.

CLOSED SESSION

Ms. Christiansen noted there were no matters dealing with litigation for discussion in closed session pursuant to Iowa Code Chapter 21. Therefore no closed session convened.

PUBLIC COMMENT

Ms. Christiansen requested any comments from the public present. There were no comments at this time.

BOARD ISSUES

A. Legislative Update

Mr. Scheidel presented to the Board a number of pending bills in committee at the State Capitol that potentially could affect the Iowa UST Fund Board. Bills of interest included House File 188, Senate File 77, Senate File 133, Senate Study Bill 1105, Senate File 28, and House Study Bill 199. He noted that House Study Bill 199 involved changes and clarifications related to the DNR UST Section. The study bill would provide clarification regarding DNR authority to certify third party inspectors, as well as, regarding the implementation of the Federal Energy Policy Act. The subcommittee had asked if the UST Board wanted to take a position on the bill. Mr. Scheidel noted to the subcommittee that the Board was supportive of the provisions in the bill that involved the UST Fund statutes, however he did not offer a position regarding other provisions of the bill that didn't involve the Board directly, however at worst the Board would be neutral on those other provisions. The Board opted to not take a specific position regarding the provisions of the study bill outside of what Mr. Scheidel had previously communicated to the legislators at the time.

Mr. Scheidel stated the rest of the bills might peripherally involve the Board in some way. He discussed Senate File 77, which came up every year, and would separate the Department of Natural Resources (DNR) into an Environmental Protection agency and a Natural Resources agency. He stated he didn't sense any new interest in the bill this session. Also, Mr. Scheidel explained that representatives from Petroleum Marketers and Convenience Stores of Iowa (PMCI) had contacted him to discuss a change in the language regarding No Further Action (NFA) claims, stating that they would like more definition about what NFA status means, when can site owners know that their liability is released, and if released when can DNR re-open the site for additional work. PMCI was in search of more protection for their members beyond the UST Fund's \$100,000 NFA claims. Mr. Scheidel stated that if PMCI wanted to move forward with any proposed changes to the language, he would keep the Board members informed via electronic mail.

B. Change in December 7, 2006 Meeting Minutes

Mr. Scheidel presented the Board with an amended version of the December 7, 2006 meeting minutes. The December minutes had included an inaccurate statement about the guidance document drafted by the Environmental Protection Agency (EPA) in response to the Federal Energy Policy Act. The previously approved December minutes had erroneously stated that the EPA guidance document would allow for site owner self-inspection of UST's. The guidance documents actually state that they would not allow for site owner self-inspection, due to the conflict of interest that it would present.

Although it was never stated in the December meeting discussion that the guidance document would not allow for site owner self-inspection, the message was conveyed that self-inspection had brought up a conflict of interest question. Therefore the December meeting minutes were amended to read as follows:

“However, she explained that the EPA focus groups for each provision had been meeting and gathering comments from states for over a year to date, and the resulting draft language in their guidance document included the question of conflict of interest with regard to site owners doing their own site inspections.”

Mr. Larson made a motion to approve the December meeting minutes as amended, and Ms. Rottinghaus seconded the motion. The amended December minutes were approved by a vote of 4-0.

C. Status of the LPT with PMMIC

Mr. Scheidel updated the Board stating that the Board had agreed to the terms of the loss portfolio transfer with Petroleum Marketers Management Insurance Company at the last Board meeting. Mr. Scheidel noted that he would execute the agreement and the result would involve the closure of 10 UST Fund claims.

D. DNR Update

Elaine Douskey from the Department of Natural Resources (DNR) passed out two handouts for reference. The first memo was directed to Tim Smith of the United States EPA in December. The memo was the Iowa DNR response to the draft language guidelines to states with regard to implementing the inspection provisions of the Energy Policy Act of 2005. The guideline language had been discussed at the Iowa UST Board meeting in December, and Mr. Scheidel had provided Ms. Douskey with comments for inclusion on behalf of the Board. The memo strongly recommended that EPA include language in their guidelines to allow states to determine whether a conflict of interest exists in the case of a site owner or a site employee completing a compliance inspection of a site. The memo conveyed the safeguards that Iowa’s program had set into place to prevent conflicts of interest. Ms. Douskey stated that she was hopeful that EPA would consider Iowa’s comments, as well as the comments from other state programs, and incorporate their suggestions into their final draft of guidelines.

Ms. Douskey reported that underground storage tank tag renewals had been mailed to operators recently, and the new permanent tags were to be attached to the tank or compartment. The tags would have a unique number to go with each tank or compartment Next year, the renewal tags for each tank or compartment would be smaller. Ms. Douskey stated that the new process was explained to operators in mailed notices, as well as, in person at the PMCI expo.

Also, Ms. Douskey said that a meeting with DNR field offices was held in February to discuss compliance audits of inspections. They also discussed their roles with regard to assisting the LUST section. An example would include site visits to corrective action sites to make sure remediation systems are up and running. And a meeting with the representative chairing the legislative subcommittee was held about HSB 199 (also SSB 1226) to discuss the technicalities of the proposed changes in the Energy Policy Act, including owner/operator training program, fuel delivery prohibition, and secondary containment for new or replaced tank systems. Also, she said the DNR wanted to move the statutory language that authorizes the certification of groundwater professionals (GWP’s) from the UST Fund Board statute over to the DNR

regulating statute. The DNR had always run the GWP certification program; however the authority remained in the Board's statute, and the program duties were relayed to the DNR by 28E agreement.

The second memo to the Board from Tim Hall, Bureau Chief, explained the Department's need for a permanent position in their Legal Services Bureau to perform a variety of duties, including responsible party (RP) searches with regard to LUST sites, and cooperation with the UST Administrator's Office with regard to various LUST issues. The currently temporary position had been provided for the last year by an EPA grant. The position had proved so valuable that the DNR was seeking a permanent funding source for a permanent position – not the same as this one, as the EPA money was neither regular nor renewable. The position would assist LUST project managers with the legal tracking of responsible parties, bankruptcies, and any related property transactions, so that the project managers could focus solely on the technical aspects of their duties. In addition, the new position would allow for review of local environmental covenants to potentially provide for reclassification of some sites.

Because the position would provide for assistance to two other programs within the Iowa Geological Survey and Land Quality Bureau (IGSLQ), those programs' funds could be used to pay for ½ of the position. In the memo, Mr. Hall offered that if the Board agreed the services of such a position had been and would continue to be useful to the Board's interests, the Board might consider an agreement whereby the Board pays the DNR for ½ of the position in the absence of sufficient EPA grant money. The DNR expected to continue to receive EPA grant money; however the source could prove unreliable. The memo stated that “during the periods of time when EPA monies were made available, the Board would not compensate the DNR for any of this position – yet the collaborative work would continue....”

Mr. Scheidel stated that he and Mr. Hall had discussed how such an agreement might be arranged involving a 28E agreement in which the Board would agree to pay for 1/3 of the cost of the position (split with 2 other programs) if federal funding was not available, and quarterly priority meetings would be held to determine that the focus for UST Fund sites was maintained to extent agreed upon. Mr. Scheidel spoke positively of the similar temporary position, which had allowed for increased communication between the Administrator's Office and the Legal Services Bureau of the DNR regarding LUST sites and their owners. He stated that Mr. Hall's memo was for Board information, and he had not yet heard if the other two programs would put forth their share.

Mr. Larson stated that if someone had already been hired for the position, that should be disclosed. Ms. Douskey confirmed that the permanent position would be a new attorney position that would be filled competitively; therefore it had not yet been filled. She explained the new position would involve a variety of duties from referrals to the Attorney General's Office to management of access agreements with site owners and with neighboring property owners, etc. Mr. Scheidel confirmed that he expected a formal proposal and/or agreement to be presented to the Board from DNR at the next Board meeting. Mr. Larson inquired if the position would be proposed to the Board for the fiscal year 2008 budget year. Mr. Scheidel assumed that to be the case, but he would wait to see a formal proposal from the DNR.

Mr. Beech inquired about HSB 199 provisions, which seemed to allow for DNR rule-making authority with regard to many provisions including training programs for operators. From an industry standpoint, he felt that it would be beneficial to operators to have input at the time rules are ready to be drafted regarding those provisions, rather than having the rule-making guidelines put into place before those provisions were to be addressed. Without the EPA guidelines being completed, he stated that DNR might consider waiting to put rule-making into legislation after receiving input from the industry.

Ms. Douskey responded that the rule-making provisions were put into the legislation now to allow for the DNR to move forward on all of the Energy Policy Act provisions and to have the authority in place to begin rule-making immediately at the time the guidelines come out. She stated the language with regard to rule-making was general in nature. Mr. Beech responded that the current bill would give DNR authority up front, but he suggested they remove those provisions that were not yet required from the pending bill language and deal with those provisions legislatively when they come up.

Mr. Scheidel inquired whether the DNR had considered what they would do if the EPA decides to not allow for owner/operator self-compliance inspections. Ms. Douskey was unaware of any prepared response, however she relayed that it was her understanding that non-compliance with the EPA guidelines would jeopardize EPA funding of the state's programs.

PROGRAM BILLINGS

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

- 1. Aon Risk Services\$ 118,222.00
Consulting Services – March 2007 (\$65,638.00)
Claims Processing Services – March 2007 (\$52,584.00)

- 2. Attorney General's Office.....\$14,336.40
Services provided for Underground Storage Tank Program
January 2006 billing

- 3. Iowa Department of Revenue\$2,211.82
Environmental Protection Charge Collections
4th Q Billing (October – December 2006)

No additional billings for outside cost recovery counsel were presented by the Attorney General's office for this meeting. On a motion by Mr. Larson and a second by Mr. Beech, the billings were approved by a vote of 4-0.

MONTHLY ACTIVITY REPORT

Mr. Scheidel noted that the January activity reports, financial reports and opt-in reports were in the Board packets.

ATTORNEY GENERAL'S REPORT

Mr. Steward stated that he had nothing to report to the Board at this time.

CLAIM AUTHORITY

Mr. Gastineau presented the following claim authority requests:

1. Site Registration 8606559 – Casey's Marketing Co., Delmar

This site was classified as high risk. This was a no further action (NFA) certificate claim. The original file for LUST 7LTR05 incurred costs totaling \$34,222.88. Chemical oxidation was proposed at the site. Previous authority on the original claim was \$75,000. Current NFA claim has incurred \$2,252.12 to date. NFA claim authority requested to \$100,000 (maximum) for a corrective action design report (CADR) and implementation of the CADR.

A motion to approve the claim authority was submitted by Mr. Larson and seconded by Ms. Rottinghaus. Approved 3-0. Mr. Beech abstained from the discussion and the vote.

2. Site Registration 8605666 – Macmillan Oil Co., Des Moines

This was a second Board report for a low risk site. This was a settlement agreement case of AST vs. UST based on 75% of costs incurred subject to a 35% co-payment for costs beyond \$100,000. The UST Fund had paid \$165,173.37 of \$265,050.11 in approved costs. The groundwater professional had submitted a site monitoring report to reclassify to no further action with free product in May 2003, and small quantities of free product remained. The groundwater professional suggested hand bailing. Previous authority to \$180,000 had been granted, of which \$165,173.37 was expended to date. Additional authority to \$210,000 was requested for a possible site monitoring report (SMR) and free product recovery (FPR).

Mr. Beech submitted a motion to approve the claim authority, and Mr. Larson seconded the motion. Approved 4-0.

3. Site Registration 8602326 – Union County Shop, Creston

This site was high risk for the soil vapor to enclosed space pathway for one residential sanitary sewer main. Soil vapor sampling could not be used to clear the receptor. A large excavation was proposed to remove soil contamination exceeding the target levels. Previous authority to \$75,000 had been granted, of which \$39,462.93 was expended to date. Additional authority to \$450,000 was requested for a SMR and implementation of a soil excavation.

Mr. Gastineau noted that the Administrator's Office was concerned about how the property in question was zoned. He explained that the property didn't lie within the City of Creston, but the city limits were across the street from the property. The parcels across the street were zoned industrial; however county land was generally not zoned. Therefore the site property was not zoned, and according the DNR regulations any un-zoned property would default to residential

property. The site-specific target levels for a residential property were half that of a property zoned as industrial, and the Union County Engineer had sent an electronic mail message to Mr. Gastineau recommending that the site property be considered an industrial property. Mr. Scheidel added that they had asked the groundwater professional to do corrective action plans for the varying target levels due to the different zones. He expected that the interested parties would meet with the DNR project manager to discuss the possibility of changing the target levels.

A motion to defer the claim authority request until the March Board meeting was submitted by Mr. Beech and seconded by Mr. Larson. Motion passed by a vote of 4-0.

4. CRPCA 0312-35 Sexton & Wesley

This site was contracted to Array Environmental in 2004 to address contamination at two individual sites in Kossuth County communities of Wesley and Sexton. Both sites were originally assessed under the UST closure contract project. Based on the assessments, both sites were classified high risk due to plastic water lines, vapor receptors, and nearby private wells. Soil excavations and plastic water line replacements had been completed at both sites; however additional evaluations were needed to determine the appropriate risk to nearby water wells and vapor receptors. The original agreement for the project was written for 2 years with the option of four 1-year extensions. The Board was requested to authorize the 2nd extension of the consultant agreement for this project to complete the needed evaluations at the two sites. No change in the Board's funding authorization was requested for the project at this time. The current contract authority remained at \$200,000.

Mr. Larson submitted a motion to approve the 1-year extension for the project, and Ms. Rottinghaus seconded the motion. The motion passed by a vote of 4-0.

5. CRPCA 0312-36 College Springs & Coin

This site was contracted to Array Environmental in 2004 to address contamination at two individual sites in the communities of College Springs and Coin. Both sites were assessed under the UST closure contract project. Based on the assessments, both sites were classified high risk due to plastic water lines, vapor receptors, and in College Springs, due to proximity to two municipal water wells. Plastic water lines were replaced at both sites, and additional work was completed at College Springs to remove source materials. The original agreement for the project was written for 2 years with the option of four 1-year extensions. The Board was requested to authorize the 2nd extension of the consultant agreement for this project to continue site monitoring and free product recovery activities in College Springs, as well as, free product recovery activities in an extensive plume in Coin. No change in the Board's funding authorization was requested for the project at this time. The current contract authority remained at \$300,000.

Mr. Larson submitted a motion to approve the 1-year extension for the project, and Ms. Rottinghaus seconded the motion. The motion passed by a vote of 4-0.

6. CRPCA 0308-31 Chelsea

This site was contracted to Trileaf Corporation in 2003 to address contamination at one site in Chelsea, Iowa. The scope of the project included additional testing, plastic water line replacement and soil excavation to remove contamination above site specific target levels. The original scope of the project had been completed, and additional activities were necessary due to the presence of remaining contamination. Current activities at the site are pending to reduce the risk classification through an environmental covenant on the property. The original agreement for this project was written for 2 years with the option of four 1-year extensions. The Board was requested to authorize the 2nd extension of the consultant agreement for this project to continue activity through 2007. Although Tama County acquired the subject property for back taxes, and the City of Chelsea acquired the property from Tama County, neither party had filed a claim for remedial benefits to date. No change in the Board's funding authorization was requested for the project at this time. The current contract authority remained at \$120,000.

