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# 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

### NOTICE OF PUBLIC MEETING

A public meeting of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board has been scheduled for 10:00 a.m., Thursday, October 23, 2008. **The meeting will be held at the Iowa Insurance Division located at 330 E Maple St, Des Moines, Iowa.**

*weds Thurs SS mtg  
spookyadventures.com*

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. SIC Model RBCA Rule Status
  - B. DNR FY09 Funding Update
  - C. DNR Update
5. Approval of Program Billings
6. Monthly Activity Report and Financials Reviewed
7. Attorney General's Report
8. Claim Payment Approval
9. Contracts Entered Into Since September 25, 2008 Board Meeting
10. Other Issues as Presented
11. Correspondence and Attachments

*Dec 11<sup>th</sup> Next mtg, Thurs*

*Jim Holcomb is up 4/2009 - w. ll not serve again.*

*Thurs. July 16<sup>th</sup> - Booked HoneyCreek.*

## **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

September 25, 2008

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

Angela Burke-Boston, sitting in for Chairperson Susan Voss, called the Iowa UST Board meeting to order at 10:00 A.M. A quorum was present. Roll call was taken with the following Board members present:

Nancy Lincoln  
Doug Beech  
Jim Holcomb  
Stephen Larson (via telephone for Michael Fitzgerald)  
Tim Hall (via telephone for Richard Leopold)  
Jeff Robinson

Also present were:

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

### APPROVAL OF PRIOR BOARD MINUTES

The minutes from the August 27, 2008 Board meeting were reviewed. Mr. Holcomb pointed out that he had attended that meeting in person. Ms. Douskey noted that the last paragraph on page 6 should be amended to read "water supply interest groups" rather than "water supply department". Mr. Holcomb moved to approve the minutes with amendments, and Mr. Beech seconded the motion, and by a vote of 5-0, the minutes were approved.

### CLOSED SESSION

Ms. Burke-Boston noted there were no matters dealing with litigation for discussion in closed session pursuant to Iowa Code Chapter 21. No closed session convened.

## PUBLIC COMMENT

Jeff Hove from the Petroleum Marketers and Convenience Stores of Iowa (PMCI) expressed his appreciation that the Board continued to pursue the agreements with the Department of Natural Resources (DNR) to define no further action (NFA) claims and to compromise on a study to establish risk to pumping water wells as receptors of leaking underground storage tank (LUST) site contamination. He noted that the Petroleum Marketers were in favor of the funding agreement format that established milestones for DNR to meet over the fiscal year in exchange for funding.

## BOARD ISSUES

### **A. 28E Agreement re: Ch. 135 Amendments**

Mr. Scheidel presented the Board with a 28E agreement between the Board and the DNR for the study of the influence of pumping water wells on petroleum contamination plumes. Mr. Scheidel explained that the purpose of the 28E agreement and study was to determine which risks to water wells were real and which would not be realized before subjecting the regulated public to the increased cost of addressing the possibility. He stated that the Environmental Protection Commission (EPC) would have to agree with the plan outlined in the 28E agreement, and then DNR would have to remove or alter the current rule pending before the Administrative Rules Review Committee (ARRC). The EPC and the ARRC were scheduled to meet on October 14, 2008; and all parties had agreed to a session delay to allow time to rescind the current rule and re-file it.

Mr. Scheidel reviewed how the study would affect UST Fund claimants. Going forward the DNR would regulate sites using the new Tier II model, while concurrently the DNR and the Fund would conduct the study on certain sites to make sure the new model did not miss the theoretical risks to receptors located outside the modeled plume for which DNR had raised as a concern. He explained the plan allowed the regulated public to benefit from the use of the new model, while exercising due diligence with regard to the environment. And if an unreasonable risk were to be found, the Fund claim would cover the costs to address that risk. Additionally, if the site previously had acquired a no further action (NFA) certificate, then the NFA agreement with DNR would address that risk. He noted that one reason for the study was to avoid putting a burden on the regulated public for unproven theoretical risks and another reason was to reduce costs to the Board until potential risk identified as being real. He explained that the estimated cost of the study of these sites ranged from \$500,000 to \$1,500,000, and he stated the agreement allowed the study to continue for up to 5 years, during which at least 125 LUST sites were to be studied.

Brian Tormey of the DNR explained that he had not put the rule on the EPC agenda for the October meeting, but they would update the EPC during the general discussion period. He explained that rescinding a rule required a Notice of Intended Action, and then DNR would have to re-write the rule and re-file it, for which they were not prepared; however preparations would be set for the November meeting. He stated the session delay would be the only way to allow for the current rule to be rescinded and re-filed.

Mr. Beech moved to approve the 28E agreement presented in the Board packets on the condition that the session delay before the ARRC occurs and all parties agree to the rule. Ms. Lincoln seconded his motion, and it was approved by a vote of 5-0.

**B. NFA 28E Agreement**

Mr. Scheidel next presented the Board with a 28E agreement between the Board and the DNR to establish the eligibility and procedures for claims which previously had received NFA certificates but were now determined still to be likely sources of unreasonable risk. The change in statute, which was effective April 20, 2007, removed the responsible party from the coordination of the process so that new owners and operators could rely on the NFA certificate and any need to address the risk would be accomplished through an agreement between the Fund and the DNR. Mr. Scheidel explained that the DNR would determine that an unreasonable risk may exist at a site despite the NFA certificate, and the site would be eligible to enter the NFA process with six specific exceptions.

