



IOWA UNDERGROUND STORAGE TANK
Financial Responsibility Program

Elaine Dowsky

Susan E. Voss, *Chairperson*

Scott M. Scheidel, *Administrator*

Board Members: Michael L. Fitzgerald Jeff W. Robinson Jacqueline A. Johnson James M. Holcomb
Richard A. Leopold Nancy A. Lincoln 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, April 25, 2008. **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. SIC Model (RBCA) Rule Status
 - C. Adoption of UST Removal Rule
 - 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 March 27, 2008 Board Meeting
10. Other Issues as Presented
11. Correspondence and Attachments

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 ❖ Jacqueline A. Johnson ❖ James M. Holcomb
Richard Leopold ❖ Nancy A. Lincoln ❖ Douglas M. Beech

MINUTES IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND PROGRAM

March 27, 2008

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

Stephen Larson, chairing for the absent Susan Voss, called the Iowa UST Board meeting to order at 10:02 A.M. A quorum was present. Roll call was taken with the following Board members present:

Jacqueline Johnson (via telephone)
Nancy Lincoln (via telephone)
Liz Christiansen (for Richard Leopold)
Stephen Larson (for Michael Fitzgerald)
Doug Beech
Jeff Robinson

Also present were:

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

APPROVAL OF PRIOR BOARD MINUTES

The minutes from the February 29, 2008 Board meeting were reviewed. Mr. Beech moved to approve the minutes, Ms. Christiansen seconded the motion, and by a vote of 5-0, the minutes were approved.

CLOSED SESSION

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

PUBLIC COMMENT

Mr. Larson requested any comments from the public present. There were no public comments made at this time.

BOARD ISSUES

A. Legislative Update

Mr. Scheidel discussed the activities at the State Capitol. He noted the following bills had been introduced previously under House and Senate study bill numbers, and he provided an update to their development:

1) House File 2561 (TIME 21)

Mr. Scheidel noted this bill contained a provision that ordered the Board to defease all bonds by June 30, 2008. The provision that ordered this action had a contingency clause that would strip that portion of the bill if the funding provisions contained in HF 2562 or SF 2389 did not pass. He noted that House File 2561 did pass, but would not be in effect unless one of the funding companion bills referenced also passed; otherwise House File 2561 will die.

2) House File 2562 (TIME 21)

The main intent of this bill was to constitutionally protect monies collected for road use. As previously discussed, a provision in this bill would have directed the Environmental Protection Charge (EPC) collections directly into the UST Fund causing a constitutional issue; that provision had been address since. That provision was changed to allow EPC collections to continue to be deposited into the Road Use Tax fund, and the UST Fund would be paid \$4.25M quarterly from a group of collections consisting mainly of drivers license fees, trailer registration fees and title fees. This bill provides the funding piece to the policy bill – House File 2561.

3) Senate File 2391

This bill would make changes to the renewable fuel infrastructure laws, including the Renewable Fuel Infrastructure Board (RFIB). The change would remove the UST Fund Board's authority to require that applications to the RFIB be forwarded to the UST Fund board for review and recommendation. Mr. Scheidel had registered against the bill on the UST Board's behalf, and the Renewable Fuels Association promised to remove that portion of the bill by amendment. He stated he would continue to look for that amendment to be filed.

Next, Mr. Scheidel explained that he and Susan Voss had met with Senator Gronstal regarding the issue of diverting funds. Mr. Scheidel noted that Senator Gronstal had sought an amount that could be diverted from the UST Fund without affecting cash flows. Mr. Scheidel responded that if the provisions that would require defeasance of bonds were passed, then no diverted monies would be prudent; however in the absence of any action affecting the Boards' current balances, a diversion of \$2-3M would have a minimal impact on the cash flows in the short and probably in the long term. Additionally, Mr. Gronstal inquired about the Boards' ability to exercise its loss portfolio transfer authority in light of a diversion of funds from the UST Fund. Mr. Scheidel

responded that any diverted amount from the UST Fund would have a negative effect on the possibility of entering into a LPT.

B. Request for Information (RFI) Update

Mr. Scheidel noted that the RFI, for parties who might have interest in a loss portfolio transfer of UST Fund remedial claims, was on hold pending the outcome of proposed legislation. The will of the Board was to wait until any TIME 21 legislation was acted on or until it died before issuing a RFI.

C. SIC Model (RBCA) Rule Status

Mr. Scheidel updated the Board with regard to the Administrative Rules Committee (ARC) hearing where the Department of Natural Resources (DNR) had noticed the rule for RBCA change. He explained that he had registered a comment jointly with Petroleum Marketers Management Insurance Company (PMMIC) and Casey's, which represented some of the stakeholders who were on the software investigation committee (SIC). The ARC also heard comment from water well operators, and he said the ARC directed an informal regulatory analysis of the rule implying that interested parties should meet to find a compromise to bring back to the ARC. Therefore stakeholders would meet every Tuesday and Friday until the next hearing to find common ground.

Mr. Scheidel explained that he had a suggestion to remove the burden from the regulated community (tank owners). He recommended a trial period, during which the DNR and the UST Fund would run the RBCA model as adjusted, and classify sites according to the model. However, DNR staff would review reports and select sites which they felt were not properly addressed by the adjusted model, but would have been addressed by the rule that DNR wants to implement. Those sites would be further studied through a separate agreement between the UST Fund Board and the DNR similar to other 28E agreements for special projects and/or innovative technologies.

D. DNR 28E for Attorney Position

Mr. Scheidel presented a 28E agreement to the Board as previously discussed and agreed upon, regarding an attorney position with the DNR that had been previously funded through grants from the US Environmental Protection Agency (USEPA). Because grants were never guaranteed, DNR had sought to make this position permanent by securing back-up funding from the Board for half of that position's salary. He noted that many of the duties of the attorney position were stated within the 28E agreement itself, as well as, the estimated pay scale through year 2012.

Mr. Beech inquired about the pay scale and the perceived jump in rate from \$57,000 in 2009 to \$70,000 in 2010. Mr. Scheidel responded that escalation marked the difference in the State scale between the Attorney I and Attorney II positions. Mr. Scheidel also noted that the 28E copy in the Board packets had been updated and corrected copies were carried in to the meeting for Board members to reflect changes in DNR contact information. Elaine Douskey, Iowa DNR

UST/LUST Supervisor, informed the Board that she had already submitted a proposal for the position to USEPA for grant money to cover the position for the next fiscal year.

Mr. Beech submitted a motion to approve the 28E agreement as carried in, and Mr. Larson seconded the motion. Ms. Christiansen abstained from the discussion and the vote. The motion was approved by a vote of 4-0.

E. DNR Update

Elaine Douskey handed out copies of an article regarding Illinois men who were “charged with \$4M convenience store fraud,” acting under several different company names and obtaining loans from the Small Business Administration. Ms. Douskey explained that the article highlighted one of many obstacles faced by the DNR in its attempt to move work forward at sites. She noted that the newly created DNR attorney position would prove valuable to the UST/LUST Section to track down site owners who were difficult to find.

Next, she stated that many DNR staff attended the National Tanks Conference in Atlanta a week prior. She explained that one DNR staff member moderated a session on renewable fuels and another presented on LUST issues regarding water supply wells highlighting the project in Climbing Hill. She noted there were several sessions at the conference regarding owner/operator training, and the program was to be in place by 2009.

Also, Ms. Douskey explained that the DNR had begun discussions on how to implement rule changes for UST installer and remover certification criteria. And very preliminary discussions about the owner/operator training program had begun, as well. She reported that 2,700 sites were inspected by third party inspectors in 2007. She stated that DNR had compiled information from those inspections, and they were finding issues across the state. She stated the DNR would focus staff efforts on follow up on sites with compliance issues, possible releases, and failure to complete timely inspections. And she noted that DNR was in the process of contracting with a provider of a training course for third party compliance inspectors, and she hoped the course would be available by June 2008.

Regarding the LUST Section, Ms. Douskey reviewed with the Board the DNR position on the RBCA rule change that was pending before the ARC. She referenced a handout from the February meeting that explained DNR’s reasons for pieces within the rule they had proposed. She encouraged Board members to peruse it and ask questions about it if necessary. In light of the significant technical discussion at the February meeting, Ms. Douskey supplied copies of an outline of DNR goals for amending Chapter 135 of the Iowa Administrative Code. She explained that the meetings going forward would involve a smaller, core group of stakeholders to work out the issues with regard to the RBCA rule to take a rule based on consensus to the ARC in May. Ms. Douskey requested the Board members let her know if they would like DNR staff to explain (by presentation or otherwise) their position on the rule in more detail.