Mr. Larson submitted a motion to approve the 1-year extension for the project, and Mr. Beech seconded the motion. The motion passed by a vote of 4-0.

CONTRACTS ENTERED INTO SINCE THE JANUARY 26, 2007 BOARD MEETING

Mr. Scheidel noted that he signed the loss portfolio transfer agreement between the Board and PMMIC in the presence of the Board this day.

OTHER ISSUES

Mr. Scheidel stated the next meeting of the Iowa UST Fund Board was scheduled for Friday, March 23, 2007; however that week was spring break for many. The Board opted to meet on March 30, 2007 at 10:00 A.M.

CORRESPONDENCE AND ATTACHMENTS

Mr. Gastineau presented a carry-in item of correspondence regarding the gas additive MTBE found in the drinking water in the City of Manning. The City had shut down one of its 15 municipal water wells. He noted there were nine LUST sites in Manning with eight classified as no action required (NAR).

Ms. Christiansen asked if there was any further business, and there being none, Mr. Larson moved to adjourn, and Ms. Rottinghaus seconded the motion. By a vote of 4-0, the Board adjourned at 11:08 A.M.

Respectfully Submitted,



Scott M. Scheidel
Administrator

Closed Session

Discussion of Pending and Imminent Litigation

Public Comment

Board Issues

A. Legislative Update

No Comments

- only question was whether this is on Legis. schedule & funnel proof
yes / yes

Revisions to SF499/HF792: March 27, 2007

Delete page 9 line 4 through page 9 line 32 and replace with:

The board and the department shall enter into an agreement to provide for the assessment and corrective action arising out of releases for which no further action certificates had been issued pursuant to 455B.474, at which the department has determined that an unreasonable risk to public health and safety may still exist. At a minimum the agreement will address eligible costs, contracting for services, and conditions under which sites may be reevaluated.

Delete Page 10 line 4:

~~Installation of a new underground storage tank shall be prohibited on the property for a period of two years.~~

Agree to:

Name

Organization

Senate File 499 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1226)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to regulation of underground storage tanks by the
2 department of natural resources, making appropriations, and
3 providing contingent effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1404SV 82
6 tm/es/88

PAG LIN

1 1 Section 1. Section 455B.474, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. Maintaining records of any monitoring or leak detection
1 4 system, inventory control system, ~~or~~ tank testing or
1 5 comparable system, and periodic underground storage tank
1 6 facility compliance inspections conducted by inspectors
1 7 certified by the department.
1 8 Sec. 2. Section 455B.474, subsection 1, paragraph h,
1 9 subparagraph (3), Code 2007, is amended to read as follows:
1 10 (3) A certificate ~~may~~ shall be recorded with the county
1 11 recorder. The owner or operator of a site who has been issued
1 12 a certificate under this paragraph "h" or a subsequent
1 13 purchaser of the site shall not be required to perform further
1 14 corrective action solely because action standards are changed
1 15 at a later date. A certificate shall not prevent the
1 16 department from ordering corrective action of a new release.
1 17 Sec. 3. Section 455B.474, subsection 1, Code 2007, is
1 18 amended by adding the following new paragraph:
1 19 NEW PARAGRAPH. i. Establishing a certified compliance
1 20 inspector program administered by the department for
1 21 underground storage tank facility compliance inspections.
1 22 (1) The certified compliance inspector program shall
1 23 provide for, but not be limited to, all of the following:
1 24 (a) Mandatory periodic underground storage tank facility
1 25 compliance inspections by owners and operators using
1 26 inspectors certified by the department.
1 27 (b) Compliance inspector qualifications, certification
1 28 procedures, certification and renewal fees sufficient to cover
1 29 administrative costs, continuing education requirements,
1 30 inspector discipline standards including certification
1 31 suspension and revocation for good cause, compliance

1 32 inspection standards, professional liability bonding or
1 33 insurance requirements, and any other requirements as the
1 34 commission may deem appropriate. Certification and renewal
1 35 fees received by the department are appropriated to the
2 1 department for purposes of the administration of the certified
2 2 compliance inspector program.

2 3 (2) The department shall continue to conduct independent
2 4 inspections as provided in section 455B.475 as deemed
2 5 appropriate to assure effective compliance and enforcement and
2 6 for the purpose of auditing the accuracy and completeness of
2 7 inspections conducted by certified compliance inspectors.

2 8 (3) Acts or omissions by a certified compliance inspector,
2 9 the state, or the department regarding certification, renewal,
2 10 oversight of the certification process, continuing education,
2 11 discipline, inspection standards, or any other actions, rules,
2 12 or regulations arising out of the certification, inspections,
2 13 or duties imposed by this section shall not be cause for a
2 14 claim against the state or the department within the meaning
2 15 of chapter 669 or any other provision of the Iowa Code.

2 16 Sec. 4. Section 455B.474, subsection 1, paragraph d,
2 17 subparagraph (2), subparagraph subdivision (e), Code 2007, is
2 18 amended to read as follows:

2 19 (e) A site cleanup report which classifies a site as
2 20 either high risk, low risk, or no action required shall be
2 21 submitted by a groundwater professional to the department with
2 22 a certification that the report complies with the provisions
2 23 of this chapter and rules adopted by the department. The
2 24 report shall be determinative of the appropriate
2 25 classification of the site. However, if the report is found
2 26 to be inaccurate or incomplete, and if based upon information
2 27 in the report the risk classification of the site cannot be
2 28 reasonably determined by the department based upon industry
2 29 standards, the department shall work with the groundwater
2 30 professional to obtain the additional information necessary to
2 31 appropriately classify the site. A groundwater professional
2 32 who knowingly or intentionally makes a false statement or
2 33 misrepresentation which results in a mistaken classification
2 34 of a site shall be guilty of a serious misdemeanor and shall
2 35 have the groundwater professional's certification revoked
3 1 under this section ~~455C.18~~.

3 2 Sec. 5. Section 455B.474, subsection 1, paragraph f,
3 3 subparagraph (5), Code 2007, is amended to read as follows:

3 4 (5) A corrective action design report submitted by a
3 5 groundwater professional shall be accepted by the department
3 6 and shall be primarily relied upon by the department to
3 7 determine the corrective action response requirements of the
3 8 site. However, if the corrective action design report is
3 9 found to be inaccurate or incomplete, and if based upon
3 10 information in the report the appropriate corrective action
3 11 response cannot be reasonably determined by the department
3 12 based upon industry standards, the department shall work with
3 13 the groundwater professional to obtain the additional
3 14 information necessary to appropriately determine the
3 15 corrective action response requirements. A groundwater
3 16 professional who knowingly or intentionally makes a false
3 17 statement or misrepresentation which results in an improper or
3 18 incorrect corrective action response shall be guilty of a
3 19 serious misdemeanor and shall have the groundwater
3 20 professional's certification revoked under this section
3 21 ~~455C.18~~.

3 22 Sec. 6. Section 455B.474, Code 2007, is amended by adding
3 23 the following new subsections:

3 24 NEW SUBSECTION. 8. Requirements as may be necessary to
3 25 maintain state program approval and which are consistent with
3 26 applicable provisions of the federal Energy Policy Act of
3 27 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground
3 28 Storage Tank Compliance, as codified in 42 U.S.C. } 6991 et
3 29 seq.

3 30 a. The commission shall adopt rules establishing a
3 31 training program applicable to owners and operators of
3 32 underground storage tanks. The rules may include provisions
3 33 for department certification of operators, self-certification
3 34 by owners and operators, education and training requirements,
3 35 owner requirements to assure operator qualifications, and
4 1 assessment of education, training, and certification fees.
4 2 The rules shall be consistent with and sufficient to comply
4 3 with the operator training requirements as provided in 42
4 4 U.S.C. 6991i, guidance adopted pursuant to that provision by
4 5 the administrator of the United States environmental
4 6 protection agency, and state program approval requirements
4 7 under 42 U.S.C. 6991i(b).

4 8 b. The commission shall adopt rules related to the
4 9 prohibition on the delivery of regulated substances consistent
4 10 with and sufficient to comply with the provisions of 42 U.S.C.
4 11 6991k, guidance adopted by the administrator of the United
4 12 States Environmental Protection Agency pursuant to that
4 13 provision, and state program approval requirements under 42
4 14 U.S.C. 6991k(a)(3).

4 15 c. The commission shall adopt rules applicable to
4 16 secondary containment requirements consistent with and
4 17 sufficient to comply with the provisions of Pub. L. 109=58,
4 18 Title XV, section 1530(a), as codified at 42 U.S.C.
4 19 6991b(i)(1), and guidance adopted by the administrator of the
4 20 United States environmental protection agency pursuant to that
4 21 provision. Each new underground storage tank or piping
4 22 connected to any such new tank installed after the effective
4 23 date of this section of this Act, or any existing underground
4 24 storage tank or existing piping connected to such existing
4 25 underground storage tank that is replaced after August 1,
4 26 2007, shall be secondarily contained if the installation is
4 27 within one thousand feet of any existing community water
4 28 system or any existing potable drinking water well as provided
4 29 in Pub. L. 109=58, Title XV, section 1530(a), as codified at
4 30 42 U.S.C. } 6991b(i)(1) and in guidance adopted by the United
4 31 States environmental protection agency pursuant to that
4 32 provision. Rules adopted under this paragraph shall not amend
4 33 or modify the secondary containment requirements in subsection
4 34 1, paragraph "f", subparagraph (9).

4 35 NEW SUBSECTION. 9. a. Groundwater professionals shall be
5 1 certified. The commission shall adopt rules pursuant to
5 2 chapter 17A for such certifications, and the rules shall
5 3 include provisions for certification suspension or revocation
5 4 for good cause.

5 5 b. A groundwater professional is a person who provides
5 6 subsurface soil contamination and groundwater consulting
5 7 services or who contracts to perform remediation or corrective
5 8 action services and is one or more of the following:

5 9 (1) A person certified by the American institute of
5 10 hydrology, the national water well association, the American
5 11 board of industrial hygiene, or the association of groundwater

5 12 scientists and engineers.

5 13 (2) A professional engineer licensed in Iowa.

5 14 (3) A professional geologist certified by a national
5 15 organization.

5 16 (4) Any person who has five years of direct and related
5 17 experience and training as a groundwater professional or in
5 18 the field of earth sciences.

5 19 (5) Any other person with a license, certification, or
5 20 registration to practice hydrogeology or groundwater hydrology
5 21 issued by any state in the United States or by any national
5 22 organization, provided that the license, certification, or
5 23 registration process requires, at a minimum, all of the
5 24 following:

5 25 (a) Possession of a bachelor's degree from an accredited
5 26 college.

5 27 (b) Five years of related professional experience.

5 28 c. The department of natural resources may provide for a
5 29 civil penalty of no more than fifty dollars for failure to
5 30 obtain certification. An interested person may obtain a list
5 31 of certified groundwater professionals from the department of
5 32 natural resources. The department may impose and retain a fee
5 33 for the certification of persons under this subsection
5 34 sufficient to cover the costs of administration.

5 35 d. The certification of groundwater professionals shall
6 1 not impose liability on the board, the department, or the fund
6 2 for any claim or cause of action of any nature, based on the
6 3 action or inaction of a groundwater professional certified
6 4 pursuant to this subsection.

6 5 e. A person who requests certification under this
6 6 subsection shall be required to attend a course of instruction
6 7 and pass a certification examination. An applicant who
6 8 successfully passes the examination shall be certified as a
6 9 groundwater professional.

6 10 f. All groundwater professionals shall be required to
6 11 complete continuing education requirements as adopted by rule
6 12 by the commission.

6 13 g. The commission may provide for exemption from the
6 14 certification requirements of this subsection and rules
6 15 adopted hereunder for a professional engineer licensed
6 16 pursuant to chapter 542B, if the person is qualified in the
6 17 field of geotechnical, hydrological, environmental
6 18 groundwater, or hydrogeological engineering.

6 19 h. Notwithstanding the certification requirements of this
6 20 subsection, a site cleanup report or corrective action design
6 21 report submitted by a certified groundwater professional shall
6 22 be accepted by the department in accordance with subsection 1,
6 23 paragraph "d", subparagraph (2), subparagraph subdivision (e),
6 24 and paragraph "f", subparagraph (5).

6 25 NEW SUBSECTION. 10. Requirements that persons and
6 26 companies performing or providing services for underground
6 27 storage tank installations, installation inspections, testing,
6 28 permanent closure of underground storage tanks by removal or
6 29 filling in place, and other closure activities as defined by
6 30 rules adopted by the commission be certified by the
6 31 department. This provision does not apply to persons
6 32 performing services in their official capacity and as
6 33 authorized by the state fire marshal's office or fire
6 34 departments of political subdivisions of the state. The rules
6 35 adopted by the commission shall include all of the following:

7 1 a. Establishing separate certification criteria applicable

7 2 to underground storage tank installers and installation
7 3 inspectors, underground storage tank testers, and persons
7 4 conducting underground storage tank closure activities as
7 5 required by commission rules.

7 6 b. Establishing minimum qualifications for certification
7 7 including but not limited to considerations based on
7 8 education, character, professional ethics, experience,
7 9 manufacturer or other private agency certification, training
7 10 and apprenticeship, and field demonstration of competence.
7 11 The rules may provide for exemption from education,
7 12 experience, and training requirements for a licensed engineer
7 13 for whom underground storage tank installation is within the
7 14 scope of their license and practice but shall require
7 15 compliance with other certification requirements.

7 16 c. Requiring a written examination developed and
7 17 administered by the department or by some other qualified
7 18 public or private entity identified by the department. The
7 19 department may contract with a public or private entity to
7 20 administer the department's examination or a department
7 21 approved third party examination. The examination shall, at a
7 22 minimum, be sufficient to establish knowledge of all
7 23 applicable underground storage tank rules adopted under this
7 24 section, private industry standards, federal standards, and
7 25 other applicable standards adopted by the Iowa fire marshal's
7 26 office pursuant to chapter 101.

7 27 d. Providing for a minimum two-year renewable
7 28 certification period. A person may apply for a combined
7 29 certificate applicable to underground storage tank installer
7 30 and installer inspector certification, tester certification,
7 31 and closure certification.

7 32 e. Providing that certificate holders obtain and provide
7 33 proof of financial responsibility for environmental liability
7 34 with minimum liability limits of one million dollars per
7 35 occurrence and in the aggregate. The rules may provide
8 1 exemptions where the certificate holder is employed by the
8 2 owner or operator of the underground storage tank system and
8 3 the underground storage tank system is covered by a financial
8 4 responsibility mechanism under subsection 2.