The exceptions included LUST sites that were closed due to lack of funding, if the certificate were issued with disregard for factual, technical, procedural or other material errors or omissions, if the risk at the site were due solely to a change in regulations by the EPC, if the risk at the site were due solely to an impact of a chemical that was not identified as a “chemical of concern” at the time the certificate was issued, if the Board were to determine the risk at the site were solely due to non-compliance with the terms of an institutional control for which the DNR relied to approve a no action required (NAR) classification, or if the risk at the site were caused exclusively by a release occurring after the release for which the NFA certificate was issued.

Mr. Scheidel also stated that the Board would have exception authority to allow for eligibility to any site the Board agrees may qualify even in the presence of one of the exception conditions. He explained the Board would work with the DNR to retain one or more groundwater professional firms to quickly address these sites as needed.

Mr. Holcomb submitted a motion to approve the language in the NFA 28E agreement, and Mr. Beech seconded that motion, which was approved by a vote of 5-0.

**C. DNR Funding Discussion (FY09)**

Mr. Scheidel presented a draft 28E agreement between the Board and the DNR with regard to the Board providing funds to the DNR to assist with its fiscal year 2009 operating costs of the UST Section. Milestones were set within the agreement, with the final set defined by the Administrator’s Office based on Iowa UST Fund Board goals that DNR indicated they could work on this fiscal year.

Those included the implementation of a “low risk” site closure policy or rule jointly agreed upon by DNR and the Board; completion of a review of actual experiential data and studies and draft jointly agreed revisions to RBCA rules for plastic water lines; preparation of a written plan for the evaluation of other RBCA rules including soil gas methodology and guidance, sewers as receptors, surface water restrictions, and capturing effect of time on historical releases; and a

meeting between DNR central office and field office representatives to review UST/LUST priorities since the April 1, 2009 to set priorities for the first quarter of fiscal year 2010, with preparation of a report detailing such.

*Mr. Robinson joined the meeting at 10:40 A.M.*

Mr. Scheidel noted that the DNR had also expressed a desire to seek the appropriation of tank tag fees (UST Fund's 77%) directly by request to the Legislature, so that future DNR funding would not have to be supplemented through 28E agreements with the Board. Mr. Scheidel reminded the Board that the idea had been discussed at previous meetings, although he had received comments of concern from interested parties with regard to the DNR receiving those funds directly. He noted the legislative intent, as clarified by Mr. Robinson in e-mail to all, was that the tank tag fee increase was to be directed to the Iowa UST Fund. Other interested parties had commented to him that they preferred the cooperative agreements between the Board and the DNR, which provided a measurement of progress through the achievement of goals.

Mr. Tormey noted that when the DNR had expressed interest in pursuing tank tag fees in May. His understanding was that a 28E for fiscal year 2009 funding would be a contingency if that effort failed. Then, he explained, that the notion of a joint-effort to present a legislative package to include the appropriation of the tank tag fees directly to the DNR was discussed at the Annual Strategic Planning meeting in July. Furthermore, he explained that legislative proposals were to be submitted to the Governor's Office by September 15<sup>th</sup> in order to be considered during legislative session, and the DNR had submitted a proposal with regard to tank tag fees already.

Mr. Beech expressed his concerns that DNR cooperation might end if DNR receives funding directly through the referenced proposal. Mr. Tormey countered that the DNR shortfall would still exceed any amount of funding from tank tag fees, and therefore opportunity would exist for a 28E agreement to fill the gap. Also, concerns were stated that the success of the DNR's proposal could lead to an increase in the fees to register tanks, causing additional burden to the regulated community. Although tank tag fees had not been increased for many years, the proposals that had circulated in recent years had included 300-400% increases. Mr. Hove of PMCI had a similar recollection that proposed increases were significant from his discussions with DNR in reference to the inspection program.

With regard to condition of payment within the agreement, Mr. Scheidel and Mr. Steward offered to add a postponement of payment condition until a contingency was met, unless otherwise agreed to. Mr. Scheidel stated they would continue to work on the draft agreement to present to the Board at a later meeting following the meeting with the EPC and ARRC.

#### **D. LPT Proposal**

Mr. Scheidel noted that he had expected a proposal from the Petroleum Marketers Management Insurance Company (PMMIC) for a limited number of UST Fund claimant sites; however he had not received a proposal by the time the meeting convened. He expected a proposal in time for the October Board meeting.

*Mr. Larson exited the conference call at 10:50 A.M.*

**E. DNR Update**

Ms. Douskey of the DNR reported that the DNR had exceeded its federal fiscal year (FFY08) end goal for the U.S. Environmental Protection Agency with 166 LUST sites closed.

**PROGRAM BILLINGS**

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

1. Aon Risk Services .....\$122,726.00  
Consulting Services – October 2008 (\$57,513.00)  
Claims Processing Services – October 2008 (\$55,213.00)
2. Attorney General’s Office .....\$14,608.39  
Services provided for July & August 2008

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

**MONTHLY ACTIVITY REPORT**

Mr. Scheidel noted that the August activity report and financials were provided for the Board members to review.