Lastly, she reported 805 corrective action meetings on high risk sites were held since the inception of the meetings in July 2004, resulting in 409 memoranda of agreement. And she reported 51 sites had been closed during Federal fiscal year 2008 to date.

PROGRAM BILLINGS

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

- 1. Aon Risk Services\$122,726.00
 Consulting Services – April 2008 (\$57,513.00)
 Claims Processing Services – April 2008 (\$55,213.00)
- 2. Attorney General’s Office\$8,819.10
 Services provided for February 2008
- 3. Nancy Lincoln\$112.32
 Mileage reimbursement for travel from Glenwood to Des Moines
 For February 29, 2008 Board meeting
- 4. Iowa Department of Administrative Services\$78.41
 State Accounting Enterprise; 1099 postage charges for Iowa UST Fund

No additional billings for outside cost recovery counsel were presented by the Attorney General’s office for this meeting. On a motion by Ms. Christiansen and a second by Ms. Johnson, the billings were approved by a vote of 5-0.

MONTHLY ACTIVITY REPORT

Mr. Scheidel carried in reports showing the Board projections of Fund balances with and without the defeasance of bonds as may be required by legislation. Also, he noted that the February activity report and the January and February financial reports were in the Board packets for the Board members to review.

ATTORNEY GENERAL’S REPORT

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

CLAIM AUTHORITY

Mr. Gastineau presented the following claim authority requests:

- 1. **Site Registration 8600268 – Bluff View Café, Pacific Junction**

7LT050

This site was high risk for the groundwater and soil leaching to groundwater ingestion pathway for a number of private drinking water wells, and also high risk for the groundwater, soil leaching, and soil vapor pathways for several residential sewers. The site was low risk for the groundwater ingestion to protected groundwater pathway, and high risk for the soil leaching to protected groundwater pathway. Free product was also present at the site. The eligible LUST contamination was co-mingled with non-eligible contamination from on-site aboveground storage tanks (AST’s). There was not yet a plan for corrective action at the site other than free

product recovery by hand bailing. Previous authority to \$75,000 had been granted, and \$89,148.84 was incurred to date. Additional authority to \$240,000 was requested for a site monitoring report (SMR), corrective action design report (CADR), implementation of the CADR, and free product recovery (FPR). Based on questions from Mr. Beech, Steve Reinders of GAB Robins responded that this site had fairly significant free product, and that hand-bailing had been ongoing for a good while.

A motion to approve the claim authority was submitted by Ms. Christiansen and seconded by Ms. Lincoln. Approved 5-0.

2. Site Registration 8600610 – Casey’s General Store, Forest City

7LTQ60
KM

This site was classified high risk for the groundwater and soil vapor for residential sewers and basements. Soil gas sampling failed at three locations around the former underground storage tank (UST) basin located approximately 25 ft from a house with a basement. In a teleconference it was decided that the former UST basin should be excavated and a soil vapor extraction/air sparge (SVE/AS) system be installed in the backfill. Expected operation and maintenance was 3-5 years. Previous authority to \$75,000 had been granted, and \$77,028.70 was incurred to date. Additional authority to \$250,000 was requested for a site monitoring report (SMR), corrective action design report (CADR), and implementation of the excavation and system installation.

Ms. Johnson submitted a motion to approve the claim authority, and Ms. Christiansen seconded the motion. Approved 4-0. Mr. Beech abstained from the discussion and the vote.

3. Site Registration 8605366 – Sigourney Oil Inc., Ollie

8LTD89

This site was classified high risk for the groundwater ingestion to drinking water well pathway and groundwater to plastic water line pathway. High risk monitoring would be an accepted approach at this site, and site specific target levels (SSTL's) may be reached after several more years of monitoring. There was a chance that additional corrective action might be required. Previous authority to \$75,000 had been granted, and \$90,672.16 was incurred to date. Additional authority to \$125,000 was requested for a SMR.

Ms. Christiansen submitted a motion to approve the claim authority, and Ms. Johnson seconded the motion, which was approved 5-0.

4. Site Registration 8601874 – Associated Milk Producers, Inc., Sanborn

7LTG-31
RC

This was the third Board report for a site that was classified high risk for the groundwater to plastic water line pathway, soil leaching to groundwater to plastic water line pathway, and soil leaching to groundwater vapor to enclosed space pathway for residential sewers and basements. Soil excavation was recommended. Previous authority to \$278,000 had been granted, and \$187,603.75 was incurred to date. Additional authority to \$325,000 was requested for a SMR and an excavation.

Mr. Beech submitted a motion to approve the claim authority, and Ms. Christiansen seconded the motion, which was approved 5-0.

5. Site Registration 8601923 – Total Petroleum, Marion

3 LTA54 RO

This site was classified high risk for the soil leaching to groundwater vapor and soil vapor pathways for residential basements and sewers. Soil gas sampling had failed at three locations, and it was expected that a fairly large excavation would be necessary. Previous authority to \$75,000 had been granted, and \$78,268.67 was incurred to date. Additional authority to \$290,000 was requested for a SMR and an excavation.

Ms. Christiansen submitted a motion to approve the claim authority, and Ms. Johnson seconded the motion, which was approved 5-0.

CONTRACTS ENTERED INTO SINCE THE FEBRUARY 29, 2008 BOARD MEETING

Mr. Scheidel noted that the Board had not entered into any agreements or contracts since the last Board meeting.

OTHER ISSUES

Mr. Scheidel noted that the next Board meeting was scheduled for Friday, April 25th at 10 A.M. He also stated that the US Environmental Protection Agency (USEPA) Region VII meeting was scheduled for April 24th & 25th in Kansas City. He explained that he had contacted the USEPA about the scheduling conflict with their meeting dates, as another state had conflicts also; however the USEPA planned to keep their meeting dates as scheduled.

CORRESPONDENCE AND ATTACHMENTS

Mr. Larson asked if there was any further business, and there being none, Ms. Christiansen moved to adjourn, and Mr. Beech seconded the motion. By a vote of 5-0, the Board adjourned at 10:51 A.M.

Respectfully Submitted,



Scott M. Scheidel
Administrator

Closed Session

Discussion of Pending and Imminent Litigation

Public Comment

Board Issues

A. Legislative Update

B. SIC Model (RBCA) Rule Status

C. Adoption of UST Removal Rule

**PETROLEUM UNDERGROUND STORAGE TANK
FUND BOARD, IOWA COMPREHENSIVE [591]**

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455G.9, the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board hereby gives Notice of Intended Action to amend Chapter 11 Iowa Administrative Code.

Chapter 11 as amended will modify rules and procedures for the reimbursement of claims for the removal of eligible upgraded underground storage tanks, pursuant to 455G.9. The changes address comments received after the public comment period for the recent rule filing to implement these rules. The amendments broaden the number of eligible sites and provide greater flexibility to the Board to work with the IDNR in removing tanks that may cause environmental harm in a more timely manner. Additionally to address the large number of sites that have changed owners and the various methods of transfer or retention of liability the rules were amended to make it easier for documenting eligibility at sites where ownership has changed.

This addition was approved April, 25, 2008.

This addition shall become effective June 25, 2008.

These rules are intended to implement Iowa Code section 455G.9(2007).

The following amendment is adopted.

ITEM 1—Replace IAC 591 Chapter 11.3(11) with the following:

11.3(11) Permanent closure of an underground storage tank system. Costs for the permanent closure of underground storage tank systems are eligible for reimbursement from the board if all of the following requirements are met:

a. The underground storage tank system to be permanently closed was already in place on the date an eligible claim was submitted to the board.

b. A claim for reimbursement from the board must have been made and must have been deemed eligible for the site, pursuant to 455G.9 or 455G.21.

c. The permanent closure activities occurred on or after July 1, 2007. All costs must have been preapproved prior to the commencement of work.

d. For projects that include the removal of tank systems that are also associated with a larger scope of work, for example, the installation of a remediation system or expanded excavation or upgrading of a fuel delivery system, the budget for the entire scope of work must be submitted for any costs to be considered eligible for reimbursement.

e. The board may elect to provide for the direct removal of any tanks eligible through a board contracted vendor.. Any copayment shall be paid by the claimant upon removal of the tank system. The board will limit reimbursement for any removal to no more than the Board would have paid had the board removed the tanks with any board contracted vendor.

f. For claims submitted in situations where the tank owner and the eligible claimant are different parties, the Board will reimburse costs under this rule after invoices have been paid and only with written acknowledgment consenting to the work completed by both parties and submitted with the invoices.

g. Claimants shall be responsible for ensuring that any persons performing work meet all applicable licensing or certification requirements or both that may exist at the time of completion

of the work to be reimbursed. If the work is performed by a board contracted vendor, the board shall ensure licensing and certification requirements of the general contractor are met.

h. Claims made under this subrule are subject to Iowa Code chapter 455G copayment requirements and cost recovery enforcement.

i. The board may remove tanks at sites that fail to meet the requirements under paragraph a or b of this section through a board contracted vendor. These sites shall be subject to cost recovery which may include a lien on the property.