8 5 f. Providing criteria for the department to take
8 6 disciplinary action including issuance of warnings,
8 7 reprimands, suspension and probation, and revocation. Any
8 8 certificate holder subject to suspension or revocation shall
8 9 be entitled to notice and an opportunity for an evidentiary
8 10 hearing as provided in section 17A.18.

8 11 g. Providing for certification reciprocity between states
8 12 upon demonstration that the out of state certification
8 13 criteria is substantially equivalent to rules adopted by the
8 14 commission.

8 15 h. Providing for assessment of fees sufficient to cover
8 16 the costs of administration of the certification program. A
8 17 separate fee may be established for persons applying for a
8 18 combination of installer and installer inspector, testing, or
8 19 closure certifications. Fees received by the department
8 20 pursuant to this subsection are appropriated to the department
8 21 for purposes of the administration of activities under this
8 22 subsection.

8 23 i. Notwithstanding subsection 7, the commission may adopt
8 24 rules requiring that all underground storage tank
8 25 installations, installation inspections, testing, and closure
8 26 activities be conducted by persons certified in accordance

8 27 with this subsection.

8 28 j. Acts or omissions of a person certified under this
8 29 subsection, the state, or the department regarding
8 30 certification, renewal, oversight of the certification
8 31 process, continuing education, discipline, inspection
8 32 standards, or any other actions including department onsite
8 33 supervision of certified activities, rules, or regulations
8 34 arising out of the certification, shall not be cause for a
8 35 claim against the state or the department within the meaning

9 1 of chapter 669 or any other provision of the Code.
9 2 Sec. 7. Section 455G.9, subsection 1, paragraph k, Code
9 3 2007, is amended to read as follows:

9 4 k. Corrective action including site assessment required by
9 5 the department in response to a high risk condition caused by
~~9 6 a release which was previously eligible for benefits under~~
9 7 this section from an underground storage tank located on a
9 8 site for which the department, after January 31, 1997, has
9 9 issued a no further action certificate under section 455B.474.
9 10 As a condition of receiving benefits under this paragraph, the
9 11 department must determine that the condition necessitating the
9 12 corrective action was not a result of a release that occurred
9 13 after the issuance of the no further action certificate, and
9 14 that the site qualified for remedial benefits under this
9 15 section prior to the issuance of the no further action
9 16 certificate. No more than one hundred thousand dollars per
9 17 site may be used for the costs of a corrective action,
9 18 including site assessment, under this paragraph. The owner or
9 19 operator may file a claim for no further action benefits as
9 20 provided in this paragraph. If the owner or operator is
9 21 unable or unwilling to file a claim, the department may
9 22 establish a claim for the no further action benefits. If the
9 23 assessment and corrective action costs exceed one hundred
9 24 thousand dollars, the board may consider requests from any
9 25 eligible claimant or the department to reopen an eligible
9 26 remedial benefits claim as provided in this section or
9 27 authorized by section 455G.21. Any no further action benefit
9 28 moneys expended pursuant to this paragraph shall be applied to
9 29 any remaining balance of the reopened remedial benefits claim.

9 30 This paragraph does not confer a legal right on an owner or
9 31 operator of petroleum-contaminated property or on any other
9 32 person to receive benefits under this paragraph.

9 33 Sec. 8. Section 455G.9, subsection 1, Code 2007, is
9 34 amended by adding the following new paragraph:

9 35 NEW PARAGRAPH. 1. Costs for the permanent closure of an
10 1 underground storage tank system that was in place on the date
10 2 an eligible claim was submitted under paragraph "a".
10 3 Reimbursement is limited to costs approved by the board prior
10 4 to the closure activities. Installation of a new underground
10 5 storage tank shall be prohibited on the property for a period
10 6 of two years.

10 7 Sec. 9. Section 455H.105, subsection 5, Code 2007, is
10 8 amended to read as follows:

10 9 5. Adopt rules establishing requirements for the
10 10 submission, performance, and verification of site assessments,
10 11 cleanup plans, and certifications of completion. The rules
10 12 shall provide that all site assessments, cleanup plans, and
10 13 certifications of completion submitted by a participant shall
10 14 be prepared by or under the supervision of an appropriately
10 15 trained professional, including a groundwater professional
10 16 certified pursuant to section ~~455G.18~~ 455B.474.

10 17 Sec. 10. TRANSITIONAL PROVISIONS.

10 18 1. Not later than August 1, 2007, the environmental
10 19 protection commission shall adopt administrative rules
10 20 previously adopted by the Iowa comprehensive petroleum
10 21 underground storage tank fund board pursuant to section
10 22 455G.17 in existence on the effective date of this Act by
10 23 emergency rulemaking pursuant to section 17A.4, subsection 2,
10 24 and section 17A.5, subsection 2, paragraph "b". The rules
10 25 shall become effective immediately upon filing or on a later
10 26 effective date specified in the rules. Any rules adopted in
10 27 accordance with the provisions of this section shall also be
10 28 published as notice of intended action as provided in section
10 29 17A.4.

10 30 2. Following the adoption of emergency rules, the
10 31 commission shall commence rulemaking procedures for the
10 32 administration of section 455B.474, subsection 10.

10 33 3. Any registration or certification issued pursuant to
10 34 section 455G.17 shall continue in full force and effect until
10 35 expiration or renewal.

11 1 Sec. 11. Section 455G.17, Code 2007, is repealed.

11 2 Sec. 12. Section 455G.18, Code 2007, is repealed.

11 3 Sec. 13. CONTINGENT EFFECTIVE DATE. The section of this
11 4 Act repealing section 455G.17, shall take effect upon the Code
11 5 editor's receipt of notice from the environmental protection
11 6 commission stating that emergency rules required under the
11 7 section of this Act relating to transitional provisions have
11 8 taken effect.

11 9 EXPLANATION

11 10 This bill relates to the regulation of underground storage
11 11 tanks by the department of natural resources.

11 12 The bill requires the maintaining of records by owners and
11 13 operators of underground storage tanks for periodic
11 14 underground storage tank facility compliance inspections
11 15 conducted by inspectors certified by the department.

11 16 The bill requires a no further action certificate issued by
11 17 the department for an underground storage tank site which has
11 18 been classified as a no further action site to be filed with
11 19 the county recorder. Currently, a certificate may be filed.

11 20 The bill requires the department to administer a certified
11 21 compliance inspector program for underground storage tank
11 22 facility compliance inspections. The bill provides that the
11 23 program shall include mandatory periodic underground storage
11 24 tank facility compliance inspections by owners and operators
11 25 using inspectors certified by the department. The bill
11 26 requires the department to continue to conduct independent
11 27 inspections as deemed appropriate. The bill appropriates
11 28 moneys received by the department for certification and
11 29 renewal fees for purposes of the administration of the
11 30 certified compliance inspector program. The bill provides
11 31 that acts or omissions of the certified compliance inspectors,
11 32 the state, or the department regarding certification, renewal,
11 33 oversight of the certification process, continuing education,
11 34 discipline, inspection standards, or any other actions, rules,
11 35 or regulations arising out of the certification, inspections,
12 1 or duties imposed by these provisions shall not be cause for a
12 2 claim against the state or the department.

12 3 The bill requires the environmental protection commission
12 4 to adopt rules for requirements as may be necessary to
12 5 maintain state program approval and which are consistent with
12 6 applicable provisions of the federal Energy Policy Act of

12 7 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground
12 8 Storage Tank Compliance, as codified in 42 U.S.C. 6991 et seq.
12 9 The bill provides that the commission shall adopt rules
12 10 establishing a training program applicable to owners and
12 11 operators of underground storage tanks. The bill provides
12 12 that the rules may include provisions for department
12 13 certification of operators, self-certification by owners and
12 14 operators, education and training requirements, owner
12 15 requirements to assure operator qualifications, and assessment
12 16 of education, training, and certification fees. The bill
12 17 requires the rules to be consistent with and sufficient to
12 18 comply with certain federal requirements.

12 19 The bill repeals Code section 455G.17 relating to
12 20 certification of different classes of persons as underground
12 21 storage tank installation inspectors. The repeal takes effect
12 22 upon the Code editor's receipt of notice from the
12 23 environmental protection commission stating that emergency
12 24 rules required under this bill have taken effect.

12 25 The bill repeals Code section 455G.18 relating to the
12 26 certification of groundwater professionals and moves
12 27 substantially the same provisions to Code chapter 455B. The
12 28 bill removes a requirement that certification courses and
12 29 examinations be held by the administrator of the Iowa
12 30 comprehensive petroleum underground storage tank fund and
12 31 removes other outdated provisions. The bill makes conforming
12 32 amendments.

12 33 The bill requires that persons and companies performing or
12 34 providing services for underground storage tank installations,
12 35 installation inspections, testing, and permanent closure of
13 1 underground storage tanks by removal or filling in place, and
13 2 other closure activities be certified by the department. The
13 3 bill provides that the rules shall include establishing
13 4 separate certification criteria applicable to underground
13 5 storage tank installers and installation inspectors,
13 6 underground storage tank testers, and persons conducting
13 7 underground storage tank closure activities, establishing
13 8 minimum qualifications for certification, requiring a written
13 9 examination developed and administered by the department or by
13 10 some other qualified public or private entity identified by
13 11 the department, providing for a minimum two-year renewable
13 12 certification period, allowing a person to apply for a
13 13 combined certificate, providing that certificate holders
13 14 obtain and provide proof of financial responsibility for
13 15 environmental liability with minimum liability limits of \$1
13 16 million per occurrence and in the aggregate, providing
13 17 criteria for the department to take disciplinary action
13 18 against certificate holders, and providing for certification
13 19 reciprocity between states, providing for assessment of fees
13 20 sufficient to cover the costs of administration of the
13 21 certification program. The bill that fees received by the
13 22 department are appropriated to the department for purposes of
13 23 the administration of these provisions. The bill allows the
13 24 adoption of rules requiring that all underground storage tank
13 25 installations, installation inspectors, testing, and closure
13 26 activities be conducted by persons certified pursuant to these
13 27 provisions. The bill provides that acts or omissions of
13 28 certified persons, the state, or the department regarding
13 29 certification, renewal, oversight of the certification
13 30 process, continuing education, discipline, inspection
13 31 standards, or any other actions including department onsite

13 32 supervision of certified activities, rules, or regulations
13 33 arising out of the certification, shall not be cause for a
13 34 claim against the state or the department.

13 35 The bill modifies provisions relating to the payment of
14 1 moneys in the remedial account of the Iowa comprehensive
14 2 petroleum underground storage tank fund. Currently, one of
14 3 the uses of such moneys is for corrective action in response
14 4 to a high-risk condition caused by a release from an
14 5 underground storage tank located on a site for which the
14 6 department, after January 31, 1997, has issued a no further
14 7 action certificate. The bill provides that the moneys may be
14 8 used for a corrective action including a site assessment
14 9 required by the department in response to a release which was
14 10 previously eligible for benefits from the remedial account
14 11 from an underground storage tank located on a site for which
14 12 the department has issued a no further action certificate.
14 13 The bill also allows the department to establish a claim for
14 14 the no further action benefits if the owner or operator of a
14 15 site is unable or unwilling to file a claim for no further
14 16 action benefits from the remedial fund.

14 17 The bill allows moneys in the remedial account of the Iowa
14 18 comprehensive petroleum underground storage tank fund to be
14 19 used for costs for the permanent closure of an underground
14 20 storage tank system that was in place on the date an eligible
14 21 claim was submitted. The bill places limits on the
14 22 reimbursement allowed.

14 23 The bill provides that, not later than August 1, 2007, the
14 24 environmental protection commission shall adopt administrative
14 25 rules previously adopted by the Iowa comprehensive petroleum
14 26 underground storage tank fund board pursuant to Code section
14 27 455G.17 in existence on the effective date of this Act by
14 28 emergency rulemaking. The bill provides that, following the
14 29 adoption of emergency rules, the commission shall commence
14 30 rulemaking procedures for the administration of Code section
14 31 455B.474, subsection 10. The bill provides that any
14 32 registration or certification issued pursuant to Code section
14 33 455G.17 shall continue in full force and effect until
14 34 expiration or renewal.

14 35 LSB 1404SV 82

15 1 tm:nh/es/88

House File 792 - Introduced

HOUSE FILE
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 199)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to regulation of underground storage tanks by the
2 department of natural resources, making appropriations, and
3 providing contingent effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1404HV 82
6 tm/es/88

PAG LIN

1 1 Section 1. Section 455B.474, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. Maintaining records of any monitoring or leak detection
1 4 system, inventory control system, ~~or~~ tank testing or
1 5 comparable system, and periodic underground storage tank
1 6 facility compliance inspections conducted by inspectors
1 7 certified by the department.
1 8 Sec. 2. Section 455B.474, subsection 1, paragraph h,
1 9 subparagraph (3), Code 2007, is amended to read as follows:
1 10 (3) A certificate ~~may~~ shall be recorded with the county
1 11 recorder. The owner or operator of a site who has been issued
1 12 a certificate under this paragraph "h" or a subsequent
1 13 purchaser of the site shall not be required to perform further
1 14 corrective action solely because action standards are changed
1 15 at a later date. A certificate shall not prevent the
1 16 department from ordering corrective action of a new release.
1 17 Sec. 3. Section 455B.474, subsection 1, Code 2007, is
1 18 amended by adding the following new paragraph:
1 19 NEW PARAGRAPH. i. Establishing a certified compliance
1 20 inspector program administered by the department for
1 21 underground storage tank facility compliance inspections.
1 22 (1) The certified compliance inspector program shall
1 23 provide for, but not be limited to, all of the following:
1 24 (a) Mandatory periodic underground storage tank facility
1 25 compliance inspections by owners and operators using
1 26 inspectors certified by the department.
1 27 (b) Compliance inspector qualifications, certification
1 28 procedures, certification and renewal fees sufficient to cover
1 29 administrative costs, continuing education requirements,
1 30 inspector discipline standards including certification
1 31 suspension and revocation for good cause, compliance

1 32 inspection standards, professional liability bonding or
1 33 insurance requirements, and any other requirements as the
1 34 commission may deem appropriate. Certification and renewal
1 35 fees received by the department are appropriated to the
2 1 department for purposes of the administration of the certified
2 2 compliance inspector program.

2 3 (2) The department shall continue to conduct independent
2 4 inspections as provided in section 455B.475 as deemed
2 5 appropriate to assure effective compliance and enforcement and
2 6 for the purpose of auditing the accuracy and completeness of
2 7 inspections conducted by certified compliance inspectors.