**ATTORNEY GENERAL’S REPORT**

Mr. Steward stated there was nothing to report from the Attorney General’s Office.

**CLAIM AUTHORITY**

Mr. Gastineau presented the following claim authority requests:

1. **Site Registration 8606248 – Country Stores of Carroll, Wall Lake**

This site was classified no action required (NAR) with free product. The site was previously worked on under a community remediation project (CRP) because the plumes were co-mingled. The CRP was closed in 2003, with this site achieving NAR with free product. No free product recovery had been completed since the closure of the CRP, and GAB Robins recently restarted the process by contacting all parties. Previous authority to \$75,000 had been granted, and \$104,576.83 was incurred to date. Additional authority to \$140,000 was requested for free product recovery (FPR) by hand bailing and monitoring well abandonment.

A motion to approve the claim authority was submitted by Mr. Holcomb and seconded by Mr. Beech. Approved 4-0.

**2. Site Registration 8600372 - Tyson Foods, LeMars**

This site was classified NAR with diesel free product. There was a deep water table and free product was persistent with as much as 4.5 feet in the source well in 2008 at the site. The cost had been minimal with the responsible party doing hand bailing. A DNR inspection resulted in the requirement that free product reporting be performed on a monthly basis instead of quarterly. Previous authority to \$75,000 had been granted, and \$76,630 was incurred to date. Additional authority to \$125,000 was requested for the FPR and monitoring well abandonment.

Mr. Holcomb submitted a motion to approve the claim authority, and Ms. Lincoln seconded the motion. Approved 4-0.

**3. CRPCA 0308-31 Chelsea Community Remediation Project**

Mr. Gastineau reported that the project was contracted in 2003 to address one site in Chelsea that was classified high risk due to plastic water lines, vapor receptors, and a protected groundwater source. Activities at the site had included plastic water line replacement and an excavation to remove the main area of the contaminant plumes. Soil sampling in 2007 indicated that much soil contamination remained. The original contract was written as a two-year agreement with 4 optional one-year extensions. Mr. Gastineau requested the Board authorize the 4<sup>th</sup> extension of the contract to allow continued activity on the project. The current contract authority for the project was \$105,759.35, and \$95,831.07 had been paid to date. No additional funding was requested for the contract.

Mr. Gastineau noted that the current owner of the property was the City of Chelsea, which had acquired the site from Tama County following a default on property taxes. The County had not applied for Iowa UST Fund benefits to date, although if done so and with an agreement, the City could obtain 100% benefits for all future work.

After some discussion, Ms. Lincoln submitted a motion to not authorize a 4<sup>th</sup> extension of the agreement due to little progress and little interest from the site owner. Mr. Beech seconded that motion, and it was approved by a vote of 4-0.

**4. CRPCA 0309-33 Bentley (Neola) Community Remediation Project**

Mr. Gastineau reported that the project was contracted in 2003 to complete testing and to evaluate the corrective action options at a site near Neola, Iowa. Due to the proximity to multiple private water wells and the lack of a public water supply system, corrective action was necessary at the site. An in-well air stripping system was installed early in 2007, and it was expected that it should operate for several more years to be effective. The project was contracted through a two-year agreement with the option of 4 one-year extensions. Mr. Gastineau requested the Board authorize the 4<sup>th</sup> extension for the contract to allow for continued activity on the

project. The current contract authority for the project was \$400,000 and no additional funding was requested for the contract.

Tom Draur of Barker Lemar noted that the experimental system in use had a slow start but was beginning to yield good results.

Mr. Beech submitted a motion to authorize the 4<sup>th</sup> extension of the agreement for the Bentley (Neola) CRP. Ms. Lincoln seconded that motion, and it was approved by a vote of 4-0.

#### **5. CRPCA 0309-34 Conesville Community Remediation Project**

Mr. Gastineau reported that the project was contracted in 2003 to complete testing and to evaluate corrective action options at a site in Conesville, Iowa. Due to low contaminant levels, the DNR approved the installation of carbon filters on the on-site water well combined with monitoring in lieu of invasive corrective actions. The filter was first installed in 2004 and had been replaced annually. In 2007, the recommendation to reclassify the site was rejected by the DNR and one more year of monitoring was required. It was hoped that a no action required (NAR) classification would be obtained in 2008. The original contract was written as a two-year agreement with 4 optional one-year extensions. Mr. Gastineau requested the Board authorize the 4<sup>th</sup> extension of the contract to allow continued activity on the project. The current contract authority for the project was \$43,272.20 and \$10,288.30 had been paid to date. No additional funding was requested for the contract.

Mr. Beech submitted a motion to authorize the 4<sup>th</sup> extension of the agreement, and Mr. Holcomb seconded that motion, which was approved by a vote of 4-0.

#### **CONTRACTS ENTERED INTO SINCE THE AUGUST 27, 2008 BOARD MEETING**

Mr. Scheidel noted that the Board had not entered into any agreements or contracts since the August 27, 2008 Board meeting.