Susan Voss, Chairperson



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

April 1, 2008

Scott Scheidel, Administrator
Iowa UST Fund Board

RE: Public Comment, Tank Closure Reimbursement Rules
Notice of Intended Action, ARC 6652B, IAB 3/12/08

Dear Mr. Scheidel:

The Iowa Department of Natural Resources (Department) respectfully submits the following comments in response to the Notice of Intended Action referenced above. A number of the comments have to do with clarification and suggested revisions in the text of the proposed rule. The other broad area of comment requests that the Iowa UST Board (Board) broaden the class of "claimants" eligible to tank closure reimbursement beyond the express terms of 2007 Iowa Acts, SF 499, section 8 (to be codified in 2007 Iowa Code Supplement 455G.9(1)"I") to include UST owners and operators and property owners who are "non-fund eligible" under Iowa Code section 455G.9(1)"a".

I. Expansion of Eligible Claimants:

The express terms of 2007 Iowa Code Supplement section 455G.9(1)"I" limit the authority of the Board to use remedial funds for the costs of permanent closure of an UST system "...that was in place on the date an eligible claim was submitted under paragraph "a". By these terms, the class of "eligible claims" would be limited to only those specified under Iowa Code section 455G.9(1)"a" which would have the effect of excluding those classes of eligible claims under, for example, Iowa Code sections 455G.9(1)"b-e".

It appears from the proposed rule that the Board has chosen to interpret this provision liberally, although it has not explained the basis for this interpretation, to include "innocent landowner claims" presumably under authority granted in Iowa Code section 455G.21 and perhaps the broad grant of authority in Iowa Code section 455G.6(15) to spend money as "necessary and convenient".¹ This would seem to indicate the Board believes it has authority to offer the benefit to a broader class of claimants than specified in the statute. The Department supports this interpretation of expanded authority.

¹ It is not clear whether the proposed rule intends to exclude eligible claims which would fall under Iowa Code sections 455G.9(1)"b-e" or just intends to apply to any eligible claims under 455G.9 and implementing rules in chapter 591 IAC 11. The Department approves a broad and liberal interpretation to achieve the purposes of the reimbursement provisions.

The Department was very much involved in the "last minute" drafting of this provision with a number of stakeholders including the Board Administrator, PMMIC, and Petroleum Marketers and Convenience Stores of Iowa. The Department had at that time and continues to have a concern with the rationality of limiting closure reimbursement to "eligible claims" under Iowa Code 455G.9(1)"a". Recognizing the Board has the responsibility to implement the statute as written, the Department believes the Board has broad authority to expand the class of eligible claimants to UST owners/operators and property owners of either contaminated sites that are not fund eligible under Iowa Code section 455G.9(1)"a" or who own sites that are not contaminated.

It is very difficult to conceive a rational basis for defining eligibility for closure benefits based on whether the site is (1) a contaminated site and (2) whether it is solely eligible for remedial benefits under Iowa Code section 455G.9(1)"a". It is clear that the intent of the closure reimbursement has nothing to do with corrective action to address a contaminated site, i.e., it is not for the purpose of cleanup of contamination.² Therefore, the question that should be asked is how sound is the legislative policy that ties reimbursement for a tank closure to "eligible claims" under Iowa Code section 455G.9(1)"a" which by definition requires the site to be a contaminated site. If the policy is flawed, the question should be asked whether the Board is in the position to remedy this legislative policy with a more fair, environmentally sound and less economically discriminatory policy.

One of the broad purposes of the provision was to limit closure reimbursement to "old" tanks which is why the provision requires the tank to have been in place on the date the claim was submitted.³ Generally speaking, the assumption was that claims had to be submitted by October 24, 1990 to be eligible under Iowa Code section 455G.9(1)"a" and therefore, tanks still in the ground would likely be at least 17-18 years old. However, there are many "clean" sites with these same old tanks that are excluded from any reimbursement benefits, whether they are replacing the system or closing it down.

To understand the irrationality of the statutory policy, one only has to consider a hypothetical.

Assume you have two UST sites across the street from each other. Both owners test their sites in 1990 to qualify for tank insurance as required by law. The one site discovers contamination, timely files for remedial benefits and is determined eligible under Iowa Code section 455G.9(1)"a". The second owner tests his site and it is clean. They both have the same UST system.

Both owner/operators continue business paying the "environmental protection charge" which in part funds the remedial benefit program. The contaminated site owner and eligible claimant obtains \$200,000 in remedial benefits and obtains a "no further action" certificate. In 2008 both owners decide they need to replace their old UST system with a new double walled

² The definition of "corrective action under Iowa Code section 455G.2(5) specifically excludes the "costs of "...replacement of an underground storage tank or other capitol improvements to the tank."

³ For claims eligible under Iowa Code section 455G.9(1)"a" tanks would have to be in place as of at least October 24, 1990. Depending on the interpretation of the proposed rule, however, innocent landowner claims can include "late filed remedial" claims which can involve releases which occurred prior to October 24, 1990 but claims submitted as late as December 1, 1997. Arguably, tanks installed in November 1997 would still be eligible for reimbursement.

systems as required by current law. The contaminated site owner, who has met his maximum \$14,400 co-payment obtains 100% reimbursement for the cost of removing his UST system. Assume the cost for removing 3 USTs and piping is \$18,000. The second owner who has a clean site removes the same UST system but must pay the entire cost itself.

The inequity and competitive advantage given the owner with a claim eligible contaminated site is obvious. The statute creates one classification of reimbursement eligibility based on "eligible claims under Iowa Code section 455G.9(1)"a" and another class of owners who are not eligible, i.e., those with clean sites who never had any reason to become fund eligible.⁴ Since the tank closure has nothing to do with taking corrective action to address contamination but is instead intended to offer reimbursement for permanent closure and therefore an incentive to replace old tanks with new tanks (a capitol expense), it is difficult to even conceive of a rational basis for defining reimbursement eligibility based on whether the site is contaminated and met the claim eligibility requirements of Iowa Code section 455G.9(1)"a".

Assuming the Board would conclude it has broad authority to expand the scope of eligibility, it would be eminently more rational to include sites that are not contaminated or which may not have eligible claims. There is nothing in the statute that says how much reimbursement the Board should offer. If cost is a concern, the Board should assess the potential costs of providing a closure reimbursement to any site, fund eligible or not, and then adjust the reimbursement rate accordingly.⁵ The Board would be not only be adopting a more rational policy and one that does not provide a clear competitive advantage to "dirty" sites over "clean" sites, but it would also potentially avoid a legal challenge to the statute.

The Department in its discussion with the stakeholders in 2007 advocated an approach that provided reimbursement to any site where there is no financially viable owner willing and able to close tanks. If there is a viable owner the policy should offer closure assistance to those who have "old" UST systems and want to replace them. The broad environmental benefit of this benefit is to get tanks closed that have been abandoned and to offer an incentive to any viable owner/operator to replace old tanks with new double walled systems. Tank closure is perhaps even more important at clean sites than at contaminated sites.

⁴ Further analysis indicates that another broad class of owners who are excluded from closure reimbursement include owners of UST contaminated sites who were disqualified from fund eligibility under Iowa Code section 455G.9(1)"a" for any number of reasons including discovery of contamination after October 24, 1990 from non-operational tanks but who still have "old" tanks in the ground. Although the Board rule allows the payment to "non-eligible" sites it requires cost recovery which does not change the fact that the non-fund eligible site is having to pay for the cost.

⁵ The Department would offer the informal opinion that this statutory classification if challenged may not be able to withstand a constitutional "equal protection" analysis which requires the government to provide at least a "rational basis" for treating "similarly situated" persons differently. Courts have held that statutory provisions that on their face may not withstand an equal protection challenge may be saved if in their application, the constitutional deficiency is remedied. By expanding the eligibility to non-fund eligible sites and applying more universal criteria of the benefit, the Board could not only make this a more rational program but protect the statute from a constitutional challenge.