2 8 (3) Acts or omissions by a certified compliance inspector,
2 9 the state, or the department regarding certification, renewal,
2 10 oversight of the certification process, continuing education,
2 11 discipline, inspection standards, or any other actions, rules,
2 12 or regulations arising out of the certification, inspections,
2 13 or duties imposed by this section shall not be cause for a
2 14 claim against the state or the department within the meaning
2 15 of chapter 669 or any other provision of the Iowa Code.

2 16 Sec. 4. Section 455B.474, subsection 1, paragraph d,
2 17 subparagraph (2), subparagraph subdivision (e), Code 2007, is
2 18 amended to read as follows:

2 19 (e) A site cleanup report which classifies a site as
2 20 either high risk, low risk, or no action required shall be
2 21 submitted by a groundwater professional to the department with
2 22 a certification that the report complies with the provisions
2 23 of this chapter and rules adopted by the department. The
2 24 report shall be determinative of the appropriate
2 25 classification of the site. However, if the report is found
2 26 to be inaccurate or incomplete, and if based upon information
2 27 in the report the risk classification of the site cannot be
2 28 reasonably determined by the department based upon industry
2 29 standards, the department shall work with the groundwater
2 30 professional to obtain the additional information necessary to
2 31 appropriately classify the site. A groundwater professional
2 32 who knowingly or intentionally makes a false statement or
2 33 misrepresentation which results in a mistaken classification
2 34 of a site shall be guilty of a serious misdemeanor and shall
2 35 have the groundwater professional's certification revoked
3 1 under this section ~~455C.18~~.

3 2 Sec. 5. Section 455B.474, subsection 1, paragraph f,
3 3 subparagraph (5), Code 2007, is amended to read as follows:

3 4 (5) A corrective action design report submitted by a
3 5 groundwater professional shall be accepted by the department
3 6 and shall be primarily relied upon by the department to
3 7 determine the corrective action response requirements of the
3 8 site. However, if the corrective action design report is
3 9 found to be inaccurate or incomplete, and if based upon
3 10 information in the report the appropriate corrective action
3 11 response cannot be reasonably determined by the department
3 12 based upon industry standards, the department shall work with
3 13 the groundwater professional to obtain the additional
3 14 information necessary to appropriately determine the
3 15 corrective action response requirements. A groundwater
3 16 professional who knowingly or intentionally makes a false
3 17 statement or misrepresentation which results in an improper or
3 18 incorrect corrective action response shall be guilty of a
3 19 serious misdemeanor and shall have the groundwater
3 20 professional's certification revoked under this section
3 21 ~~455C.18~~.

3 22 Sec. 6. Section 455B.474, Code 2007, is amended by adding
3 23 the following new subsections:

3 24 NEW SUBSECTION. 8. Requirements as may be necessary to
3 25 maintain state program approval and which are consistent with
3 26 applicable provisions of the federal Energy Policy Act of
3 27 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground
3 28 Storage Tank Compliance, as codified in 42 U.S.C. } 6991 et
3 29 seq.

3 30 a. The commission shall adopt rules establishing a
3 31 training program applicable to owners and operators of
3 32 underground storage tanks. The rules may include provisions
3 33 for department certification of operators, self-certification
3 34 by owners and operators, education and training requirements,
3 35 owner requirements to assure operator qualifications, and
4 1 assessment of education, training, and certification fees.
4 2 The rules shall be consistent with and sufficient to comply
4 3 with the operator training requirements as provided in 42
4 4 U.S.C. 6991i, guidance adopted pursuant to that provision by
4 5 the administrator of the United States environmental
4 6 protection agency, and state program approval requirements
4 7 under 42 U.S.C. 6991i(b).

4 8 b. The commission shall adopt rules related to the
4 9 prohibition on the delivery of regulated substances consistent
4 10 with and sufficient to comply with the provisions of 42 U.S.C.
4 11 6991k, guidance adopted by the administrator of the United
4 12 States Environmental Protection Agency pursuant to that
4 13 provision, and state program approval requirements under 42
4 14 U.S.C. 6991k(a)(3).

4 15 c. The commission shall adopt rules applicable to
4 16 secondary containment requirements consistent with and
4 17 sufficient to comply with the provisions of Pub. L. 109=58,
4 18 Title XV, section 1530(a), as codified at 42 U.S.C.
4 19 6991b(i)(1), and guidance adopted by the administrator of the
4 20 United States environmental protection agency pursuant to that
4 21 provision. Each new underground storage tank or piping
4 22 connected to any such new tank installed after the effective
4 23 date of this section of this Act, or any existing underground
4 24 storage tank or existing piping connected to such existing
4 25 underground storage tank that is replaced after August 1,
4 26 2007, shall be secondarily contained if the installation is
4 27 within one thousand feet of any existing community water
4 28 system or any existing potable drinking water well as provided
4 29 in Pub. L. 109=58, Title XV, section 1530(a), as codified at
4 30 42 U.S.C. } 6991b(i)(1) and in guidance adopted by the United
4 31 States environmental protection agency pursuant to that
4 32 provision. Rules adopted under this paragraph shall not amend
4 33 or modify the secondary containment requirements in subsection
4 34 1, paragraph "f", subparagraph (9).

4 35 NEW SUBSECTION. 9. a. Groundwater professionals shall be
5 1 certified. The commission shall adopt rules pursuant to
5 2 chapter 17A for such certifications, and the rules shall
5 3 include provisions for certification suspension or revocation
5 4 for good cause.

5 5 b. A groundwater professional is a person who provides
5 6 subsurface soil contamination and groundwater consulting
5 7 services or who contracts to perform remediation or corrective
5 8 action services and is one or more of the following:

5 9 (1) A person certified by the American institute of
5 10 hydrology, the national water well association, the American
5 11 board of industrial hygiene, or the association of groundwater

5 12 scientists and engineers.

5 13 (2) A professional engineer licensed in Iowa.

5 14 (3) A professional geologist certified by a national
5 15 organization.

5 16 (4) Any person who has five years of direct and related
5 17 experience and training as a groundwater professional or in
5 18 the field of earth sciences.

5 19 (5) Any other person with a license, certification, or
5 20 registration to practice hydrogeology or groundwater hydrology
5 21 issued by any state in the United States or by any national
5 22 organization, provided that the license, certification, or
5 23 registration process requires, at a minimum, all of the
5 24 following:

5 25 (a) Possession of a bachelor's degree from an accredited
5 26 college.

5 27 (b) Five years of related professional experience.

5 28 c. The department of natural resources may provide for a
5 29 civil penalty of no more than fifty dollars for failure to
5 30 obtain certification. An interested person may obtain a list
5 31 of certified groundwater professionals from the department of
5 32 natural resources. The department may impose and retain a fee
5 33 for the certification of persons under this subsection
5 34 sufficient to cover the costs of administration.

5 35 d. The certification of groundwater professionals shall
6 1 not impose liability on the board, the department, or the fund
6 2 for any claim or cause of action of any nature, based on the
6 3 action or inaction of a groundwater professional certified
6 4 pursuant to this subsection.

6 5 e. A person who requests certification under this
6 6 subsection shall be required to attend a course of instruction
6 7 and pass a certification examination. An applicant who
6 8 successfully passes the examination shall be certified as a
6 9 groundwater professional.

6 10 f. All groundwater professionals shall be required to
6 11 complete continuing education requirements as adopted by rule
6 12 by the commission.

6 13 g. The commission may provide for exemption from the
6 14 certification requirements of this subsection and rules
6 15 adopted hereunder for a professional engineer licensed
6 16 pursuant to chapter 542B, if the person is qualified in the
6 17 field of geotechnical, hydrological, environmental
6 18 groundwater, or hydrogeological engineering.

6 19 h. Notwithstanding the certification requirements of this
6 20 subsection, a site cleanup report or corrective action design
6 21 report submitted by a certified groundwater professional shall
6 22 be accepted by the department in accordance with subsection 1,
6 23 paragraph "d", subparagraph (2), subparagraph subdivision (e),
6 24 and paragraph "f", subparagraph (5).

6 25 NEW SUBSECTION. 10. Requirements that persons and
6 26 companies performing or providing services for underground
6 27 storage tank installations, installation inspections, testing,
6 28 permanent closure of underground storage tanks by removal or
6 29 filling in place, and other closure activities as defined by
6 30 rules adopted by the commission be certified by the
6 31 department. This provision does not apply to persons
6 32 performing services in their official capacity and as
6 33 authorized by the state fire marshal's office or fire
6 34 departments of political subdivisions of the state. The rules
6 35 adopted by the commission shall include all of the following:

7 1 a. Establishing separate certification criteria applicable

7 2 to underground storage tank installers and installation
7 3 inspectors, underground storage tank testers, and persons
7 4 conducting underground storage tank closure activities as
7 5 required by commission rules.

7 6 b. Establishing minimum qualifications for certification
7 7 including but not limited to considerations based on
7 8 education, character, professional ethics, experience,
7 9 manufacturer or other private agency certification, training
7 10 and apprenticeship, and field demonstration of competence.
7 11 The rules may provide for exemption from education,
7 12 experience, and training requirements for a licensed engineer
7 13 for whom underground storage tank installation is within the
7 14 scope of their license and practice but shall require
7 15 compliance with other certification requirements.

7 16 c. Requiring a written examination developed and
7 17 administered by the department or by some other qualified
7 18 public or private entity identified by the department. The
7 19 department may contract with a public or private entity to
7 20 administer the department's examination or a department
7 21 approved third party examination. The examination shall, at a
7 22 minimum, be sufficient to establish knowledge of all
7 23 applicable underground storage tank rules adopted under this
7 24 section, private industry standards, federal standards, and
7 25 other applicable standards adopted by the Iowa fire marshal's
7 26 office pursuant to chapter 101.

7 27 d. Providing for a minimum two-year renewable
7 28 certification period. A person may apply for a combined
7 29 certificate applicable to underground storage tank installer
7 30 and installer inspector certification, tester certification,
7 31 and closure certification.

7 32 e. Providing that certificate holders obtain and provide
7 33 proof of financial responsibility for environmental liability
7 34 with minimum liability limits of one million dollars per
7 35 occurrence and in the aggregate. The rules may provide
8 1 exemptions where the certificate holder is employed by the
8 2 owner or operator of the underground storage tank system and
8 3 the underground storage tank system is covered by a financial
8 4 responsibility mechanism under subsection 2.

8 5 f. Providing criteria for the department to take
8 6 disciplinary action including issuance of warnings,
8 7 reprimands, suspension and probation, and revocation. Any
8 8 certificate holder subject to suspension or revocation shall
8 9 be entitled to notice and an opportunity for an evidentiary
8 10 hearing as provided in section 17A.18.

8 11 g. Providing for certification reciprocity between states
8 12 upon demonstration that the out of state certification
8 13 criteria is substantially equivalent to rules adopted by the
8 14 commission.

8 15 h. Providing for assessment of fees sufficient to cover
8 16 the costs of administration of the certification program. A
8 17 separate fee may be established for persons applying for a
8 18 combination of installer and installer inspector, testing, or
8 19 closure certifications. Fees received by the department
8 20 pursuant to this subsection are appropriated to the department
8 21 for purposes of the administration of activities under this
8 22 subsection.

8 23 i. Notwithstanding subsection 7, the commission may adopt
8 24 rules requiring that all underground storage tank
8 25 installations, installation inspections, testing, and closure
8 26 activities be conducted by persons certified in accordance

8 27 with this subsection.

8 28 j. Acts or omissions of a person certified under this
8 29 subsection, the state, or the department regarding
8 30 certification, renewal, oversight of the certification
8 31 process, continuing education, discipline, inspection
8 32 standards, or any other actions including department onsite
8 33 supervision of certified activities, rules, or regulations
8 34 arising out of the certification, shall not be cause for a
8 35 claim against the state or the department within the meaning

9 1 of chapter 669 or any other provision of the Code.
9 2 Sec. 7. Section 455G.9, subsection 1, paragraph k, Code
9 3 2007, is amended to read as follows:

9 4 k. Corrective action including site assessment required by
9 5 the department in response to a high risk condition caused by
~~9 6 a release which was previously eligible for benefits under~~
9 7 this section from an underground storage tank located on a
9 8 site for which the department, after January 31, 1997, has
9 9 issued a no further action certificate under section 455B.474.
9 10 As a condition of receiving benefits under this paragraph, the
9 11 department must determine that the condition necessitating the
9 12 corrective action was not a result of a release that occurred
9 13 after the issuance of the no further action certificate, and
9 14 that the site qualified for remedial benefits under this
9 15 section prior to the issuance of the no further action
9 16 certificate. No more than one hundred thousand dollars per
9 17 site may be used for the costs of a corrective action,
9 18 including site assessment, under this paragraph. The owner or
9 19 operator may file a claim for no further action benefits as
9 20 provided in this paragraph. If the owner or operator is
9 21 unable or unwilling to file a claim, the department may
9 22 establish a claim for the no further action benefits. If the
9 23 assessment and corrective action costs exceed one hundred
9 24 thousand dollars, the board may consider requests from any
9 25 eligible claimant or the department to reopen an eligible
9 26 remedial benefits claim as provided in this section or
9 27 authorized by section 455G.21. Any no further action benefit
9 28 moneys expended pursuant to this paragraph shall be applied to
9 29 any remaining balance of the reopened remedial benefits claim.
9 30 This paragraph does not confer a legal right on an owner or
9 31 operator of petroleum-contaminated property or on any other
9 32 person to receive benefits under this paragraph.

9 33 Sec. 8. Section 455G.9, subsection 1, Code 2007, is
9 34 amended by adding the following new paragraph:

9 35 NEW PARAGRAPH. 1. Costs for the permanent closure of an
10 1 underground storage tank system that was in place on the date
10 2 an eligible claim was submitted under paragraph "a".
10 3 Reimbursement is limited to costs approved by the board prior
10 4 to the closure activities. Installation of a new underground
10 5 storage tank shall be prohibited on the property for a period
10 6 of two years.

10 7 Sec. 9. Section 455H.105, subsection 5, Code 2007, is
10 8 amended to read as follows:

10 9 5. Adopt rules establishing requirements for the
10 10 submission, performance, and verification of site assessments,
10 11 cleanup plans, and certifications of completion. The rules
10 12 shall provide that all site assessments, cleanup plans, and
10 13 certifications of completion submitted by a participant shall
10 14 be prepared by or under the supervision of an appropriately
10 15 trained professional, including a groundwater professional
10 16 certified pursuant to section ~~455G.18~~ 455B.474.

10 17 Sec. 10. TRANSITIONAL PROVISIONS.

10 18 1. Not later than August 1, 2007, the environmental
10 19 protection commission shall adopt administrative rules
10 20 previously adopted by the Iowa comprehensive petroleum
10 21 underground storage tank fund board pursuant to section
10 22 455G.17 in existence on the effective date of this Act by
10 23 emergency rulemaking pursuant to section 17A.4, subsection 2,
10 24 and section 17A.5, subsection 2, paragraph "b". The rules
10 25 shall become effective immediately upon filing or on a later
10 26 effective date specified in the rules. Any rules adopted in
10 27 accordance with the provisions of this section shall also be
10 28 published as notice of intended action as provided in section
10 29 17A.4.