#### **OTHER ISSUES**

Mr. Scheidel reported the next Board meeting was scheduled for Thursday, October 23, 2008. Mr. Holcomb noted that he would be out of town that day. All other Board members reported no conflicts.

CORRESPONDENCE AND ATTACHMENTS

Ms. Burke-Boston asked if there was any further business, and there being none, Ms. Lincoln moved to adjourn, and Mr. Holcomb seconded the motion. By a vote of 4-0, the Board adjourned at 11:14 A.M.

Respectfully Submitted,

A handwritten signature in black ink, reading "Scott M. Scheidel". The signature is written in a cursive style with a prominent initial "S".

Scott M. Scheidel  
Administrator

## **Closed Session**

### **Discussion of Pending and Imminent Litigation**

## **Public Comment**

## **Board Issues**

## **A. SIC Model (RBCA) Rule Status**

## 28E AGREEMENT

### **BETWEEN the IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, and the IOWA DEPARTMENT OF NATURAL RESOURCES for FUNDING AND MANAGEMENT of the UNDERGROUND STORAGE TANK SECTION of the IOWA DEPARTMENT OF NATURAL RESOURCES FOR FISCAL YEAR 2009**

This Agreement is entered into by and between the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board (hereinafter "Board"), with its Administrator's office located at 2700 Westown Parkway, Suite 320, W. Des Moines, Iowa 50266, and the Iowa Department of Natural Resources (hereinafter "DNR"), located at 502 E. 9th Street, Des Moines, IA 50319. This Agreement is entered into pursuant to Chapter 28E of the Code of Iowa, and is effective as of the date it is fully executed by all parties.

#### **I. PURPOSE**

The purpose of this Agreement is to establish the terms under which the Board will provide funding pursuant Iowa Code section 455G.6(15)"a." The Board agrees to provide the DNR with funds in an amount equivalent to the UST tank management fees collected and allocated to the Board pursuant to Iowa Code sections 455B.479 and 455G.8"3." The Parties do not intend to create a separate legal entity under this Agreement, and no real or personal property will be used or acquired under the terms of this Agreement.

#### **II. TERM**

The term of this Agreement shall begin upon execution hereof by all parties hereto and shall run through June 30, 2009, unless otherwise terminated or extended pursuant to the terms of this Agreement.

#### **III. DNR RESPONSIBILITIES**

**Milestone 1:** By January 2, 2009, the DNR shall:

- a. Examine a subset low risk sites for which monitoring has been conducted for more than five years. Identify a set of conditions and / or criteria for which low risk sites may be eligible for closure on a case-by-case basis; and,
- b. Conduct meetings with DNR, Fund, and DPH staff to review literature on the affects of petroleum on plastic water line integrity. Prepare a report of findings, and recommendations for policy or rule change considerations, and /or broadening a focus group make policy; and,
- c. Form technical advisory group(s) to evaluate other RBCA rules including, but not limited to, (1) soil gas methodology and guidance, (2) sewers as receptors, (3) surface water restrictions, and (4) capturing effect of time on historical releases; and;
- d. conduct a meeting between representatives of the DNR central office and the DNR field offices to review UST/LUST priorities and accomplishments since October 1, 2008, and to set UST/LUST

priorities for the time period from January 2, 2009, to April 1, 2009. Prepare written report detailing activities performed during the previous quarter, reconciling those activities to the established priorities and establishing the priority list for the next quarter.

**Milestone 2:** By April 1, 2009, the DNR shall:

- a. Upon examination of low risk sites in long-term monitoring, develop broad criteria for when low risk sites generally may be closed. Develop draft policy and / or rule changes; and
- b. Convene a PWL advisory group to focus on RBCA policy changes. Develop policy changes, guidelines and or draft rule changes for the plastic water line pathway; and,
- c. Conduct meeting(s) with technical advisory group(s) formed in Milestone 1 for evaluation of other RBCA rules including, but not limited to, (1) soil gas methodology and guidance, (2) sewers as receptors, (3) surface water restrictions, and (4) capturing effect of time on historical releases; and,
- d. Conduct a meeting between representatives of the DNR central office and the DNR field offices to review UST/LUST priorities and accomplishments since January 2, 2009, and to set UST/LUST priorities for the time period from April 1, 2009, to June 30, 2009. Prepare written report detailing activities performed during the previous quarter, reconciling those activities to the established priorities and establishing the priority list for the next quarter.

**Milestone 3:** By June 30, 2009, the DNR shall:

- a. Implement final "low risk" site closure policy or rule jointly agreed upon by DNR and Board;
- b. Using the information gained during completion of Milestones 1 and 2, complete review of available actual experiential data and scientific studies and draft jointly agreed revisions to RBCA rules for plastic water lines; and
- c. Using the information gained during completion of Milestone 2, and in cooperation with the Board, prepare a written plan for the evaluation of other RBCA rules including, but not limited to, (1) soil gas methodology and guidance, (2) sewers as receptors, (3) surface water restrictions, and (4) capturing effect of time on historical releases; and
- d. conduct a meeting between representatives of the DNR central office and the DNR field offices to review UST/LUST priorities

and accomplishments since April 1, 2009, and to set UST/LUST priorities for the time period from July 1, 2009, to October 1, 2009. Prepare written report detailing activities performed during the previous quarter, reconciling those activities to the established priorities and establishing the priority list for the next quarter.