The Department would encourage the Board to adopt some broader language to allow non-fund eligible sites to qualify for benefits or to establish a study group to come up with an expanded program designed to encourage removal of "old" systems and in appropriate cases replacement with new double walled systems and provide some benefit to non-viable owners to close tanks which otherwise would likely be abandoned. The Department supports a reimbursement program that would serve a broader universe of sites even if the reimbursement rate is reduced or tied to a means based test.

II. Comments on the Proposed Rule Language.

a. Clarify whether "eligible claims" excludes those outside of Iowa Code section 455G.9(1)"a" such as in 455G.9(1)"b-e".

b. Clarify whether "costs" includes the cost of a Department required closure soil and groundwater investigation under 567 IAC 135.15.

c. Clarify whether the "lapse in insurance" provisions in 591 IAC 11.2(3) would apply to all claims for closure reimbursement. If so, the Department believes that for purposes of closure reimbursement, these conditions should not apply or they should at least not apply to subsequent owners who never owned or operated the USTS during the period of any lapse in insurance. The most important purpose of the closure reimbursement is to provide assistance to get closure on tanks and in many cases the cost of paying reinstatement benefits would present a significant barrier to getting closure. As stated above, tank closure reimbursement has nothing to do with corrective action reimbursement benefits at contaminated sites; and therefore, the benefit should not be conditioned upon continuing criteria of corrective action reimbursement. For example, if the USTS have been out of operation for many years and the site has been sold to a new property owner, the property owner should not have to qualify by paying the reinstatement fee.

d. Clarify the procedure or conditions under which a UST owner or property owner who was not the claimant at the time of the claim submittal can received closure reimbursement benefits. The Department is concerned about cases in which the original claimant no longer in control of the site and has no interest in tank closure. The new owner should have an easy method to become eligible for benefits.

e. Clarify whether the benefit disqualification in 591 IAC 11.2(3) would apply to tanks that were temporarily closed as of December 22, 1998 but at some point after were determined to not meet DNR upgrade standards and were not permanently closed within one year. The Department does not believe this type of disqualification provision should apply. The whole purpose of this benefit is to assist in getting tanks permanently closed and in many cases, closure has not occurred because of economic reasons.

Thank you for the opportunity to comment.

Sincerely,

Elaine Douskey and David L. Wornson
Iowa Department of Natural Resources
Email david.wornson@dnr.state.ia.us

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

Jacqueline A. Johnson

James M. Holcomb

Richard A. Leopold

Nancy A. Lincoln

Douglas M. Beech

MEMORANDUM

TO: UST Board Members
FROM: Scott Scheidel
DATE: April 18, 2008
SUBJECT: Summary of Bills for Payment

NOTICE

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

1. Aon Risk Services \$122,726.00
Consulting Services May 2008 - \$67,513.00
Claim Processing Services May 2008 - \$55,213.00
2. Attorney General's Office \$9,896.22
Services provided for the Iowa Underground Storage Tank Program
March 2008
3. Iowa Department of Revenue \$1,672.80
Environmental Protection Charge Collections
Jan-Mar 2008
4. Iowa Department of Inspections & Appeals \$105.63
Administrative Hearings on behalf of the Iowa UST Fund
Jan-Mar 2008

Iowa Comprehensive Petroleum

Invoice No. 9500000063661

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



Aon Risk Services Central, Inc.
fka 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	Mar-17-2008	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2008 - Jan-01-2009	May-01-2008	Renewal - Service Fee	
Comments			Service Fee	62,513.00
Installment 5 of 12			Consulting Expense	5,000.00
TOTAL INVOICE AMOUNT DUE				67,513.00

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.

Page 1 of 1

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	9500000063661	Mar-17-2008	US DOLLAR	67,513.00

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

Send remittance to:

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

Iowa Comprehensive Petroleum

Invoice No. 9500000063662

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

Aon Risk Services Central, Inc.
fka 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	Mar-17-2008	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2008 - Jan-01-2009	May-01-2008	Renewal - Service Fee	
Comments Installment 5 of 12			Service Fee	0.00
			Consulting Expense	55,213.00
TOTAL INVOICE AMOUNT DUE				55,213.00

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.

Page 1 of 1

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	9500000063662	Mar-17-2008	US DOLLAR	55,213.00

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

Send remittance to:

Aon Risk Services Central, Inc.
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: 03/28/08

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: March

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

Document Number	Account Coding				Rev Source	Description	Amount
	Fund	Agency	Org	Sub Org			
112AG088027	0001	112	2301		0285		\$ 9,896.22

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

**Iowa Attorney General's Office
Invoiced Services**

Billing Period:	March
Billing Total:	\$9,896.22
DSS @ 33%	\$1,817.36
TDB @ 25%	\$1,312.42
RCH @25%	\$923.13
CLJ @50%	\$1,524.43
Payroll 3/6/08:	\$5,577.34
DSS @ 33%	\$1,494.74
TDB @ 25%	\$1,123.00
RCH @25%	\$670.94
CLJ @50%	\$1,030.20
Payroll 3/20/08:	\$4,318.88
Workers' Comp FY2008	\$0.00
Total Misc:	\$0.00
	\$9,896.22

DSS = David Steward 33%

Dave is our Asst Attorney General who provides the Board with legal counsel, drafts agreements and settlements with other State agencies and claimants.

TDB = Timothy Benton 25%

Tim is our other Asst Attorney General who provides the Board with the coordination of administrative hearings on UST Fund claim denial appeals, as well as the negotiation of any settlements.

RCH = Richard Heathcote 25%

Rich is a PhD hydrogeologist who consults for the Board by reviewing claim files and DNR records to assist in the determination of technologies used at sites. Rich reviews site files for the usage of RBCA Tier 3 reports; he also reviews proposals for CRP's or special projects.

CLJ = Cindy Jacobs 50%

Cindy is a legal secretary for the Environmental/UST Division of the Attorney General's Office located in the Lucas Building. Cindy completes status reports and maintains appeal files for UST claimants with regard to their UST Fund benefits' eligibility.



Iowa Department of Revenue

Director: Mark R. Schuling
Hoover State Office Building
Des Moines, Iowa 50319
www.state.ia.us/tax



April 10, 2008

Scott Scheidel
Underground Storage Tank Program
2700 Westown Parkway Suite 320
West Des Moines, IA 50266

Dear Mr. Scheidel:

I am enclosing our 1st quarter EPC billing. I ask that you direct it to the appropriate person for approval and payment.

If you or the board requires more detailed information, please call or write me at anytime.

Your assistance is fully appreciated.

Sincerely,

Roxane Foster
Iowa Department of Revenue
(515) 281-5228

Enclosures

cc: Stefanie Devin, Treasurer's Office

ENVIRONMENTAL PROTECTION CHARGE
 COSTS INCURRED BY THE DEPARTMENT OF REVENUE
 JANUARY - MARCH FY 2008

Compliance Division

Examination Section:

Personnel	\$1,133.86
Indirect Costs	
	<u>\$1,133.86</u>

Field Audit Section:

Personnel	\$40.74
Indirect Costs	
	<u>\$40.74</u>

Total Compliance Division

Revenue Operations Division

Customer Accounts Section:

Personnel	\$4.32
Postage	\$1.23
	<u>\$5.55</u>

Processing Section:

Personnel	\$91.21
Indirect Costs	\$0.00
	<u>\$91.21</u>

Total Revenue Operations Division

Technology & Information Management Division

Personnel	\$401.44
Postage	\$0.00
Printing	\$0.00
Indirect Costs	\$0.00
	<u>\$401.44</u>

Total Technology & Information Management Div.

DEPARTMENT TOTAL

\$1,672.80

Please use the following accounting codes for the Environmental Protection Charges for the 1st quarter FY 08.

08-0001-625- EX04 - 0285	\$	1,133.86
FO04 -		40.74
CA01 -		5.55
PR01 -		91.21
TM03 -		<u>401.44</u>
<i>Total for Revenue</i>	\$	1,672.80

G:\AD\BUDGET\[EPC2.xls]Jan-Mar

INSPECTIONS & APPEALSCHESTER J. CULVER
GOVERNOR

DEAN A. LERNER, DIRECTOR

PATTY JUDGE
LT. GOVERNOR**INVOICE****Invoice Date:** 04/10/08**Buyer:** Iowa UST Financial Responsibility Program
Attn: Scott Scheider, Administrator
2700 Westown Pkwy, Ste 320
West Des Moines, IA 50266**Seller:** Department of Inspections and Appeals
Lucas State Office Building
Des Moines, IA 50319**Services For:** Administrative Hearings on behalf of the Iowa UST Financial Program
Period of Service: January – March 2008

Please use the following accounting information for IET transfer/payment:

Document number	Fund	Agency	Org	Rev Source	Sub Rev	Hours	Amount
427JJ101008	0001	427	3101	0301		1.25	\$105.63

This billing is in accordance with Section 10A.107, Code of Iowa, 2008.