10 30 2. Following the adoption of emergency rules, the
10 31 commission shall commence rulemaking procedures for the
10 32 administration of section 455B.474, subsection 10.

10 33 3. Any registration or certification issued pursuant to
10 34 section 455G.17 shall continue in full force and effect until
10 35 expiration or renewal.

11 1 Sec. 11. Section 455G.17, Code 2007, is repealed.

11 2 Sec. 12. Section 455G.18, Code 2007, is repealed.

11 3 Sec. 13. CONTINGENT EFFECTIVE DATE. The section of this
11 4 Act repealing section 455G.17, shall take effect upon the Code
11 5 editor's receipt of notice from the environmental protection
11 6 commission stating that emergency rules required under the
11 7 section of this Act relating to transitional provisions have
11 8 taken effect.

11 9 EXPLANATION

11 10 This bill relates to the regulation of underground storage
11 11 tanks by the department of natural resources.

11 12 The bill requires the maintaining of records by owners and
11 13 operators of underground storage tanks for periodic
11 14 underground storage tank facility compliance inspections
11 15 conducted by inspectors certified by the department.

11 16 The bill requires a no further action certificate issued by
11 17 the department for an underground storage tank site which has
11 18 been classified as a no further action site to be filed with
11 19 the county recorder. Currently, a certificate may be filed.

11 20 The bill requires the department to administer a certified
11 21 compliance inspector program for underground storage tank
11 22 facility compliance inspections. The bill provides that the
11 23 program shall include mandatory periodic underground storage
11 24 tank facility compliance inspections by owners and operators
11 25 using inspectors certified by the department. The bill
11 26 requires the department to continue to conduct independent
11 27 inspections as deemed appropriate. The bill appropriates
11 28 moneys received by the department for certification and
11 29 renewal fees for purposes of the administration of the
11 30 certified compliance inspector program. The bill provides
11 31 that acts or omissions of the certified compliance inspectors,
11 32 the state, or the department regarding certification, renewal,
11 33 oversight of the certification process, continuing education,
11 34 discipline, inspection standards, or any other actions, rules,
11 35 or regulations arising out of the certification, inspections,
12 1 or duties imposed by these provisions shall not be cause for a
12 2 claim against the state or the department.

12 3 The bill requires the environmental protection commission
12 4 to adopt rules for requirements as may be necessary to
12 5 maintain state program approval and which are consistent with
12 6 applicable provisions of the federal Energy Policy Act of

12 7 2005, Pub. L. No. 109=58, Title XV, Subtitle B, Underground
12 8 Storage Tank Compliance, as codified in 42 U.S.C. 6991 et seq.
12 9 The bill provides that the commission shall adopt rules
12 10 establishing a training program applicable to owners and
12 11 operators of underground storage tanks. The bill provides
12 12 that the rules may include provisions for department
12 13 certification of operators, self=certification by owners and
12 14 operators, education and training requirements, owner
12 15 requirements to assure operator qualifications, and assessment
12 16 of education, training, and certification fees. The bill
12 17 requires the rules to be consistent with and sufficient to
12 18 comply with certain federal requirements.

12 19 The bill repeals Code section 455G.17 relating to
12 20 certification of different classes of persons as underground
12 21 storage tank installation inspectors. The repeal takes effect
12 22 upon the Code editor's receipt of notice from the
12 23 environmental protection commission stating that emergency
12 24 rules required under this bill have taken effect.

12 25 The bill repeals Code section 455G.18 relating to the
12 26 certification of groundwater professionals and moves
12 27 substantially the same provisions to Code chapter 455B. The
12 28 bill removes a requirement that certification courses and
12 29 examinations be held by the administrator of the Iowa
12 30 comprehensive petroleum underground storage tank fund and
12 31 removes other outdated provisions. The bill makes conforming
12 32 amendments.

12 33 The bill requires that persons and companies performing or
12 34 providing services for underground storage tank installations,
12 35 installation inspections, testing, and permanent closure of
13 1 underground storage tanks by removal or filling in place, and
13 2 other closure activities be certified by the department. The
13 3 bill provides that the rules shall include establishing
13 4 separate certification criteria applicable to underground
13 5 storage tank installers and installation inspectors,
13 6 underground storage tank testers, and persons conducting
13 7 underground storage tank closure activities, establishing
13 8 minimum qualifications for certification, requiring a written
13 9 examination developed and administered by the department or by
13 10 some other qualified public or private entity identified by
13 11 the department, providing for a minimum two=year renewable
13 12 certification period, allowing a person to apply for a
13 13 combined certificate, providing that certificate holders
13 14 obtain and provide proof of financial responsibility for
13 15 environmental liability with minimum liability limits of \$1
13 16 million per occurrence and in the aggregate, providing
13 17 criteria for the department to take disciplinary action
13 18 against certificate holders, and providing for certification
13 19 reciprocity between states, providing for assessment of fees
13 20 sufficient to cover the costs of administration of the
13 21 certification program. The bill that fees received by the
13 22 department are appropriated to the department for purposes of
13 23 the administration of these provisions. The bill allows the
13 24 adoption of rules requiring that all underground storage tank
13 25 installations, installation inspectors, testing, and closure
13 26 activities be conducted by persons certified pursuant to these
13 27 provisions. The bill provides that acts or omissions of
13 28 certified persons, the state, or the department regarding
13 29 certification, renewal, oversight of the certification
13 30 process, continuing education, discipline, inspection
13 31 standards, or any other actions including department onsite

13 32 supervision of certified activities, rules, or regulations
13 33 arising out of the certification, shall not be cause for a
13 34 claim against the state or the department.

13 35 The bill modifies provisions relating to the payment of
14 1 moneys in the remedial account of the Iowa comprehensive
14 2 petroleum underground storage tank fund. Currently, one of
14 3 the uses of such moneys is for corrective action in response
14 4 to a high-risk condition caused by a release from an
14 5 underground storage tank located on a site for which the
14 6 department, after January 31, 1997, has issued a no further
14 7 action certificate. The bill provides that the moneys may be
14 8 used for a corrective action including a site assessment
14 9 required by the department in response to a release which was
14 10 previously eligible for benefits from the remedial account
14 11 from an underground storage tank located on a site for which
14 12 the department has issued a no further action certificate.
14 13 The bill also allows the department to establish a claim for
14 14 the no further action benefits if the owner or operator of a
14 15 site is unable or unwilling to file a claim for no further
14 16 action benefits from the remedial fund.

14 17 The bill allows moneys in the remedial account of the Iowa
14 18 comprehensive petroleum underground storage tank fund to be
14 19 used for costs for the permanent closure of an underground
14 20 storage tank system that was in place on the date an eligible
14 21 claim was submitted. The bill places limits on the
14 22 reimbursement allowed.

14 23 The bill provides that, not later than August 1, 2007, the
14 24 environmental protection commission shall adopt administrative
14 25 rules previously adopted by the Iowa comprehensive petroleum
14 26 underground storage tank fund board pursuant to Code section
14 27 455G.17 in existence on the effective date of this Act by
14 28 emergency rulemaking. The bill provides that, following the
14 29 adoption of emergency rules, the commission shall commence
14 30 rulemaking procedures for the administration of Code section
14 31 455B.474, subsection 10. The bill provides that any
14 32 registration or certification issued pursuant to Code section
14 33 455G.17 shall continue in full force and effect until
14 34 expiration or renewal.

14 35 LSB 1404HV 82

15 1 tm:nh/es/88

B. CRPCA 0612-39 Galva



IOWA UNDERGROUND STORAGE TANK

Financial Responsibility Program

Susan E. Voss, *Chairperson*

Scott M. Scheidel, *Administrator*

Board Members:

Michael L. Fitzgerald

Jeff W. Robinson

Cathy A. Rottinghaus

James M. Holcomb

Richard A. Leopold

Douglas M. Beech

Delia A. Meier

TO: UST BOARD

FROM: SCOTT M. SCHIEDEL

DATE: March 23, 2007

RE: RFP CRPCA0612-39: Galva

Background

The RFP referenced was issued at the request of the Iowa Department of Natural Resources to secure a contractor to complete specific activities to further assess and if necessary, complete corrective action activities at two sites in Galva, Iowa. The sites were previously classified high risk due to proximity of one or more drinking water wells, plastic water lines, vapor receptors, and a protected groundwater source; free product was also previously identified. Simultaneous to the RFP issuance, DNR staff completed a site visit and confirmed free product to be present.

Recommendation

In response to the RFP requesting bids for a directed scope of work, eight (8) proposals were received. All proposals were determined to be technically sound. Proposed activities include further assessment, free product recovery, re-evaluation of the risks and a determination of corrective action alternatives. Implementation of the selected corrective action may be under a separate contract.

The bids, adjusted to include free product recovery costs, ranged from a low of \$10,490.00 to a high of \$23,050.00. The bid scores and costs are as follows:

<u>Firm Name</u>	<u>Technical</u> <u>Score</u>	<u>Total</u> <u>Score</u>	<u>Cost</u>
Apex Companies	153.67 ⁽⁵⁾	191.11	\$16,210.00 ⁽⁵⁾
Barker Lemar Engineering	160.83 ⁽¹⁾	190.28	\$23,050.00 ⁽¹⁾
Geode Environmental	154.67 ⁽⁴⁾	205.79	\$11,505.00 ⁽¹⁾
Geotek Engineering	156.33 ⁽⁴⁾	192.73	\$18,150.00 ⁽³⁾
MPS Engineers	155.00 ⁽⁴⁾	190.82	\$15,885.00 ⁽⁴⁾
Seneca Companies	152.33 ⁽¹⁾	187.81	\$17,121.50 ⁽⁴⁾
Trileaf Corporation	151.17 ⁽³⁾	194.81	\$10,490.00 ⁽²⁾
URS Corporation	153.00 ⁽⁶⁾	185.70	\$19,984.00 ⁽⁴⁾

Based on our review of the technical merit and costs, we recommend the contract be awarded to Geode Environmental, the firm evaluated to have the overall highest total score.

Approved

C. Potential 28E with DNR for Legal Service Bureau Position

- David Steward needs to confer w/ his 'boss' AG. (who's been out of country)

TH - $\frac{1}{2}$ - LUST

$\frac{1}{2}$ - CSS/Bramfields

- Q: What's cost? ~60 or 30 for Fund.

- Crafting language of 28E, bring to April Mtg.

D. DNR Update

Approval of Program Billings



IOWA UNDERGROUND STORAGE TANK

Financial Responsibility Program

Susan E. Voss, *Chairperson*

Scott M. Scheidel, *Administrator*

Board Members: Michael L. Fitzgerald Jeff W. Robinson Cathy A. Rottinghaus James M. Holcomb Richard Leopold
Delia A. Meier Douglas M. Beech

MEMORANDUM

TO: UST Board Members
FROM: Scott Scheidel
DATE: March 23, 2007
SUBJECT: Summary of Bills for Payment

NOTICE

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

1. Aon Risk Services\$118,222.00
 Consulting Services April 2007 -- \$65,638.00
 Claims Processing Services April 2007 -- \$52,584.00

2. Attorney General's Office\$9,215.00
 Services provided for Underground Storage Tank Program
 February 2007 Billing

Iowa Comprehensive Petroleum

Invoice No. 9500000054242

Iowa Comprehensive Petroleum
Underground Storage Tank Fund
2700 Westown Pkwy, #320
West Des Moines IA 50266



Aon Risk Services, Inc. of Nebraska
Insurance Services CA License No OE16975
2700 Westown Parkway
Suite 320
West Des Moines IA 50266
(515) 267-9101 FAX (515) 267-9045

Client Account No.	Invoice Date	Currency	Relationship Manager
10756349	Feb-15-2007	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2007 - Jan-01-2008	Apr-01-2007	Renewal - Service Fee	
Comments			Service Fee	60,638.00
Installment 4 of 12			Consulting Expense	5,000.00
TOTAL INVOICE AMOUNT DUE				65,638.00

TO AVOID POTENTIAL DISRUPTION IN COVERAGE, PLEASE PAY IMMEDIATELY.
For Wire instructions, contact your Relationship Manager.

Please see reverse side for statement regarding Aon compensation.

▼ Please detach here. Top portion is for your records, bottom portion to be returned with your payment. ▼

Client Account No.	Invoice No.	Invoice Date	Currency	Amount Due
10756349	9500000054242	Feb-15-2007	US DOLLAR	65,638.00

Iowa Comprehensive Petroleum
Underground Storage Tank Fund
2700 Westown Pkwy, #320
West Des Moines IA 50266

Send remittance to:
Aon Risk Services, Inc. of Nebraska
Aon Risk Services Companies, Inc.
75 Remittance Drive - Suite 1943
Chicago IL 60675-1943

Iowa Comprehensive Petroleum

Invoice No. 9500000054243

Iowa Comprehensive Petroleum
Underground Storage Tank Fund
2700 Westown Pkwy, #320
West Des Moines IA 50266

Aon Risk Services, Inc. of Nebraska
Insurance Services CA License No OE16975
2700 Westown Parkway
Suite 320
West Des Moines IA 50266
(515) 267-9101 FAX (515) 267-9045

Client Account No.	Invoice Date	Currency	Relationship Manager
10756349	Feb-15-2007	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2007 - Jan-01-2008	Apr-01-2007	Renewal - Service Fee	
			Service Fee	0.00
			Consulting Expense	52,584.00
TOTAL INVOICE AMOUNT DUE				52,584.00

Comments

Installment 4 of 12
GAB Robins Monthly Claims Service
Payment due within 20 days of Transaction Effective Date

TO AVOID POTENTIAL DISRUPTION IN COVERAGE, PLEASE PAY IMMEDIATELY.
For Wire instructions, contact your Relationship Manager.

Please see reverse side for statement regarding Aon compensation.

Page 1 of 1

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Client Account No.	Invoice No.	Invoice Date	Currency	Amount Due
10756349	9500000054243	Feb-15-2007	US DOLLAR	52,584.00

Iowa Comprehensive Petroleum
Underground Storage Tank Fund
2700 Westown Pkwy, #320
West Des Moines IA 50266

Send remittance to:

Aon Risk Services, Inc. of Nebraska
Aon Risk Services Companies, Inc.
75 Remittance Drive - Suite 1943
Chicago IL 60675-1943

IOWA ATTORNEY GENERAL'S OFFICE
Hoover State Office Bldg - 2nd Floor
Des Moines, Iowa 50319-0141

Invoice Date: 03/05/07

Buyer: **Aon Risk Services**
2700 Westown Pkwy, Ste 320
West Des Moines, IA 50266
Attn: Scott Scheidel



Seller: **Iowa Attorney General's Office**
Hoover State Office Bldg - 2nd Floor
Des Moines, IA 50319-0141

Services For: **Assistant Attorneys General**
Period of Service: **February**

Please use the following accounting information for (II) transfer/payment:

Document Number	Account Coding				Rev Source	Description	Amount
	Fund	Agency	Org	Sub Org			
112AG064027	0001	112	2301		0285		\$ 9,215.00

Please direct billing questions to Karen Redmond at (515)281-6362.