#### **IV. BOARD RESPONSIBILITIES**

The Board shall provide the DNR with funds, subject to contingencies stated in this section, in an amount equivalent to the UST tank management fees collected and allocated to the Board during the term of this Agreement. The Board has estimated such tank management fees to be approximately Three Hundred Eighty-Five Thousand Dollars (\$385,000), and it shall pay this amount in quarterly installments of Ninety-Six Thousand Five Hundred Dollars (\$96,500), commencing on October 2, 2008, and thereafter on January 2, 2009, April 2, 2009, and June 29, 2009. If by June 29, 2009, the Board determines the actual amount the UST tank management fees allocated to the Board during the term of this Agreement varies from the estimated amount of \$385,000 by 10% or more, the Board shall adjust the June 29, 2009 installment accordingly to reflect the actual amount allocated to the Board. If, however, the variance between the estimated amount of UST tank management fees allocated to the Board during the term of this Agreement and the actual amount is less than 10%, the final installment shall remain unchanged.

Failure by the DNR to meet a single Milestone will not be considered a breach of this Agreement by either party; however, any obligation by the Board to make payments pursuant to this Agreement shall be suspended for any period of time for which the DNR fails to timely meet any part of a Milestone to the satisfaction of the Board. Upon successful completion of all outstanding Milestone requirements for which payment was suspended, the Board may pay the DNR the payment(s) suspended, and resume payments pursuant to the schedule in this Section IV of the Agreement

#### **V. FINANCING**

The Board shall pay all costs associated with the administration of this Agreement in accordance with the terms of Section IV of this Agreement. The DNR shall use the funds provided by the Board exclusively for the operation of the DNR's UST Section. Use of the funds for any other DNR sections or programs is not authorized by this Agreement. DNR shall not seek additional funding from any of the funds maintained by the Board, other than through this agreement or the amendment of this agreement. Nothing in this agreement shall limit DNR ability to seek legislative changes to the tank tag deposits for fiscal year 2010.

#### **VI. AMENDMENT**

This Agreement may be amended from time to time by written agreement of the Parties. All amendments shall be in writing, signed by both Parties, and filed with the Secretary of State.

#### **VII. TERMINATION**

**A. Termination Upon Mutual Consent.** This Agreement may be terminated upon the mutual written consent of the parties.

**B. Termination By One Party.** Notwithstanding anything in this Agreement to the contrary, and subject to the limitations, conditions, and procedures set forth below, either party to this Agreement shall have the right to terminate this Agreement without penalty by giving sixty (60) days' written notice to the other party to the Agreement as a result of any of the following:

1. There are insufficient funds or staffing resources available to allow a party to fulfill its obligations under this Agreement; or
2. A change in the law prevents or substantially impairs a party's ability to participate in this Agreement.
3. The DNR fails to meet two consecutive Milestone requirements set forth in Section III of this Agreement.

**VIII. NOTICES**

Whenever notices and correspondence are to be given under this Agreement, the notices shall be given by personal delivery to the other party, or sent by mail, postage prepaid, to the other party as follows:

To the Board

Iowa UST Fund Board  
2700 Westown Parkway, Suite 320,  
W. Des Moines, Iowa 50266

To the DNR

Iowa Department of Natural Resources  
UST Section  
502 E. 9th Street  
Des Moines, IA 50319

**IX. APPLICABLE LAW**

This Agreement is to be governed by the laws of the State of Iowa.

**X. FILING AND RECORDING**

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

**IN WITNESS WHEREOF**, and in consideration of the mutual covenants set forth herein and for other good and valuable consideration, the receipt, adequacy, and legal sufficiency of which are hereby acknowledged, the parties have entered into this 28E Agreement and have caused their duly authorized representatives to execute this 28E Agreement.