Please direct questions to Julie Jones at (515) 281-6459.

LUCAS STATE OFFICE BUILDING, 321 EAST 12TH STREET, DES MOINES, IOWA 50319-0083

ADMINISTRATION
(515) 281-5457
FAX: (515) 242-6863ADMINISTRATIVE HEARINGS
(515) 281-4843
FAX: (515) 281-4477

Telephone Number for the Hearing Impaired: (515) 242-6515

HEALTH FACILITIES
(515) 281-4115
FAX: (515) 242-5022INVESTIGATIONS
(515) 281-5714
FAX: (515) 242-6507

DEPT OF NATURAL RESOURCES - 555U

PAY PERIOD	HOURS	CASE NUMBER	CASE NAME	ALJ
12/28 - 1/10/08	0.50	07UST005	CONOCO PHILLIPS	MAGGIE LAMARCHE
1/11-24/08	0.50	07UST005	CONOCO PHILLIPS	MAGGIE LEMARCHE
1/25 - 2/7/08	0.25	07UST002	PELLET CHEMICAL	MAGGIE LAMARCHE
TOTAL	1.25			

Monthly Activity Report and Financials Reviewed

A. March Activity Report

Iowa UST Fund
Monthly Activities Report

March 2008

	Open Claims	Open & Closed	Open Claims	Open & Closed
Claims	February Ending	Monthly Net Changes	March Ending	Totals since Inception

RETROACTIVE

number	71	(2)	69	443
reserve	\$3,081,035.48	(\$68,775.60)	\$3,012,259.88	\$3,012,259.88
paid	\$8,035,926.61	\$4,275.60	\$8,040,202.21	\$14,489,569.40
total	\$11,116,962.09	(\$64,500.00)	\$11,052,462.09	\$17,501,829.28

REMEDIAL

number	903	(41)	862	4,436
reserve	\$47,070,242.22	(\$2,811,489.88)	\$44,258,752.34	\$44,258,752.34
paid	\$92,848,731.61	\$5,256.83	\$92,853,988.44	\$179,115,602.97
total	\$139,918,973.83	(\$2,806,233.05)	\$137,112,740.78	\$223,374,355.31

INNOCENT LANDOWNER

number	246	(9)	237	1,048
reserve	\$8,996,938.49	\$291,616.48	\$9,288,554.97	\$9,288,554.97
paid	\$12,060,128.83	\$54,677.52	\$12,114,806.35	\$21,792,956.89
total	\$21,057,067.32	\$346,294.00	\$21,403,361.32	\$31,081,511.86

GLOBAL OPT-IN

number	252	(1)	251	1,257
reserve	\$1,512,151.81	(\$15,478.56)	\$1,496,673.25	\$1,504,625.96
paid	\$1,983,045.99	\$1,478.56	\$1,984,524.55	\$8,815,531.08
total	\$3,495,197.80	(\$14,000.00)	\$3,481,197.80	\$10,320,157.04

UNASSIGNED PROJECTS

number	22	1	23	179
reserve	\$208,976.20	\$25,485.65	\$234,461.85	\$234,461.85
paid	\$376,023.80	\$10,514.35	\$386,538.15	\$2,626,130.88
total	\$585,000.00	\$36,000.00	\$621,000.00	\$2,860,592.73

Corrective Action Meetings	
Scheduled:	95
Completed:	811
MOA's	412

RT Claims	#
New	0
Reopened	0
Closed	2

RM Claims	#
New	0
Reopened	2
Closed	43

ILO Claims	#
New	1
Reopened	1
Closed	11

GS Claims	#
New	1
Reopened	0
Closed	2

PROJ Cims	#
New	1
Reopened	0
Closed	0

Invoice Type Totals	March	FYTD	Program to Date
American Soils	0.00	0.00	\$5,678,423
AST Removal	0.00	0.00	\$2,121,490
AST Upgrade	0.00	0.00	\$5,460,479
CADR Charges	0.00	(197,430.82)	\$4,083,487
Corrective Action	20,882.56	1,494,851.65	\$50,015,005
Free Prod Recover	64,908.06	490,356.13	\$7,100,115
Monitoring	264,354.53	1,787,088.82	\$18,706,013
New UST Pull 2004	96,495.55	375,623.73	\$894,110
Operations/Maint	108,508.30	466,714.45	\$6,499,876
Over-excavation	290,607.70	1,648,822.96	\$21,310,607
Plastic Water Lines	0.00	143,218.48	\$1,474,415
Post RBCA Evals	820.00	16,239.59	\$115,729
RBCA	14,102.90	164,984.96	\$24,511,591
Remed Imp/Const.	26,493.53	149,124.01	\$21,935,666
SCR Charges	0.00	90.00	\$54,138,906
Site Check	0.00	0.00	\$122,809
Soil Disposal	0.00	0.00	\$607,332
Tank (UST) Pull	0.00	21,765.84	\$4,903,961
Tank (UST) Upgrade	0.00	0.00	\$5,883,408
Tier III	15,125.90	30,275.68	\$1,087,570
Utilities	44,179.51	204,048.97	\$770,593
Well Closure	5,338.15	135,635.75	\$2,334,609
Total Invoice Types	951,816.69	6,931,410.20	\$239,756,192

Budgets Approved to Date		
March	6	\$411,156
Trailing 12 mos	45	\$2,386,653
Prev Trail 12 mos	93	\$5,342,693
Total Since Jan 2003	893	\$33,138,811

Project Claims	Open	Closed	Pending
CRP's	26	27	0
Tank Closure	2	3	0
Plastic Water Line	2	0	0

B. March Financial Report

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING MARCH 31, 2008**

0471 - UST REVENUE FUND (Bonding)

Balance of Fund, March 1, 2008		\$4,250,000.00
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	\$0.00	
		\$0.00
Balance of Fund, March 31, 2008		\$4,250,000.00

0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)

Balance of Fund, March 1, 2008		\$19,796,246.65
Receipts:		
Installer's License Fees	\$0.00	
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$1,900.00	
Refund/Overpayment	\$0.00	
Transfer From UST Revenue Fund	\$0.00	
Intra State Fund Transfers Received - DNR	\$0.00	
Compensation for Pooled Money Investments	\$0.00	
Amort / Accretion	\$2,683.57	
Buys/ Sells	\$18,655.39	
Interest Income	\$72,182.84	
		\$95,421.80
Disbursements:		
UST Administrator's Fees	\$122,726.00	
Attorney General's Fees	\$9,896.22	
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (Lien Filing)	\$0.00	
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$0.00	
Bond Trustee Fees - Bankers Trust	\$0.00	
Claim Settlement	\$0.00	
Custodial Fees - BONY	\$0.00	
Department of Revenue EPC Collection Fees	\$0.00	
Innovative Technology	\$0.00	
Inspection & Appeals Service Fees	\$0.00	

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING MARCH 31, 2008**

Iowa Finance Authority Expenses	\$0.00	
Licensing - Contractual Services	\$0.00	
Postage / Printing / Miscellaneous	\$0.00	
Professional Administrative Services (Investments)	\$0.00	
Rebate	\$0.00	
Tank Closure Claims & Plastic Waterline Claims	\$10,514.35	
Travel Expenses-UST Board Members	\$112.32	
Warrant Float Expense	\$1,045.50	
Transfer to Remedial Non-Bonding Fund	\$0.00	
Transfer to Innocent Landowner Fund	\$0.00	
28E Agreement - RBCA (DNR Staff Training & Development)	\$0.00	
28E Agreement - DNR UST Section Funding - FY07	\$0.00	
28E Agreement - DNR UST Section Funding - FY08	\$0.00	
Statutory Transfer to DNR - FY08	\$0.00	
Statutory Transfer to DED - FY08	\$0.00	
	\$144,294.39	
Balance of Fund, March 31, 2008		\$19,747,374.06

0208 - UST REMEDIAL NON-BONDING FUND

Balance of Fund, March 1, 2008		\$7,584,490.09
Receipts:		
Remedial Refunds	\$0.00	
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer Received from Unassigned Revenue Fund	\$0.00	
		\$0.00
Disbursements:		
Retroactive Claims	\$38,532.70	
Remedial Claims	\$827,209.56	
Balance of Outdated Warrants	(\$11,182.30)	
	\$854,559.96	
Balance of Fund, March 31, 2008		\$6,729,930.13