Monthly Activity Report and Financials Reviewed

A. February Activity Report

Iowa UST Fund
Monthly Activities Report

February 2007

	Open Claims	Open & Closed	Open Claims	Open & Closed
Claims	January Ending	Monthly Net Changes	February Ending	Totals since Inception
RETROACTIVE				
number	78	(2)	76	\$443.00
reserve	\$4,767,335.70	\$14,245.17	\$4,781,580.87	\$4,767,335.70
paid	\$7,984,164.30	\$3,254.83	\$7,987,419.13	\$13,771,544.51
total	\$12,751,500.00	\$17,500.00	\$12,769,000.00	\$18,538,880.21

REMEDIAL				
number	985	(8)	977	4,430
reserve	\$58,815,994.37	(\$119,993.50)	\$58,696,000.87	\$58,696,000.87
paid	\$92,249,262.16	(\$14,026.06)	\$92,235,236.10	\$171,857,136.41
total	\$151,065,256.53	(\$134,019.56)	\$150,931,236.97	\$230,553,137.28

INNOCENT LANDOWNER				
number	251	2	253	1,026
reserve	\$10,629,121.45	(\$184,167.84)	\$10,444,953.61	\$10,444,953.61
paid	\$11,498,298.67	(\$30,830.16)	\$11,467,468.51	\$19,598,688.92
total	\$22,127,420.12	(\$214,998.00)	\$21,912,422.12	\$30,043,642.53

GLOBAL OPT-IN				
number	295	(9)	286	1,241
reserve	\$1,810,350.83	(\$49,263.08)	\$1,761,087.75	\$1,761,087.75
paid	\$2,274,241.97	(\$76,736.92)	\$2,197,505.05	\$8,513,469.66
total	\$4,084,592.80	(\$126,000.00)	\$3,958,592.80	\$10,274,557.41

AST CLAIMS				
number	0	0	0	414
reserve	\$0.00	\$0.00	\$0.00	\$0.00
paid	\$0.00	\$0.00	\$0.00	\$11,217,932.11
total	\$0.00	\$0.00	\$0.00	\$11,217,932.11

UST Licenses in force: 213

Corrective Action Meetings	
Scheduled:	74
Completed:	699
MOA's	356

RT Claims	#
New	0
Reopened	0
Closed	2

RM Claims	#
New	1
Reopened	0
Closed	9

ILO Claims	#
New	4
Reopened	1
Closed	3

GS Claims	#
New	1
Reopened	2
Closed	15

AST Claims	#
New	0
Reopened	0
Closed	0

Invoice Type Totals	February	FYTD	Program to Date
American Soils	\$0	\$0	\$5,678,423
AST Removal	\$0	\$64,600	\$2,121,490
AST Upgrade	\$0	\$111,917	\$5,460,479
CADR Charges	\$0	\$36,155	\$4,329,162
Corrective Action	\$36,636	\$451,032	\$47,515,107
Free Prod Recover	\$51,226	\$473,600	\$6,343,803
Monitoring	\$195,353	\$1,706,147	\$16,310,750
New UST Pull 2004	\$0	\$33,838	\$600,422
Operations/Maint	\$99,643	\$597,004	\$5,768,536
Over-excavation	\$21,815	\$2,500,751	\$19,153,739
Plastic Water Lines	\$59,994	\$544,421	\$1,282,112
Post RBCA Evals	\$2,570	\$31,348	\$90,767
RBCA	\$57,285	\$184,073	\$24,170,307
Remed Imp/Const.	\$49,265	\$1,385,765	\$21,219,876
SCR Charges	\$0	\$0	\$54,138,816
Site Check	\$0	\$0	\$121,816
Soil Disposal	\$0	\$0	\$607,332
Tank (UST) Pull	\$400	\$69,485	\$4,851,811
Tank (UST) Upgrade	\$0	\$0	\$5,883,408
Tier III	\$0	\$29,983	\$1,034,487
Utilities	\$19,755	\$198,040	\$438,535
Well Closure	\$16,761	\$160,147	\$2,215,830
Total Invoice Types	\$610,704	\$8,578,304	\$229,337,007

Budgets Approved to Date		
February	6	\$438,468
Trailing 12 mos	101	\$5,623,987
Prev Trail 12 mos	161	\$7,971,010
Total Since Jan 2003	850	\$44,709,749

Project Claims	Open	Closed	Pending
CRP's	32	60	0
Tank Closure	2	3	0
Plastic Water Line	2	0	0

B. February Financial Report

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING FEBRUARY 28, 2007**

0471 - UST REVENUE FUND (Bonding)

Balance of Fund, February 1, 2007		\$11,825,211.87
Receipts:		
Tank Management Fees	\$0.00	
Motor Vehicle Use Tax	\$0.00	
Intra State Fund Transfers Received	\$0.00	
Interest Income	\$0.00	
Interest Income - Capital Reserve Fund	\$0.00	
		\$0.00
Disbursements:		
Bond Interest Payment	\$0.00	
Bond Principal Payment	\$0.00	
Transfer to Unassigned Revenue Fund	\$7,575,211.87	
		\$7,575,211.87
Balance of Fund, February 28, 2007		\$4,250,000.00

0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)

Balance of Fund, February 1, 2007		\$23,435,240.20
Receipts:		
Installer's License Fees	\$85.00	
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$0.00	
Refund/Overpayment	\$24.92	
Transfer From UST Revenue Fund	\$7,575,211.87	
Intra State Fund Transfers Received - DNR	\$0.00	
Compensation for Pooled Money Investments	\$0.00	
Amort / Accretion	\$1,219.14	
Buys/ Sells	(\$5,421.61)	
Interest Income	\$69,399.93	
		\$7,640,519.25
Disbursements:		
UST Administrator's Fees	\$239,444.00	
Attorney General's Fees	\$8,702.20	
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (Lien Filing)	\$26.00	
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$0.00	
Bond Trustee Fees - Bankers Trust	\$0.00	
Custodial Fees - BONY	\$381.77	
Department of Revenue EPC Collection Fees	\$0.00	
Environmental Protection Charge Refunds	\$0.00	
Inspection & Appeals Service Fees	\$0.00	
Installers/Inspectors/ Testers Licensing Refunds	\$35.00	

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING FEBRUARY 28, 2007**

Legal and Professional Fees	\$1,785.00	
Postage / Printing / Miscellaneous	\$24.92	
Professional Administrative Services (Investments)	\$11,662.69	
Rebate	\$0.00	
Tank Closure Claims & Plastic Waterline Claims	\$7,631.50	
Travel Expenses-UST Board Members	\$0.00	
Warrant Float Expense	(\$12,479.53)	
Transfer to Remedial Non-Bonding Fund	\$10,000,000.00	
Transfer to Innocent Landowner Fund	\$0.00	
28E Agreement - RBCA (DNR Staff Training & Development)	\$0.00	
28E Agreement - DNR UST Section Funding - FY06	\$0.00	
28E Agreement - DNR 4 Temporary FTE's - FY06 & FY07	\$0.00	
28E Agreement - DNR UST Section Funding - FY07	\$0.00	
Statutory Transfer to DNR - FY07	\$0.00	
Statutory Transfer to DED - FY07	\$1,750,000.00	
		\$12,007,213.55
Balance of Fund, February 28, 2007		\$19,068,545.90

0208 - UST REMEDIAL NON-BONDING FUND

Balance of Fund, February 1, 2007		\$92,885.83
Receipts:		
Remedial Refunds	\$0.00	
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer Received from Unassigned Revenue Fund	\$10,000,000.00	
		\$10,000,000.00
Disbursements:		
Retroactive Claims	\$93,558.42	
Remedial Claims	\$417,433.57	
Balance of Outdated Warrants	\$0.00	
		\$510,991.99
Balance of Fund, February 28, 2007		\$9,581,893.84

0478 - UST MARKETABILITY FUND

Balance of Fund, February 1, 2007		\$1,801,220.61
Receipts:		
Interest	\$114,007.27	
Use Tax	\$0.00	
		\$114,007.27
Disbursements:		
Transfer to Aboveground Storage Tank Fund	\$0.00	
		\$0.00
Balance of Fund, February 28, 2007		\$1,915,227.88

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING FEBRUARY 28, 2007**

0485 - UST INNOCENT LANDOWNERS FUND

Balance of Fund, February 1, 2007		\$22,419,823.29
Receipts:		
Cost Recovery (i.e. lien settlements)	\$0.00	
ILO Refunds	\$0.00	
Intra State Fund Transfers Received	\$0.00	
Miscellaneous Income	\$0.00	
		\$0.00
Disbursements:		
Other Contractual Services	\$0.00	
Global Settlement Claims	\$36,944.07	
Innocent Landowner Claims	\$55,136.29	
Balance of Outdated Warrants	(\$1,140.00)	
		\$90,940.36
Balance of Fund, February 28, 2007		\$22,328,882.93

0455 - ABOVEGROUND STORAGE TANK FUND

Balance of Fund February 1, 2007		\$99,952.92
Receipts:		
Interest Income	\$712.78	
Canceled Warrants/ Corrected Warrants	\$0.00	
Transfer from Marketability Fund	\$0.00	
Transfer from Unassigned Revenue Fund	\$0.00	
		\$712.78
Disbursements:		
AST Claims	\$0.00	
		\$0.00
Balance of Fund on February 28, 2007		\$100,665.70

0238 - UST LOAN GUARANTEE FUND (Non-Bonding)

Balance of Fund, February 1, 2007		\$1,206,821.18
Receipts:		
Interest Income	\$5,489.48	
		\$5,489.48
Disbursements:		
Payments on Loan Losses	\$0.00	
		\$0.00
Balance of Fund, February 28, 2007		\$1,212,310.66

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING FEBRUARY 28, 2007**

UST BOND FUND (Bonding)

Series 1997 A Revenue Refunding Bonds

Balance of Fund, February 1, 2007 \$0.00

Receipts:

Transfer From/(To) UST Revenue Fund	\$0.00	
Transfer From/(To) UST Unassigned Revenue Fund	\$0.00	
Accrued Interest From Bonds	\$0.00	
Interest Income	\$0.00	
	\$0.00	\$0.00

Disbursements:

Principal Payments to Bondholders	\$0.00	
Interest Payments to Bondholders	\$0.00	
Trustee Fee to Bankers Trust	\$0.00	
	\$0.00	\$0.00

Balance of Fund, February 28, 2007 \$0.00

Series 2004 Cost of Issuance Bonds

Balance of Fund, February 1, 2007 \$0.00

Receipts:

Transfer From/(To) UST Revenue Fund	\$0.00	
Transfer From/(To) UST Unassigned Revenue Fund	\$0.00	
Accrued Interest From Bonds	\$0.00	
Interest Income	\$0.00	
	\$0.00	\$0.00

Disbursements:

Principal Payments to Bondholders	\$0.00	
Interest Payments to Bondholders	\$0.00	
Trustee Fee to Bankers Trust	\$0.00	
	\$0.00	\$0.00

Balance of Fund, February 28, 2007 \$0.00

Series 2004 A Revenue Refunding Bonds

Balance of Fund, February 1, 2007 \$0.00

Receipts:

Transfer From/(To) UST Revenue Fund	\$0.00	
Transfer From/(To) UST Unassigned Revenue Fund	\$0.00	
Accrued Interest From Bonds	\$0.00	
Interest Income	\$0.00	
	\$0.00	\$0.00

Disbursements:

Principal Payments to Bondholders	\$0.00	
Interest Payments to Bondholders	\$0.00	
Trustee Fee to Bankers Trust	\$0.00	
	\$0.00	\$0.00

Balance of Fund, February 28, 2007 \$0.00

Combined UST Bond Fund Balances, February 28, 2007 \$0.00

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING FEBRUARY 28, 2007**

0614 - UST CAPITAL RESERVE FUNDS (Bonding)

Series 1990 A

Balance of Fund, February 1, 2007	\$3,990,710.18
Receipts:	
Proceeds From Issuance of Bonds	\$0.00
Disbursements:	
Transfer Interest to Revenue Fund	\$0.00
Balance of Fund, February 28, 2007	\$3,990,710.18

Series 1991 A

Balance of Fund, February 1, 2007	\$2,641,220.03
Receipts:	
Proceeds From Issuance of Bonds	\$0.00
Disbursements:	
Transfer to Cost of Issuance Fund	\$0.00
Balance of Fund, February 28, 2007	\$2,641,220.03

Series 1994 A

Balance of Fund, February 1, 2007	(\$394,430.21)
Receipts:	
Proceeds From Issuance of Bonds	\$0.00
Disbursements:	
Debt Service for Issuance of Bonds	\$0.00
Balance of Fund, February 28, 2007	(\$394,430.21)

Combined UST Capital Reserve Fund Balances, February 28, 2007	\$6,237,500.00
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TOTAL FUND BALANCES, February 28, 2007	\$64,695,026.91
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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 Financial Report
as of February 28, 2007**

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING FEBRUARY 28, 2007**

		FISCAL 2007 BUDGET
0471 - UST REVENUE FUND (Bonding)		
Balance of Fund, July 1, 2006	\$908,550.62	\$908,550.62
Receipts:		
Tank Management Fees	\$0.00	\$400,000.00
Motor Vehicle Use Tax	\$12,750,000.00	\$17,000,000.00
Intra State Fund Transfers Received	\$0.00	
Interest Income	\$0.00	
Interest Income - Capital Reserve Fund	\$0.00	
	\$12,750,000.00	\$17,400,000.00
Disbursements:		
Bond Interest Payment	\$924,788.13	\$1,849,576.24
Bond Principal Payment	\$0.00	\$7,245,000.00
Transfer to Unassigned Revenue Fund	\$8,483,762.49	\$8,483,762.50
	\$9,408,550.62	\$17,578,338.74
Balance of Fund, February 28, 2007	\$4,250,000.00	\$730,211.88
0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)		
Balance of Fund, July 1, 2006	\$22,322,532.09	\$22,322,532.09
Receipts:		
Installer's License Fees	\$7,190.00	\$7,300.00
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$3,537.50	\$25,000.00
Refund/Overpayment	\$15,005.08	\$888.37
Transfer From UST Revenue Fund	\$8,483,762.49	\$8,483,762.50
Intra State Fund Transfers Received	\$0.00	
Compensation for Pooled Money Investments	\$0.00	
Amort / Accretion	(\$16,810.26)	(\$70,000.00)
Buys/ Sells	(\$79,337.73)	(\$75,000.00)
Interest Income	\$1,470,141.85	\$1,800,000.00
	\$9,883,488.93	\$10,171,950.87
Disbursements:		
UST Administrator's Fees	\$804,052.56	\$1,353,963.96
Attorney General's Fees	\$62,244.43	\$105,000.00
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (Lien Filing)	\$146.00	\$120.00
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$4,544.76	\$4,400.00
Bond Trustee's Fees - Bankers Trust	\$1,250.00	\$1,500.00
Custodial Fees - BONY	\$1,155.14	\$1,000.00
Department of Revenue EPC Collection Fees	\$5,623.01	\$6,800.00
Environmental Protection Charge Refunds	\$0.00	\$50,000.00
Inspection & Appeals Service Fees	\$2,910.50	\$2,000.00
Installers/Inspectors/Testers Licensing Refunds	\$85.00	