BY: \_\_\_\_\_  
Susan Voss, Chair

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

DATE: \_\_\_\_\_

**IOWA DEPARTMENT OF NATURAL  
RESOURCES**

BY: \_\_\_\_\_  
Richard Leopold, Director

DATE: \_\_\_\_\_



5

Attach supporting documentation  
back of this form

# STATE OF IOWA

# GAX (NON-EMP)

OFFICIAL DOMICILE		<b>NON-EMPLOYEE EXPENSES</b>				DOCUMENT NUMBER				
PURPOSE OF TRAVEL	<input checked="" type="checkbox"/> NORMAL JOB DUTIES	CONFERENCE/SEMINAR STAFF DEVELOPMENT REQUIRED BY FEDERAL GOVERNMENT		<input checked="" type="checkbox"/> OTHER (SPECIFY) Iowa UST Board Meeting						
	<input type="checkbox"/> TRAINING									
NAME AND HOME ADDRESS Nancy Lincoln		ALTERNATE ADDRESS (send warrant to)								
YEAR 2008			<input checked="" type="checkbox"/> STATE VEHICLE <input type="checkbox"/> PERSONAL VEHICLE							
9/25	7:30am	4:00pm	Glenwood Iowa	Des Moines, Iowa	288	.39	112.32			
<b>TOTALS</b>					288		112.32			
TRANS/OTHER EXPENSE	A-AIR B-BUS-CAR D-LO PHONE	F-LOCAL PHONE L-LAUNDRY P-PARKING	R-REGISTRATION S-SUPPLIES T-TOLLS	O-OTHER SPECIFY HERE		DOCUMENT TOTAL		112.32		
ROUTINE USES OF THIS FORM ARE TO FULFILL IRS REQUIREMENTS, IDENTIFY INDIVIDUAL CLAIMS FOR PUBLIC INSPECTION, PROVIDE THE STATE VEHICLE DISPATCHER INFORMATION, AND TO PREPARE ANNUAL SALARY BOOK						LESS ADVANCES				
						REIMBURSEMENT REQUESTED		112.32		
<b>CLAIMANT'S CERTIFICATION</b>						<b>DEPARTMENT CERTIFICATION</b>				
I CERTIFY THAT THE ITEMS FOR WHICH PAYMENT/REIMBURSEMENT IS CLAIMED WERE FURNISHED FOR STATE BUSINESS UNDER THE AUTHORITY OF THE LAW AND THAT THE CHARGES ARE REASONABLE, PROPER, AND CORRECT, AND NO PART OF THIS CLAIM HAS BEEN REIMBURSED OR PAID BY THE STATE, EXCEPT ADVANCES SHOWN, AND I UNDERSTAND THE ROUTINE USES OF THIS FORM.						I CERTIFY THAT THE ABOVE EXPENSES WERE INCURRED AND THE AMOUNTS ARE CORRECT AND SHOULD BE PAID FROM THE FUNDS APPROPRIATED BY: <b>CODE OR CHAPTER SECTIONS(S)</b>				
COMMUTING MILES EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	TRAVEL INCLUDES VICINITY MILES? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	DIRECT DEPOSIT? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	WARRANT TO ALT ADDR? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	DEPARTMENT TO BE CHARGED		TRAVEL AUTHORITY # / BLANKET TRAVEL #				
Board Member				Iowa UST Fund (Agency 656) Fund 0450		TRAVEL APPROVAL (SUPERVISOR'S SIGNATURE)				
VENDOR #										
CLAIMANT'S SIGNATURE <i>Nancy Lincoln</i>				DATE 10/17/08						
						<b>DOCUMENT TOTAL</b>		112.32		

## B. DNR FY09 Funding Update

DB: Any problem with going beyond fiscal year.

SS: More of a budgetting issue → usually close-books mid-Aug.  
OK from Funds end to put in fiscal year 2010.

TH: more issue for DNR to close out 2009 books

Board action needed? SS-No, can wait for EPC

Comment from <sup>SS</sup> about tags fee to DNR vs 2010 agreement.

**C. DNR Update**

*None*

## **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

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### MEMORANDUM

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TO:            UST Board Members  
FROM:         Scott Scheidel  
DATE:         October 16, 2008  
SUBJECT:      Summary of Bills for Payment

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#### \*NOTICE\*

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

1.    Aon Risk Services .....\$122,726.00    <=
- Consulting Services November 2008 -- \$67,513.00
- Claims Processing Services November 2008 -- \$55,213.00
  
2.    Attorney General's Office .....\$8,211.25
- Services provided for Underground Storage Tank Program
- September 2008 Billing
  
3.    Iowa Department of Revenue .....\$2,335.15
- Environmental Protection Charge Collections
- July – September 2008 (FY09)

## Iowa Comprehensive Petroleum

Invoice No. 9500000068138

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	Account Executive
10756349	Oct-01-2008	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2008 - Jan-01-2009	Nov-01-2008	Renewal - Service Fee	
<b>Comments</b> Installment 11 of 12			Service Fee	62,513.00
			Consulting Expense	5,000.00
<b>TOTAL INVOICE AMOUNT DUE</b>				<b>67,513.00</b>

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

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	9500000068138	Oct-01-2008	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. 9500000068139

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  
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(515) 267-9101 FAX (515) 267-9045

Client Account No.	Invoice Date	Currency	Account Executive
10756349	Oct-01-2008	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2008 - Jan-01-2009	Nov-01-2008	Renewal - Service Fee	
<b>Comments</b>			Service Fee	0.00
Installment 11 of 12			Consulting Expense	55,213.00
<b>TOTAL INVOICE AMOUNT DUE</b>				<b>55,213.00</b>

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

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	9500000068139	Oct-01-2008	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: 10/07/08

**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: September

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

Document Number	Account Coding					Description	Amount
	Fund	Agency	Org	Sub Org	Rev Source		
112AG100708027	0001	112	2301		0285		\$ 8,211.25

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

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

Billing Period:	<b>September</b>
Billing Total:	<b>\$8,211.25</b>
DSS @ 33%	\$1,865.81
TDB @ 25%	\$1,349.13
RCH @15%	\$567.07
CLJ @25%	\$778.85
Payroll: 9/4/08	\$4,560.86
DSS @ 33%	\$1,543.19
TDB @ 25%	\$1,159.71
RCH @15%	\$415.80
CLJ @25%	\$531.69
Payroll: 9/18/08	\$3,650.39
Total Misc:	\$0.00
	<b>\$8,211.25</b>