0478 - UST MARKETABILITY FUND

Balance of Fund, March 1, 2008		\$3,190,410.92
Receipts:		
Interest	\$81,509.77	
Use Tax	\$0.00	
	\$81,509.77	
Disbursements:		
Transfer to Aboveground Storage Tank Fund	\$0.00	
		\$0.00
Balance of Fund, March 31, 2008		\$3,271,920.69

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING MARCH 31, 2008**

0485 - UST INNOCENT LANDOWNERS FUND

Balance of Fund, March 1, 2008		\$19,922,526.12
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	\$20,882.56	
Innocent Landowner Claims	\$54,677.52	
Balance of Outdated Warrants	\$740.00	
		\$76,300.08
Balance of Fund, March 31, 2008		\$19,846,226.04

0455 - ABOVEGROUND STORAGE TANK FUND

Balance of Fund March 1, 2008		\$0.00
Receipts:		
Interest Income	\$0.00	
Canceled Warrants/ Corrected Warrants	\$0.00	
Transfer from Marketability Fund	\$0.00	
Transfer from Unassigned Revenue Fund	\$0.00	
		\$0.00
Disbursements:		
Transfer to Revenue Fund (0471)	\$0.00	
		\$0.00
Balance of Fund on March 31, 2008		\$0.00

0238 - UST LOAN GUARANTEE FUND (Non-Bonding)

Balance of Fund, March 1, 2008		\$1,277,463.13
Receipts:		
Interest Income	\$4,458.78	
		\$4,458.78
Disbursements:		
Payments on Loan Losses	\$0.00	
		\$0.00
Balance of Fund, March 31, 2008		\$1,281,921.91

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING MARCH 31, 2008**

UST BOND FUND (Bonding)

Series 1997 A Revenue Refunding Bonds

Balance of Fund, March 1, 2008 \$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, March 31, 2008 \$0.00

Series 2004 Cost of Issuance Bonds

Balance of Fund, March 1, 2008 \$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, March 31, 2008 \$0.00

Series 2004 A Revenue Refunding Bonds

Balance of Fund, March 1, 2008 \$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, March 31, 2008 \$0.00

Combined UST Bond Fund Balances, March 31, 2008 \$0.00

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING MARCH 31, 2008**

0614 - UST CAPITAL RESERVE FUNDS (Bonding)

Series 1990 A

Balance of Fund, March 1, 2008	\$3,990,710.18
Receipts:	
Proceeds From Issuance of Bonds	\$0.00
Disbursements:	
Transfer Interest to Revenue Fund	\$0.00
Balance of Fund, March 31, 2008	\$3,990,710.18

Series 1991 A

Balance of Fund, March 1, 2008	\$2,641,220.03
Receipts:	
Proceeds From Issuance of Bonds	\$0.00
Disbursements:	
Transfer to Cost of Issuance Fund	\$0.00
Balance of Fund, March 31, 2008	\$2,641,220.03

Series 1994 A

Balance of Fund, March 1, 2008	(\$394,430.21)
Receipts:	
Proceeds From Issuance of Bonds	\$0.00
Disbursements:	
Debt Service for Issuance of Bonds	\$0.00
Balance of Fund, March 31, 2008	(\$394,430.21)

Combined UST Capital Reserve Fund Balances, March 31, 2008	\$6,237,500.00
---	-----------------------

TOTAL FUND BALANCES, March 31, 2008	\$61,364,872.83
--	------------------------

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 March 31, 2008

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING MARCH 31, 2008**

		FISCAL 2008 BUDGET
0471 - UST REVENUE FUND (Bonding)		
Balance of Fund, July 1, 2007		\$8,930,000.00
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	\$104,457.49	
Interest Income	\$0.00	
Interest Income - Capital Reserve Fund	\$0.00	
	\$12,854,457.49	\$17,400,000.00
Disbursements:		
Bond Interest Payment	\$1,698,403.76	\$1,698,403.75
Bond Principal Payment	\$7,245,000.00	\$7,245,000.00
Transfer to Unassigned Revenue Fund	\$8,591,053.73	\$8,456,596.25
	\$17,534,457.49	\$17,400,000.00
Balance of Fund, March 31, 2008		\$8,930,000.00
0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)		
Balance of Fund, July 1, 2007		\$17,075,662.99
Receipts:		
Installer's License Fees	\$0.00	\$0.00
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$4,375.00	\$10,000.00
Refund/Overpayment	\$0.00	\$815.52
Transfer From UST Revenue Fund	\$8,591,053.73	\$8,456,596.25
Intra State Fund Transfers Received	\$0.00	\$1,102,272.55
Compensation for Pooled Money Investments	\$0.00	
Amort / Accretion	\$34,338.80	(\$70,000.00)
Buys/ Sells	(\$15,149.62)	(\$75,000.00)
Interest Income	\$1,652,566.14	\$1,800,000.00
	\$10,267,184.05	\$11,224,684.32
Disbursements:		
UST Administrator's Fees	\$1,072,107.94	\$1,418,664.00
Attorney General's Fees	\$85,096.35	\$105,000.00
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (Lien Filing)	\$12.00	\$120.00
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$4,786.13	\$4,786.13
Bond Trustee's Fees - Bankers Trust	\$1,250.00	\$1,500.00
Claim Settlement	\$1,050,000.00	\$0.00
Custodial Fees - BONY	\$1,163.97	\$1,000.00
Department of Revenue EPC Collection Fees	\$3,013.31	\$8,800.00
Innovative Technology	\$0.00	
Inspection & Appeals Service Fees	\$3,177.88	\$2,000.00

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING MARCH 31, 2008**

		FISCAL 2008 BUDGET
Legal and Professional Fees	\$0.00	\$5,000.00
Postage / Printing / Miscellaneous	\$12.00	
Professional Admin Services (Investments)	\$28,511.13	\$50,000.00
Rebate	\$0.00	
Tank Closure Claims and Plastic Waterline Claims	\$34,584.75	\$200,000.00
Travel Expenses-UST Board Members	\$572.00	\$500.00
Warrant Float Expense	\$11,185.52	
Transfer to Remedial Non-Bonding Fund	\$5,000,000.00	\$5,000,000.00
Transfer to Innocent Landowner Fund	\$0.00	
28E Agreement - RBCA (DNR Staff Training & Development)	\$0.00	
28E Agreement - DNR UST Section Funding - FY07	\$100,000.00	\$200,000.00
Statutory Transfer to DNR - FY08	\$200,000.00	\$200,000.00
Statutory Transfer to DED - FY08	\$0.00	\$3,500,000.00
Statutory Transfer to General Fund - FY08	\$0.00	\$3,000,000.00
	\$7,595,472.98	\$13,698,870.13
Balance of Fund, March 31, 2008	\$19,747,374.06	\$14,601,477.18
0208 - UST REMEDIAL NON-BONDING FUND		
Balance of Fund, July 1, 2007	\$6,753,532.72	\$6,753,532.72
Receipts:		
Remedial Refunds	\$2,927.10	\$10,000.00
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer Received from Unassigned Revenue	\$5,000,000.00	\$5,000,000.00
	\$5,002,927.10	\$5,010,000.00
Disbursements:		
Retroactive Claims	\$496,385.92	\$600,000.00
Remedial Claims	\$4,553,855.83	\$11,000,000.00
Balance of Outdated Warrants	(\$23,712.06)	
	\$5,026,529.69	\$11,600,000.00
Balance of Fund, March 31, 2008	\$6,729,930.13	\$163,532.72
0478 - UST MARKETABILITY FUND		
Balance of Fund, July 1, 2007	\$2,246,390.04	\$2,246,390.04
Receipts:		
Interest	\$1,025,530.65	\$1,500,000.00
Use Tax	\$0.00	
	\$1,025,530.65	\$1,500,000.00
Disbursements:		
Transfer to Aboveground Storage Tank Fund	\$0.00	
	\$0.00	\$0.00
Balance of Fund, March 31, 2008	\$3,271,920.69	\$3,746,390.04