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING FEBRUARY 28, 2007**

		FISCAL 2007 BUDGET
Legal and Professional Fees	\$5,397.50	
Postage / Printing / Miscellaneous	\$24.92	
Professional Admin Services (Investments)	\$31,764.85	\$50,000.00
Rebate	\$0.00	
Tank Closure Claims and Plastic Waterline Claims	\$103,598.50	\$150,000.00
Travel Expenses-UST Board Members	\$304.30	
Warrant Float Expense	(\$35,626.35)	
Transfer to Remedial Non-Bonding Fund	\$10,000,000.00	\$10,000,000.00
Transfer to Innocent Landowner Fund	\$0.00	
28E Agreement - RBCA (DNR Staff Training & Development)	\$0.00	
28E Agreement - DNR UST Section Funding - FY06	\$50,000.00	
28E Agreement - DNR 4 Temporary FTE's - FY06 & FY07	\$150,000.00	\$150,000.00
28E Agreement - DNR UST Section Funding - FY07	\$0.00	\$500,000.00
Statutory Transfer to DNR - FY07	\$200,000.00	\$200,000.00
Statutory Transfer to DED - FY07	\$1,750,000.00	\$3,500,000.00
	\$13,137,475.12	\$16,074,783.96
Balance of Fund, February 28, 2007	\$19,068,545.90	\$16,419,699.00
0208 - UST REMEDIAL NON-BONDING FUND		
Balance of Fund, July 1, 2006	\$6,238,700.79	\$6,238,700.79
Receipts:		
Remedial Refunds	\$1,809.25	
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer Received from Unassigned Revenue	\$10,000,000.00	\$10,000,000.00
	\$10,001,809.25	\$10,000,000.00
Disbursements:		
Retroactive Claims	\$413,780.06	\$1,000,000.00
Remedial Claims	\$6,244,911.93	\$13,000,000.00
Balance of Outdated Warrants	(\$75.79)	
	\$6,658,616.20	\$14,000,000.00
Balance of Fund, February 28, 2007	\$9,581,893.84	\$2,238,700.79
0478 - UST MARKETABILITY FUND		
Balance of Fund, July 1, 2006	\$1,040,030.11	\$1,040,030.11
Receipts:		
Interest	\$875,197.77	
Use Tax	\$0.00	
	\$875,197.77	\$1,000,000.00
Disbursements:		
Transfer to Aboveground Storage Tank Fund	\$0.00	\$0.00
	\$0.00	\$0.00
Balance of Fund, February 28, 2007	\$1,915,227.88	\$2,040,030.11

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING FEBRUARY 28, 2007**

		FISCAL 2007 BUDGET
0485 - UST INNOCENT LANDOWNERS FUND		
Balance of Fund, July 1, 2006		\$23,931,120.46
Receipts:		
Cost Recovery (i.e. lien settlements)	\$17,651.25	\$20,000.00
ILO Refunds	\$1,287.09	
Intra State Fund Transfers Received	\$0.00	
Miscellaneous Income	\$0.00	
	<u>\$18,938.34</u>	\$20,000.00
Disbursements:		
Other Contractual Services	\$0.00	
Global Settlement Claims	\$419,074.90	\$800,000.00
Innocent Landowner Claims	\$1,203,240.97	\$2,000,000.00
Balance of Outdated Warrants	(\$1,140.00)	
	<u>\$1,621,175.87</u>	\$2,800,000.00
Balance of Fund, February 28, 2007		<u>\$22,328,882.93</u>
		\$21,151,120.46
0455 - ABOVEGROUND STORAGE TANK FUND		
Balance of Fund July 1, 2006		\$265,462.63
Receipts:		
Interest Income	\$11,719.68	\$20,000.00
Canceled warrants/Corrected warrants	\$0.00	
Transfer from Marketability Fund	\$0.00	
Transfer from Unassigned Revenue Fund	\$0.00	
	<u>\$11,719.68</u>	\$20,000.00
Disbursements:		
AST Claims	\$176,516.61	\$251,920.96
	<u>\$176,516.61</u>	\$251,920.96
Balance of Fund on February 28, 2007		<u>\$100,665.70</u>
		\$13,541.67
0238 - UST LOAN GUARANTEE FUND (Non-Bonding)		
Balance of Fund, July 1, 2006		\$1,171,535.77
Receipts:		
Interest Income	\$40,774.89	\$40,000.00
	<u>\$40,774.89</u>	\$40,000.00
Disbursements:		
Payments on Loan Losses	\$0.00	
	<u>\$0.00</u>	\$0.00
Balance of Fund, February 28, 2007		<u>\$1,212,310.66</u>
		\$1,211,535.77

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING FEBRUARY 28, 2007**

		FISCAL 2007 BUDGET
UST BOND FUND (Bonding)		
Series 1997 A Revenue Refunding Bonds		
Balance of Fund, July 1, 2006	\$0.00	\$0.00
Receipts:		
Transfer From/(To) UST Revenue Fund	\$582,700.63	\$6,675,401.24
Transfer From/(To) UST Unassigned Revenue Fund	(\$321.49)	
Accrued Interest From Bonds	\$821.49	
Interest Income	\$0.00	
	\$583,200.63	\$6,675,401.24
Disbursements:		
Principal Payments to Bondholders	\$0.00	\$5,510,000.00
Interest Payments to Bondholders	\$582,700.63	\$1,165,401.24
Trustee Fee to Bankers Trust	\$500.00	
	\$583,200.63	\$6,675,401.24
Balance of Fund, February 28, 2007	\$0.00	\$0.00
Series 2004 Cost of Issuance Bonds		
Balance of Fund, July 1, 2006	\$0.00	\$0.00
Receipts:		
Transfer From/(To) UST Revenue Fund	\$0.00	\$2,419,175.00
Transfer From/(To) UST Unassigned Revenue Fund	(\$11,740.30)	
Accrued Interest From Bonds	\$11,740.30	
Interest Income	\$0.00	
	\$0.00	\$2,419,175.00
Disbursements:		
Principal Payments to Bondholders	\$0.00	\$1,735,000.00
Interest Payments to Bondholders	\$0.00	\$684,175.00
Trustee Fee to Bankers Trust	\$0.00	
	\$0.00	\$2,419,175.00
Balance of Fund, February 28, 2007	\$0.00	\$0.00
Series 2004 A Revenue Refunding Bonds		
Balance of Fund, July 1, 2006	\$0.00	\$0.00
Receipts:		
Transfer From/(To) UST Revenue Fund	\$342,087.50	\$2,419,175.00
Transfer From/(To) UST Unassigned Revenue Fund	\$750.00	
Accrued Interest From Bonds	\$0.00	
Interest Income	\$0.00	
	\$342,837.50	\$2,419,175.00
Disbursements:		
Principal Payments to Bondholders	\$0.00	\$1,735,000.00
Interest Payments to Bondholders	\$342,087.50	\$684,175.00
Trustee Fee to Bankers Trust	\$750.00	
	\$342,837.50	\$2,419,175.00
Balance of Fund, February 28, 2007	\$0.00	\$0.00
Combined UST Bond Fund Balances, February 28, 2007	\$0.00	\$0.00

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING FEBRUARY 28, 2007**

		FISCAL 2007 BUDGET
0614 - UST CAPITAL RESERVE FUNDS (Bonding)		
Series 1990 A		
Balance of Fund, July 1, 2006	\$3,990,710.18	\$3,990,710.18
Receipts:		
Proceeds From Issuance of Bonds	\$0.00	
Disbursements:		
Transfer Interest to Revenue Fund	\$0.00	
Balance of Fund, February 28, 2007	<u>\$3,990,710.18</u>	<u>\$3,990,710.18</u>
Series 1991 A		
Balance of Fund, July 1, 2006	\$2,641,220.03	\$2,641,220.03
Receipts:		
Proceeds From Issuance of Bonds	\$0.00	
Disbursements:		
Transfer to Cost of Issuance Fund	\$0.00	
Balance of Fund, February 28, 2007	<u>\$2,641,220.03</u>	<u>\$2,641,220.03</u>
Series 1994 A		
Balance of Fund, July 1, 2006	(\$394,430.21)	(\$394,430.21)
Receipts:		
Proceeds From Issuance of Bonds	\$0.00	
Disbursements:		
Debt Service for Issuance of Bonds	\$0.00	
Balance of Fund, February 28, 2007	<u>(\$394,430.21)</u>	<u>(\$394,430.21)</u>
Combined UST Capital Reserve Fund Balances, February 28, 2007	<u>\$6,237,500.00</u>	<u>\$6,237,500.00</u>
TOTAL FUND BALANCES, February 28, 2007	<u>\$64,695,026.91</u>	<u>\$50,042,339.68</u>

FOOTNOTES:

Note 1: Funds labeled "Bonding" were created as a result of the issuance of UST Revenue Bonds. Disbursements from funds are restricted by the Revenue Bond indenture.
Funds labeled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

D. February Opt-In Report

OPT-IN PROGRAM SUMMARY REPORT
March 30, 2007
For the Period February 1 to February 28, 2007

GENERAL PROGRAM SUMMARY:

Notices to potential claimants:	0
Eligible claims referred to GAB this period:	0
Number of 90-Day Notices sent this period:	4
Settlement Agreements outstanding at major oil company for execution:	0
Settlement Agreements forwarded to GAB for processing warrants or co-payment credit:	3
Number of claimants receiving warrants or co-payment credit this period:	31
Number of 1st Party Affidavits received in lieu of supporting docs (# this month/# Total to date):	0/88

WARRANTS MAILED THIS PERIOD SUMMARY:

	Number	Total
First Warrant	1	\$ 11,543.30
Additional Warrants	30	\$ 29,912.51
Co-Payment Credit	0	\$ -
TOTALS:	31	\$ 41,455.81

PROGRAM PAYMENT DISBURSEMENT TO DATE:

Oil Company	Total Claims to Date	New Claims this Period	Payments Made to Date	Payments Made this Period
ARCO	55	0	\$ 406,679.08	\$ 207.00
PHILLIPS	262	1	\$ 1,694,696.24	\$ 20,480.77
AMOCO	305	0	\$ 2,194,954.72	\$ 3,110.40
CONOCO	109	0	\$ 685,865.45	\$ 11,021.74
SOUTHLAND	18	0	\$ 89,166.15	\$ -
FINA	12	0	\$ 95,988.33	\$ -
SUN/SUNOCO	177	0	\$ 1,184,676.78	\$ 488.68
TEXACO	154	0	\$ 1,039,894.94	\$ 3,031.34
CHAMPLIN	23	0	\$ 123,402.41	\$ -
KERR-McGEE	78	0	\$ 521,719.55	\$ 2,336.98
CHEVRON	24	0	\$ 165,567.64	\$ -
OXY	0	0	\$ -	\$ -
T.P.I. INC.	15	0	\$ 128,558.06	\$ 778.90
TOTAL:	1232	1	\$ 8,331,169.35	\$ 41,455.81

ADDITIONAL WARRANT SUMMARY:

Arco	\$ 207.00	Sunoco	\$ 488.68
Phillips	\$ 8,937.47	Texaco	\$ 3,031.34
Amoco	\$ 3,110.40	Champlin	\$ -
Conoco	\$ 11,021.74	Chevron	\$ -
Southland	\$ -	Kerr-McGee	\$ 2,336.98
Fina	\$ -	TPI, Inc.	\$ 778.90

Attorney General's Report

Claim Payment Approval

Claim Payment Authority Reports

	Site #	Site Name	1st Bd Rpt	2nd Bd Rpt	3rd Bd Rpt	4th Bd Rpt	Paid to Date	Recommend d Authority	Approved Authority	Comments
1	8608614	Iowa Coaches Inc.	08/24/06				\$85,920	\$160,000	\$160,000	dww receptors
2	8601196	Dudley's Corner Inc	08/24/06				\$46,455	\$175,000	\$175,000	2 dww
3	8601473	Voss Petroleum	08/24/06				\$93,365	\$120,000	\$120,000	PGS (restrictive covenant expected)
4	8603843	John D Malone	08/24/06				\$28,207	\$175,000	\$175,000	dww+
5	8604319	Miller Bros Furniture Co	05/14/02	08/24/06			\$411,963	\$550,000	\$550,000	
6	8605967	Holiday Oil Dist Inc	08/24/06				\$57,503	\$310,000	\$310,000	
7	8606089	New Horizon FS Inc	04/13/05	08/24/06			\$235,873	\$350,000	\$350,000	dww
8	8606320	J.D. Carpenter Co	06/29/04	08/24/06			\$112,381	\$350,000		PGS (Cty refused ordinance) Deferred.
9	8607099	Fauser Oil Co	07/08/04	08/24/06			\$110,171	\$310,000	\$310,000	
10	8607360	Diamond Oil Co	08/24/06				\$65,759	\$150,000	\$150,000	
11	8608015	Madison County	08/24/06				\$35,113	\$250,000	\$250,000	
12	8600637	Weldon Oil Co.	08/24/06				\$81,712	\$200,000	\$250,000	1 ndww
13	8607445	Kwik Shop-Ames	08/01/03	09/28/06			\$109,302	\$230,000	\$230,000	
14	8601962	Reinbeck Motor Co Inc	09/28/06				\$85,900	\$130,000	\$130,000	
15	7910555	LJS Restaurant Inc	09/28/06				\$10,295	\$150,000	\$150,000	
16	7910551	Pottawattamie Dev Corp	09/28/06				\$35,143	\$650,000	\$650,000	
17	8603250	Al's Corner Oil Co	09/28/06				\$83,654	\$160,000	\$160,000	1 public supply well & PGS
18	8914262	David Goodman	09/28/06				\$53,954	\$500,000	\$500,000	
19	8603869	Casey's Marketing Co Inc.	09/28/06				\$68,539	\$185,000	\$185,000	
20	8601176	Robertson DX	09/28/06				\$53,276	\$90,000	\$90,000	4 private ww (1 ndww)
21	7910088	Trust Trucking Inc	10/26/06				\$34,520	\$170,000	\$170,000	
22	8604780	Mulgrew Oil Co.	10/26/06				\$66,576	\$200,000	\$200,000	LR for PGS
23	8606845	Molo Oil Co.	10/26/06				\$84,550	\$115,000	\$115,000	
24	8912210	City of Bettendorf	10/26/06				\$56,777	\$200,000	\$200,000	2 dww
25	8606320	J.D. Carpenter Co	06/29/04	08/24/06			\$112,381	\$350,000	\$350,000	PGS (Cty refused ordinance agn.)
26	8602003	OJ's Convenience Station	10/26/06				\$82,158	\$300,000	\$300,000	1 dww
27	8600364	Jackson County	10/26/06				\$53,542	\$325,000	\$325,000	
28	8603488	Scott County	05/16/02	10/26/06			\$300,251	\$500,000	\$500,000	PGS
29	8607907	Sapp Bros Petroleum	08/17/05	12/07/06			\$377,684	\$525,000	\$525,000	
30	8602119	Kum & Go LC	12/7/2006				\$64,314	\$135,000	\$135,000	
31	8607932	Quint Cities Petroleum LLC	12/7/2006				\$86,856	\$150,000	\$150,000	
32	7910549	Litho Craft Printing	12/7/2006				\$16,675	\$130,000	\$130,000	
33	8607227	Midwest Farmers Coop	12/7/2006				\$71,876	\$160,000	\$160,000	
34	8606551	Casey's Marketing Co Inc.	1/26/2007				\$78,808	\$135,000	\$135,000	
35	8600690	Andy's Mini-Mart	1/26/2007				\$83,873	\$125,000	\$125,000	
36	8606099	Ethel Cozad	1/26/2007				\$81,539	\$112,500	\$112,500	1 dww
37	8607450	Kwik Shop - Des Moines	1/26/2007				\$55,195	\$300,000	\$300,000	
38	8606559	Casey's Marketing Co Inc.	2/23/2007				\$36,475	\$100,000	\$100,000	
39	8605666	MacMillan Oil Co	3/31/1999	2/23/2007			\$165,173	\$210,000	\$210,000	
40	8602326	Union County Shop	2/23/2007				\$39,463	\$450,000		Deferred to March Meeting
41	8602384	Taylor Oil Company, Inc	3/30/2007				\$82,282	\$105,000		
42	8811334	The Hitching Post/Mississip	12/16/1994	12/10/2003	3/30/2007		\$171,738	\$571,738		11 dww + 2 ndww