**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** 15%

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** 25%

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

October 8, 2008

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



Dear Mr. Scheidel:

I am enclosing our 3rd quarter EPC billing. Please direct the billing 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*

Roxane Foster  
Accountant 2  
Iowa Department of Revenue  
(515) 281-5228

Enclosures

cc: Stefanie Devin, Treasurer's Office

ENVIRONMENTAL PROTECTION CHARGE  
 COSTS INCURRED BY THE DEPARTMENT OF REVENUE  
 JULY - SEPTEMBER FY 2009

**Compliance Division**

Examination Section:

Personnel \$480.26

Indirect Costs

\$480.26

Field Audit Section:

Personnel \$1,406.00

Indirect Costs

\$1,406.00

Total Compliance Division

**Revenue Operations Division**

Customer Accounts Section:

Personnel \$0.00

Postage \$3.72

\$3.72

Processing Section:

Personnel \$87.57

Indirect Costs

\$87.57

Total Revenue Operations Division

\$91.29

**Technology & Information Management Division**

Personnel \$357.60

Postage

Printing

Indirect Costs

\$357.60

Total Technology & Information Management Div.

**DEPARTMENT TOTAL**

\$2,335.15

Please use the following accounting codes for the Environmental Protection Charges for the 3rd quarter FY 09.

09-0001-625-EX04 - 0285	\$	480.26
FO04 -		1,406.00
CA01 -		3.72
PR01 -		87.57
TM03 -		<u>357.60</u>
<i>Total for Revenue</i>	\$	2,335.15

G:\AD\BUDGET\09 expenditure reports\[09EXPRT-HHM.xls]JUL-SEP

## **Monthly Activity Report and Financials Reviewed**

## **A. September Activity Report**

Iowa UST Fund  
Monthly Activities Report

September 2008

Steve Reinders:  
- Worked w/ Tamara on stalled sites  
can continue to work to get these moving CRPs

	Open Claims	Open & Closed	Open Claims	Open & Closed
Claims	August Ending	Monthly Net Changes	September Ending	Totals since Inception
<b>RETROACTIVE</b>				
number	69	0	69	444
reserve	\$3,186,459.39	(\$49,836.72)	\$3,136,622.67	\$3,136,622.67
paid	\$8,151,540.61	\$28,836.72	\$8,180,377.33	\$14,629,744.52
total	\$11,338,000.00	(\$21,000.00)	\$11,317,000.00	\$17,766,367.19
<b>REMEDIAL</b>				
number	840	(22)	818	4,436
reserve	\$41,284,613.01	(\$127,916.08)	\$41,156,696.93	\$41,173,580.41
paid	\$92,273,866.17	(\$2,217,877.29)	\$90,055,988.88	\$182,153,573.37
total	\$133,558,479.18	(\$2,345,793.37)	\$131,212,685.81	\$223,327,153.78
<b>INNOCENT LANDOWNER</b>				
number	232	(3)	229	1,053
reserve	\$8,314,771.97	(\$107,067.07)	\$8,207,704.90	\$8,207,704.90
paid	\$12,075,088.35	(\$563,933.93)	\$11,511,154.42	\$22,766,348.97
total	\$20,389,860.32	(\$671,001.00)	\$19,718,859.32	\$30,974,053.87
<b>GLOBAL OPT-IN</b>				
number	240	(2)	238	1,265
reserve	\$1,448,937.58	(\$8,059.50)	\$1,440,878.08	\$1,440,878.08
paid	\$1,892,260.22	(\$38,445.48)	\$1,853,814.74	\$8,937,597.72
total	\$3,341,197.80	(\$46,504.98)	\$3,294,692.82	\$10,378,475.80
<b>UNASSIGNED PROJECTS</b>				
number	18	1	19	181
reserve	\$157,777.45	\$20,000.00	\$177,777.45	\$177,777.45
paid	\$322,514.65	\$0.00	\$322,514.65	\$2,644,548.18
total	\$480,292.10	\$20,000.00	\$500,292.10	\$2,822,325.63

RT Claims	#
New	0
Reopened	0
Closed	0
<b>RM Claims</b>	
New	0
Reopened	1
Closed	23
<b>ILO Claims</b>	
New	0
Reopened	0
Closed	3
<b>GS Claims</b>	
New	3
Reopened	2
Closed	7
<b>PROJ Clms</b>	
New	1
Reopened	0
Closed	0