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING MARCH 31, 2008**

		FISCAL 2008 BUDGET
0485 - UST INNOCENT LANDOWNERS FUND		
Balance of Fund, July 1, 2007		\$21,354,512.83
Receipts:		
Cost Recovery (i.e. lien settlements)	\$13,538.57	\$10,000.00
ILO Refunds	\$1,100.40	
Intra State Fund Transfers Received	\$0.00	
Miscellaneous Income	\$0.00	
	<u>\$14,638.97</u>	\$10,000.00
Disbursements:		
Other Contractual Services	\$0.00	
Global Settlement Claims	\$235,632.03	\$500,000.00
Innocent Landowner Claims	\$1,287,467.25	\$2,000,000.00
Balance of Outdated Warrants	(\$173.52)	
	<u>\$1,522,925.76</u>	\$2,500,000.00
Balance of Fund, March 31, 2008		\$19,846,226.04
0455 - ABOVEGROUND STORAGE TANK FUND		
Balance of Fund July 1, 2007		\$102,443.17
Receipts:		
Interest Income	\$2,014.32	\$0.00
Canceled warrants/Corrected warrants	\$0.00	
Transfer from Marketability Fund	\$0.00	
Transfer from Unassigned Revenue Fund	\$0.00	
	<u>\$2,014.32</u>	\$0.00
Disbursements:		
Transfer to Revenue Fund (0471)	\$104,457.49	\$102,272.55
	<u>\$104,457.49</u>	\$102,272.55
Balance of Fund on March 31, 2008		\$0.00
0238 - UST LOAN GUARANTEE FUND (Non-Bonding)		
Balance of Fund, July 1, 2007		\$1,228,506.44
Receipts:		
Interest Income	\$53,415.47	\$60,000.00
	<u>\$53,415.47</u>	\$60,000.00
Disbursements:		
Payments on Loan Losses	\$0.00	
Transfer to Unassigned Revenue Fund	\$0.00	\$1,000,000.00
	<u>\$0.00</u>	\$1,000,000.00
Balance of Fund, March 31, 2008		\$1,281,921.91

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING MARCH 31, 2008**

		FISCAL 2008 BUDGET
UST BOND FUND (Bonding)		
Series 1997 A Revenue Refunding Bonds		
Balance of Fund, July 1, 2007	\$0.00	\$0.00
Receipts:		
Transfer From/(To) UST Revenue Fund	\$6,546,416.26	\$6,545,916.25
Transfer From/(To) UST Unassigned Revenue Fund	\$0.00	
Accrued Interest From Bonds	\$0.00	
Interest Income	\$0.00	
	\$6,546,416.26	\$6,545,916.25
Disbursements:		
Principal Payments to Bondholders	\$5,510,000.00	\$5,510,000.00
Interest Payments to Bondholders	\$1,036,416.26	\$1,035,916.25
Trustee Fee to Bankers Trust	\$0.00	
	\$6,546,416.26	\$6,545,916.25
Balance of Fund, March 31, 2008	\$0.00	\$0.00
Series 2004 Cost of Issuance Bonds		
Balance of Fund, July 1, 2007	\$0.00	\$0.00
Receipts:		
Transfer From/(To) UST Revenue Fund	\$0.00	\$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	\$0.00
Interest Payments to Bondholders	\$0.00	\$0.00
Trustee Fee to Bankers Trust	\$0.00	
	\$0.00	\$0.00
Balance of Fund, March 31, 2008	\$0.00	\$0.00
Series 2004 A Revenue Refunding Bonds		
Balance of Fund, July 1, 2007	\$0.00	\$0.00
Receipts:		
Transfer From/(To) UST Revenue Fund	\$2,397,487.50	\$2,397,487.50
Transfer From/(To) UST Unassigned Revenue Fund	\$0.00	
Accrued Interest From Bonds	\$0.00	
Interest Income	\$0.00	
	\$2,397,487.50	\$2,397,487.50
Disbursements:		
Principal Payments to Bondholders	\$1,735,000.00	\$1,735,000.00
Interest Payments to Bondholders	\$662,487.50	\$662,487.50
Trustee Fee to Bankers Trust	\$0.00	
	\$2,397,487.50	\$2,397,487.50
Balance of Fund, March 31, 2008	\$0.00	\$0.00
Combined UST Bond Fund Balances, March 31, 2008	\$0.00	\$0.00

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING MARCH 31, 2008**

		FISCAL 2008 BUDGET
0614 - UST CAPITAL RESERVE FUNDS (Bonding)		
Series 1990 A		
Balance of Fund, July 1, 2007	\$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, March 31, 2008	<u>\$3,990,710.18</u>	<u>\$3,990,710.18</u>
Series 1991 A		
Balance of Fund, July 1, 2007	\$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, March 31, 2008	<u>\$2,641,220.03</u>	<u>\$2,641,220.03</u>
Series 1994 A		
Balance of Fund, July 1, 2007	(\$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, March 31, 2008	<u>(\$394,430.21)</u>	<u>(\$394,430.21)</u>
Combined UST Capital Reserve Fund Balances, March 31, 2008	<u>\$6,237,500.00</u>	<u>\$6,237,500.00</u>
TOTAL FUND BALANCES, March 31, 2008	<u>\$61,364,872.83</u>	<u>\$52,832,089.83</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. March Opt-In Report

OPT-IN PROGRAM SUMMARY REPORT
April 25, 2008
For the Period March 1 to March 31, 2008

GENERAL PROGRAM SUMMARY:

Notices to potential claimants:	0
Eligible claims referred to GAB this period:	0
Number of 90-Day Notices sent this period:	0
Settlement Agreements outstanding at major oil company for execution:	1
Settlement Agreements forwarded to GAB for processing warrants or co-payment credit:	1
Number of claimants receiving warrants or co-payment credit this period:	20
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	\$ 5,000.00
Additional Warrants	19	\$ 6,897.79
Co-Payment Credit	0	\$ -
TOTALS:	20	\$ 11,897.79

PROGRAM PAYMENT DISBURSEMENT TO DATE:

Oil Company	Total Claims	New Claims this	Payments Made this	
	to Date	Period	Payments Made to Date	Period
ARCO	56	0	\$ 426,273.87	\$ 360.00
PHILLIPS	264	0	\$ 1,756,750.15	\$ 328.05
AMOCO	307	1	\$ 2,273,653.48	\$ 7,314.94
CONOCO	110	0	\$ 692,431.56	\$ 83.42
SOUTHLAND	18	0	\$ 89,901.25	-
FINA	14	0	\$ 109,877.47	\$ 722.48
SUN/SUNOCO	180	0	\$ 1,230,259.12	\$ 1,388.49
TEXACO	156	0	\$ 1,067,289.71	\$ 1,170.76
CHAMPLIN	23	0	\$ 124,016.74	-
KERR-McGEE	78	0	\$ 527,911.76	\$ 217.64
CHEVRON	24	0	\$ 166,305.64	-
OXY	0	0	\$ -	-
T.P.I. INC.	15	0	\$ 130,836.32	\$ 312.01
TOTAL:	1245	1	\$ 8,595,507.07	\$ 11,897.79

ADDITIONAL WARRANT SUMMARY:

Arco	\$ 360.00	Sunoco	\$ 1,388.49
Phillips	\$ 328.05	Texaco	\$ 1,170.76
Amoco	\$ 2,314.94	Champlin	\$ -
Conoco	\$ 83.42	Chevron	\$ -
Southland	\$ -	Kerr-McGee	\$ 217.64
Fina	\$ 722.48	TPI, Inc.	\$ 312.01