**IOWA UNDERGROUND STORAGE TANK PROGRAM
 FIRST BOARD REPORT
 MARCH 20, 2007
 TAYLOR OIL COMPANY, INC.
 704 SOUTH LOCUST STREET
 GLENWOOD
 SITE REGISTRATION NUMBER: 8602384
 LUST NUMBER: 7LTN46**

RISK CLASSIFICATION:

HIGH

LOW

UNDETERMINED

PRESENT CLAIM RESERVE: \$ 100,000.00

ELIGIBILITY: The contamination was discovered and reported to the IDNR in June 1990. The claim was filed prior to October 26, 1990. This is an eligible remedial claim.

COST INCURRED TO DATE:

1. Site check, assessment and clean-up reports	\$ 28,531.61
2. Free product recovery	2,555.56
3. Site monitoring reports	18,783.69
4. RBCA Tier II report	8,468.61
5. RBCA Tier III report	500.00
6. Over-excavation	<u>23,442.14</u>
TOTAL COSTS INCURRED TO DATE:	\$ 82,281.61

PROJECTED COSTS:

<input type="checkbox"/>	Risk Based Corrective Action Tier I & II Report	<input type="checkbox"/>	Tank Pull/Up-Grade.
<input checked="" type="checkbox"/>	Site Monitoring Report (SMR)	<input type="checkbox"/>	Free Product Recovery (FPR)
<input type="checkbox"/>	Corrective Action Design Report (CADR)	<input type="checkbox"/>	Implementation of OE

TOTAL PROJECTED COSTS: \$ 15,000 to 30,000.00

TOTAL AUTHORITY RECOMMENDED:

\$ 105,000.00

COMMENTS: The site is low risk for the groundwater vapor to potential enclosed space pathways and the soil vapor to potential enclosed space pathways. Additional monitoring should result in the reclassification to "no further action" in the next few years. Monitoring will include groundwater sampling and re-sampling the soil source location.

Approved,

**IOWA UNDERGROUND STORAGE TANK PROGRAM
 FIRST BOARD REPORT
 MARCH 26, 2007
 DOUGLAS HEIDEBRINK
 HIGHWAY 75 SOUTH
 LEMARS
 SITE REGISTRATION NUMBER: 8915594
 LUST NUMBER: 8LTO03**

RISK CLASSIFICATION:

HIGH LOW NAR w/FREE PRODUCT

PRESENT CLAIM RESERVE: \$ 92,500.00

ELIGIBILITY: The contamination was discovered and reported to the IDNR in May of 1991. An eligible extension had been filed. This is an eligible remedial claim.

COST INCURRED TO DATE:

1. Site assessment and clean-up reports	\$ 19,481.96
2. Tank pull	4,880.00
3. Free product recovery	44,593.08
4. RBCA Tier II report	6,751.50
5. Site monitoring reports	6,657.53
6. Well closure	<u>1,439.69</u>
TOTAL COSTS INCURRED TO DATE:	\$ 83,803.76

PROJECTED COSTS:

<input type="checkbox"/> Risked Based Corrective Action Tier I & II Report	<input type="checkbox"/> Tank Pull/Up-Grade.
<input type="checkbox"/> Site Monitoring Report (SMR)	<input checked="" type="checkbox"/> Free Product Recovery (FPR)
<input type="checkbox"/> Corrective Action Design Report (CADR)	<input type="checkbox"/> Implementation of OE

TOTAL PROJECTED COSTS: \$ 10,000 to 60,000.00 +

TOTAL AUTHORITY RECOMMENDED:

\$ 120,000.00

COMMENTS: The site is classified as No action required (NAR) by RBCA guidelines, but free product has been present for at least 16 years and requires removal. The free product levels appear to have decreased, yet removal to acceptable levels may take several more years of hand bailing or the installation of a remedial system.

Approved.

**IOWA UNDERGROUND STORAGE TANK PROGRAM
 FIRST BOARD REPORT
 FEBRUARY 15, 2007
 UNION COUNTY SHOP
 100 COMMERCE ROAD
 CRESTON**

**SITE REGISTRATION NUMBER: 8602326
 LUST NUMBER: 8LTU52**

RISK CLASSIFICATION:

HIGH LOW UNDETERMINED

PRESENT CLAIM RESERVE: \$ 400,000.00

ELIGIBILITY: The contamination was discovered during an insurance investigation with a timely extension filed. The IUST Board accepted as a valid claim October 12, 1992. This is an eligible remedial claim.

COST INCURRED TO DATE:

1. Site clean-up report	\$ 8,950.71
2. Free product recovery	5,840.21
3. Site monitoring reports	16,106.75
4. CADR	2,100.00
5. RBCA Tier II report	5,465.26
6. Post-RBCA Corrective Action Evaluation	<u>1,000.00</u>
TOTAL COSTS INCURRED TO DATE:	\$ 39,462.93

PROJECTED COSTS:

<input type="checkbox"/> Risked Based Corrective Action Tier I & II Report	<input type="checkbox"/> Tank Pull/Up-Grade.
<input checked="" type="checkbox"/> Site Monitoring Report (SMR)	<input type="checkbox"/> Free Product Recovery (FPR)
<input type="checkbox"/> Corrective Action Design Report (CADR)	<input checked="" type="checkbox"/> Implementation of over-excavation

TOTAL PROJECTED COSTS: \$ 320,000 to 430,000.00 +

TOTAL AUTHORITY RECOMMENDED: \$ 450,000.00

COMMENTS: The site is high risk for the soil vapor to enclosed space pathway for one residential sanitary sewer main. Soil vapor sampling cannot be used to clear the receptor. A large excavation is proposed to remove soil contamination exceeding the target levels..

- Non-zoned = residential
- New sampling shows site may go to low risk -with Corve. NFA

**Contracts Entered Into
Since February 23, 2007 Board Meeting**

Other Issues as Presented

Correspondence and Attachments



Daily Nonpareil
 Council
 Bluffs, IA
 Circ. 21841
 From Page:
 3
 3/9/2007
 45599



1208-51
DNR requests Mini Mart add more testing wells.

■ **Extend of petroleum leakage from underground tanks still unknown**

TOM MCMAHON
Staff Writer

SHELBY — An Iowa Department of Natural Resources environmental specialist said his office is requesting the former Shelby Mini Mart construct more wells to better determine the extent of an underground petroleum leak and ensure drinking water is not at risk.

Matt Rhodes said some testing wells are in place, but the extent of leakage has not been fully determined.

The leak is from underground petroleum tanks at the Mini Mart, which has since closed. It was first discovered in February 2005 when a nearby daycare center noticed a gasoline smell in its drinking water. No one drank the water and the center has since closed.

"At this time, we are discussing what the second round of work should be," Rhodes said.

He said NorthWest Environmental Services, the firm the Mini Mart contracted with to

conduct site testing, proposed additional wells to help measure how far the leak has spread, but the DNR is seeking an explanation as to why the firm selected particular locations.

"We need that in order to determine if they used sound science to make their decisions."

Rhodes said he expects a couple more wells to be constructed to the west of the site and a third well to be constructed southeast of it in order to better define the contaminant plume. He said the DNR is also asking NorthWest to construct some "nested" wells in order to ensure that the contaminants are not endangering municipal water wells.

Rhodes said a nested well is one that screens for contaminants at a specific depth.

"For instance, you may have a well that is screened at 2- to 5-foot deep, then another well screen at 5- to 10-foot deep, and a third well screened at 10- to 15-foot deep, etc. These wells are typically screened in no more than a 2-foot interval and

are used to determine if the contaminant has migrated downward within the aquifer."

He said contaminants are already present in the aquifer, an underground water formation from which the municipal wells draw their water.

"The task now is to fully delineate where in the aquifer they are and to ensure that the migration of the contaminants within the aquifer is minimized."

The aquifer/contaminant issue is not something to be alarmed about, as it is relatively common with this type of incident, Rhodes said.

"We just want to ensure that there is not a potential issue with the nearby drinking water well. At this point in time, there isn't, but we try to error on the side of precaution and want to make absolutely sure that all of the bases are covered and the public is not at risk. I want to stress that, so far, no petroleum contaminants have been detected in the municipal well."



Scranton
Journal
Scranton, IA
Circ. 805
From Page:
2
2/28/2007
44210



167-51-1208 *Carroll Daily Times Herald -- February 21*
Stuart Business Fined for Underground Tank Mess
 Attorney General Tom Miller said Dean Williams and Williams Oil Co. of Stuart have agreed to pay a \$20,000 civil penalty for long-running violations of Iowa's underground storage tank or "UST" regulations. Guthrie County District Court Judge Gregory Hulse issued an order February 19 requiring Williams to pay the \$20,000 civil penalty, and to continue corrective action as directed by the Iowa Department of Natural Resources "to monitor and remove petroleum contamination at the site until corrective action is no longer required." The cleanup and monitoring were estimated to cost about \$97,000.
Guthrie Center Times -- February 21

goes to DNR Fund

167-120P-2A-51

Attorney General files suit against Ames Gas station

By DANIELLE DUGGAN
Staff Writer

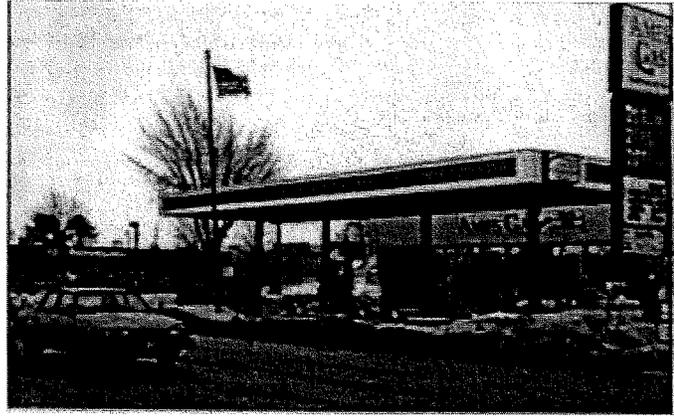
Tribune (Ames)
Ames, IA
Circ. 12084
From Page:
1B
2/14/2007
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An Ames gas station has been named in a lawsuit by the Iowa attorney general due to environmental violations involving its underground storage tanks.

The Iowa Department of Natural Resources said Ames Gas, 326 Lincoln Way, experienced a petroleum leak that contaminated the soil and water when the station replaced the original 1959 tanks in June 1990. Currently, there are three tanks holding an estimated 28,000 gallons of product at the station.

According to Elaine Douskey, underground storage tank section supervisor with the DNR, the site remains classified as a high-risk site.

"There was contamination in the soil and water,"



By NIRMALENDU MAJUMDAR/THE TRIBUNE

Ames Gas on Lincoln Way in Ames.

Douskey said. "There has been an active investigation since the leak was discovered, but it looks like there hasn't been much done on this in a couple of years. They are way overdue for submitting a report with the assessment of the

release of what's out there. Of course, that would be done by Bulk Petroleum Corporation."

On Feb. 1, Ames Gas was one of 17 gas stations in Iowa named in the lawsuit filed by

GAS please see page B4



Continued from page B1

Attorney General Tom Miller's office against Bulk Petroleum Corporation for failing to comply with requirements to prevent corrosion of steel underground storage tanks.

The lawsuit, filed by the Environmental Law Division in Polk County District Court, says the corporation failed to prevent and detect releases, failed to report and investigate releases and failed to maintain compliance records concerning 61 underground storage tanks with a total storage capacity of more than 500,000 gallons of petroleum product.

There were almost 100 separate violations in the past two years, not counting multiple

days of individual alleged violations, identified during compliance inspections conducted by the DNR and the U.S. Environmental Protection Agency.

"There are about 7,800 regulated underground storage tanks buried at about 2,800 sites all over the state," Miller said in a statement. "Most owners and operators comply with their obligations to monitor and inspect tanks, maintain tanks and prevent petroleum leaks and spills. Regulations are well-established in order to protect people and the environment, especially our groundwater, from the dangers caused by petroleum spills and releases."

The lawsuit asks the court to

prohibit further violations and to assess additional penalties. Violations are punishable by penalties up to \$5,000 per violation per day.

Bulk Petroleum Corporation is a Delaware Corporation with headquarters in Mequon, Wis., that owns underground storage tanks at retail gasoline facilities in Iowa and other Mid-West states, including Wisconsin and Michigan.

Messages left for the corporation's president, Darshan S. Dhaliwal, were not returned as of press time.

Danielle Duggan can be reached at 232-2161, Ext. 342 or dduggan@amestrib.com.