Attorney General's Report

Claim Payment Approval

Claim Payment Authority Reports

	<u>Site #</u>	<u>Site Name</u>	<u>1st Bd Rpt</u>	<u>2nd Bd Rpt</u>	<u>3rd Bd Rpt</u>	<u>4th Bd Rpt</u>	<u>Paid to Date</u>	<u>Recommended Authority</u>	<u>Approved Authority</u>	<u>Pd Since Last Bd Report</u>	<u>Comments</u>
1	8600894	Casey's Marketing Co	08/23/07				\$76,963	\$200,000	\$200,000		
2	9016721	Kutcher Welding	08/23/07				\$88,191	\$120,000	\$120,000		
3	8604079	Bluff Service Center	08/23/07				\$74,357	\$210,000	\$210,000		
4	8607462	Daniel Grothus	08/23/07				\$84,481	\$150,000	\$150,000		dww in Scott Cty
5	8603249	Al's Corner Oil Co	08/23/07				\$82,813	\$75,500	\$75,500		
6	8607406	Messer Oil Co	08/23/07				\$82,763	\$130,000	\$130,000		
7	8608909	Jerry Roney	08/23/07				\$83,068	\$225,000	\$225,000		potential PGS
8	8811292	Robert E Cummings	09/26/07				\$46,834	\$275,000	\$275,000		
9	8606587	Casey's General Store	09/26/07				\$84,451	\$104,000	\$104,000		
10	8601125	Seeley Oil Co	09/26/07				\$74,313	\$350,000	\$350,000		
11	8603897	James Oil Co	01/20/06	09/26/07			\$156,410	\$360,000	\$360,000	\$83,837	2 dww and PGS
12	8609543	Madrid Body Shop	03/22/05	10/25/07			\$78,591	\$221,000	\$221,000	\$10,120	
13	8600044	Krause Gentle Corp	04/06/00	10/25/07			\$319,228	\$700,000	\$700,000	\$254,851	
14	8609078	Wood Oil Co	10/25/07				\$85,216	\$125,000	\$125,000		PGS
15	8605033	Pottawattamie Cty Dev	02/13/01	10/25/07			\$128,681	\$418,813	\$418,813	\$99,868	
16	8609040	Spratt Oil Sales Inc	05/08/02	10/25/07			\$366,747	\$450,000	\$450,000	\$325,736	dww receptors
17	8609394	Moorhead Coop	10/25/07				\$89,252	\$360,000	\$360,000		City dww
18	8601178	Six W. Ampride Inc.	01/25/08				\$81,599	\$115,000	\$115,000		
19	8607914	Louisa County	09/16/03	01/05/06	1/25/2008		\$375,978	\$460,000	\$460,000	\$216,528	Repl City dww installed
20	8710744	Seaton's Jack & Jill	01/25/08				\$48,511	\$309,000	\$309,000		
21	8606584	Casey's General Store	02/29/08				\$32,458	\$150,000	\$150,000		
22	8606630	West Branch Oil Co., In	03/24/04	02/29/08			\$145,934	\$185,000	\$185,000	\$90,333	
23	8610198	Koch's 66	02/29/08				\$85,037	\$135,000	\$135,000		4 dww receptors
24	8600610	Casey's General Store	03/27/08				\$77,029	\$250,000	\$250,000		
25	8600268	Bluff View Cafe	03/27/08				\$89,149	\$240,000	\$240,000		Private dww receptors
26	8605366	Sigourney Oil Inc	03/27/08				\$90,672	\$125,000	\$125,000		dww pathway
27	8601874	Associated Milk Produc	11/02/95	02/19/04	3/27/2008		\$187,604	\$325,000	\$325,000	\$59,466	
28	8601923	Total Petroleum	03/27/08				\$78,269	\$290,000	\$290,000		
29	8600284	Lovilia Trading Post	09/21/01	04/25/08			\$190,188	\$300,000		\$168,853	
30	8604171	Action Auto Sales & Re	11/11/2004	4/25/2008			\$124,579	\$200,000		\$48,930	
31	8608248	Heartland Co-op	4/25/2008				\$77,022	\$135,000			
32	8913807	Karean's Flowers	5/25/2004	4/25/2008			\$295,168	\$412,500		\$245,179	
33	8606246	Country Stores of Carro	4/25/2008				\$74,328	\$115,000			municipal dww

IOWA UNDERGROUND STORAGE TANK PROGRAM
SECOND BOARD REPORT

APRIL 4, 2008

ACTION AUTO SALES & REPAIR LLC

418 W 8TH ST

SIOUX CITY

SITE REGISTRATION NUMBER: 8604171

LUST NUMBER: 7LTI27

RISK CLASSIFICATION:

HIGH

LOW

UNDETERMINED

PRESENT CLAIM RESERVE: \$ 200,000.00

PREVIOUS BOARD APPROVAL: \$ 125,000.00

Number and Date of each previous Board Report: 1st: November 11, 2004

PREVIOUS COSTS INCURRED: \$ 75,648.67

COSTS INCURRED SINCE LAST BOARD APPROVAL:

1. Free product recovery reports 45,240.37
2. Site monitoring reports 3,689.90

TOTAL COSTS INCURRED TO DATE: \$ 124,578.94

PROJECTED COSTS:

Risked Based Corrective
Action Tier II Report

Tank Pull/Up-Grade.

Site Monitoring Report
(SMR)

Free Product Recovery
(FPR)

Corrective Action Design Report
(CADR)

Implementation of OE

TOTAL PROJECTED COSTS: \$ 30,000.00 to 100,000.00+

ADDITIONAL AUTHORITY RECOMMENDED: \$ 75,000.00

TOTAL AUTHORITY:* \$ 200,000.00

COMMENTS: The site is low risk on IDNR records but with pending closure of Sioux City well field, it will go to no further action with free product recovery. Monitoring is not required. IDNR has insisted on a more aggressive recovery of free product. Extensive testing was conducted to assess where the product is on the site which lead to considerations of various approaches to recover the product. A multi-well FAP system has been installed with marginal results to date.

*Previous approval + additional recommended

**IOWA UNDERGROUND STORAGE TANK PROGRAM
 FIRST BOARD REPORT
 APRIL 4, 2008
 HEARTLAND CO-OP
 101 S MAIN ST
 GILMAN
 SITE REGISTRATION NUMBER: 8608248
 LUST NUMBER: 7LTP02**

RISK CLASSIFICATION:

HIGH LOW UNDETERMINED

PRESENT CLAIM RESERVE: \$ 115,000.00

ELIGIBILITY: The contamination was discovered with the new tank installation prior to closing the old tanks. It was reported to the IDNR on July 12, 1990. This is an eligible remedial claim.

COST INCURRED TO DATE:

1. Pre-RBCA vent system, soil disposal, and tank-pull	\$ 18,752.11
2. Site clean-up report	17,699.89
3. RBCA Tier II report	8,050.00
4. Free product recovery	28,100.00
5. Site monitoring reports	<u>4,420.00</u>
TOTAL COSTS INCURRED TO DATE:	\$ 77,022.00

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 type="checkbox"/> Implementation of CADR

TOTAL PROJECTED COSTS: \$ 46,000.00 to 60,000.00 +

TOTAL AUTHORITY RECOMMENDED:

\$ 135,000.00

COMMENTS: The site was high risk for all soil and groundwater vapor pathways. An excavation budget was approved November 21, 2001. During the 2002 dig, site conditions made it necessary to expand the excavation size from 500 to 750 yards. Free product and monitoring activities have been ongoing. The certified groundwater professional overlooked billing and submitting reports until March 28, 2008. The last monitoring report was submitted recommending reclassification to no further action.

**IOWA UNDERGROUND STORAGE TANK PROGRAM
 FIRST BOARD REPORT
 APRIL 15, 2008
 COUNTRY STORES OF CARROLL
 HWY 141
 COON RAPIDS
 SITE REGISTRATION NUMBER: 8606246
 LUST NUMBER: 7LTS85**

RISK CLASSIFICATION:

HIGH LOW UNDETERMINED

PRESENT CLAIM RESERVE: \$ 100,000.00

ELIGIBILITY: The contamination was discovered with an insurance site check. A report to the IDNR and a claim was made prior to October 26, 1990. This is an eligible remedial claim.

COST INCURRED TO DATE:

1. Site clean-up report	\$ 17,458.58
2. Site monitoring reports	11,263.69
3. Free product recovery	18,736.78
4. RBCA Tier II report	12,498.16
5. Post RBCA evaluation	1,000.00
6. RBCA Tier III report	<u>13,371.26</u>
TOTAL COSTS INCURRED TO DATE:	\$ 74,328.47

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 checked="" type="checkbox"/> Free Product Recovery (FPR)
<input type="checkbox"/> ? Corrective Action Design Report (CADR)	<input type="checkbox"/> ? Implementation of CADR

TOTAL PROJECTED COSTS: \$ 25,000 to 100,000.00 +

TOTAL AUTHORITY RECOMMENDED:

\$ 115,000.00

COMMENTS: The plume is merged with an above ground tank facility adjacent to the site owned by the same party. Costs have been separated. The site is high risk for a municipal well and low risk for the protected groundwater source, potential to confined space, and potential sanitary source pathways. The RBCA Tier III report recommends the drinking well be classified from high risk to no further action.

**Contracts Entered Into
Since March 27, 2008 Board Meeting**



IOWA UNDERGROUND STORAGE TANK

Financial Responsibility Program

Susan E. Voss, *Chairperson*

Scott M. Scheidel, *Administrator*

Board Members: Michael L. Fitzgerald

Jeff W. Robinson

Jacqueline A. Johnson

James M. Holcomb

Richard A. Leopold

Nancy A. Lincoln

Douglas M. Beech

Φ Φ Φ *MEMO* Φ Φ Φ

TO: UST Board

FROM: Scott Scheidel

DATE: April 18, 2008

RE: Contracts Entered Into Since March 27, 2008

Since the March 27, 2008 Board meeting, the Board has entered into two new agreements or contracts.

- 1) Community remediation project contract with Array Environmental for sites in Sexton & Wesley, Iowa
- 2) Community remediation project contract with Array Environmental for sites in College Springs & Coin, Iowa

Other Issues as Presented

Correspondence and Attachments