Invoice Type Totals	September	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	15,117.30	35,974.52	\$4,119,461
Corrective Action	28,744.40	71,546.07	\$50,072,543
Free Prod Recover	23,279.25	144,034.21	\$7,367,866
Monitoring	106,010.84	340,567.04	\$19,463,734
New UST Pull 2004	44,872.36	116,648.26	\$1,074,666
Operations/Maint	28,935.86	148,408.17	\$6,835,150
Over-excavation	18,163.15	201,562.35	\$21,923,133
Plastic Water Lines	16,164.91	74,186.29	\$1,588,553
Post RBCA Evals	826.25	1,646.25	\$124,520
RBCA	11,715.81	62,232.35	\$24,674,820
Remed Imp/Const.	22,641.97	201,946.76	\$22,444,021
SCR Charges	0.00	0.00	\$54,156,632
Site Check	656.00	656.00	\$125,396
Soil Disposal	0.00	0.00	\$607,332
Tank (UST) Pull	0.00	12,436.49	\$4,965,323
Tank (UST) Upgrade	0.00	0.00	\$5,880,860
Tier III	0.00	615.00	\$1,122,139
Utilities	9,813.35	39,792.99	\$860,519
Well Closure	34,787.66	44,579.20	\$2,424,787
<b>Total Invoice Types</b>	<b>361,729.11</b>	<b>1,496,831.95</b>	<b>\$243,091,848</b>

Budgets Approved to Date		
September	1	\$41,450
Trailing 12 mos	30	\$1,626,965
Prev Trail 12 mos	68	\$3,679,958
Total Since Jan 2003	903	\$33,390,229

Corrective Action Meetings	
Scheduled:	90
Completed:	854
MOA's	436

DB - suggest spending on sites that have economic develop vs. no hope of economic dev.

TH - FUND & DNR to sit down

JR - Reported this is the lowest it's been in a while

Why?

JG - into Remed monitoring; RP not found.  
SS - less meetings

\* SS suggested - Do we want to spend \$ on those with no RPs.?

Project Contracts	Open	Closed	Pending
CRP's	25	29	0
Tank Closure	2	3	0
Plastic Water Line	2	0	0

## **B. September Financial Report**

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND  
STATEMENT OF FUND BALANCES  
FOR THE MONTH ENDING SEPTEMBER 30, 2008**

**0471 - UST REVENUE FUND (Bonding)**

<b>Balance of Fund, September 1, 2008</b>		<b>\$385,000.00</b>
<b>Receipts:</b>		
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	
		<b>\$0.00</b>
<b>Disbursements:</b>		
Bond Interest Payment	\$0.00	
Bond Principal Payment	\$0.00	
Transfer to Innocent Landowner Fund	\$0.00	
Transfer to Unassigned Revenue Fund	\$0.00	
		<b>\$0.00</b>
<b>Balance of Fund, September 30, 2008</b>		<b>\$385,000.00</b>

**0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)**

<b>Balance of Fund, September 1, 2008</b>		<b>\$7,216,965.50</b>
<b>Receipts:</b>		
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$0.00	
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	\$0.00	
Buys/ Sells	\$74,170.54	
Interest Income	\$63,792.84	
		<b>\$137,963.38</b>
<b>Disbursements:</b>		
UST Administrator's Fees	\$123,211.09	
Attorney General's Fees	\$0.00	
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (i.e. Lien Filing, Overpayment Refund)	\$0.00	
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$0.00	
Bond Trustee 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 SEPTEMBER 30, 2008**

Iowa Finance Authority Expenses	\$0.00	
Legal and Professional Fees	\$0.00	
Postage / Printing / Miscellaneous	\$0.00	
Professional Administrative Services (Investments, etc.)	\$0.00	
Rebate	\$0.00	
Tank Closure Claims & Plastic Waterline Claims	\$0.00	
Travel Expenses-UST Board Members	\$138.06	
Warrant Float Expense	\$210.77	
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 - FY08	\$0.00	
28E Agreement - DNR UST Section Funding - FY09	\$0.00	
Statutory Transfer to DNR - FY09	\$0.00	
Statutory Transfer to General Fund - FY08	\$0.00	
Statutory Transfer to DNR - FY09 for Snowmobile & ATV Funds	\$0.00	
		\$123,559.92
<b>Balance of Fund, September 30, 2008</b>		<b>\$7,231,368.96</b>

**0208 - UST REMEDIAL NON-BONDING FUND**

<b>Balance of Fund, September 1, 2008</b>		\$4,781,692.56
<b>Receipts:</b>		
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
<b>Disbursements:</b>		
Retroactive Claims	\$28,836.72	
Remedial Claims	\$266,155.58	
Balance of Outdated Warrants	(\$1,377.68)	
		\$293,614.62
<b>Balance of Fund, September 30, 2008</b>		<b>\$4,488,077.94</b>

**0478 - UST MARKETABILITY FUND**

<b>Balance of Fund, September 1, 2008</b>		\$285,762.34
<b>Receipts:</b>		
Interest	\$46,083.85	
Use Tax	\$0.00	
		\$46,083.85
<b>Disbursements:</b>		
Intra State Fund Transfer	\$0.00	
		\$0.00
<b>Balance of Fund, September 30, 2008</b>		<b>\$331,846.19</b>

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND  
STATEMENT OF FUND BALANCES  
FOR THE MONTH ENDING SEPTEMBER 30, 2008**

**0485 - UST INNOCENT LANDOWNERS FUND**

<b>Balance of Fund, September 1, 2008</b>		\$10,028,164.64
<b>Receipts:</b>		
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	\$0.00
<b>Disbursements:</b>		
Transfer to Unassigned Revenue Fund	\$0.00	
Other Contractual Services	\$0.00	
Global Settlement Claims	\$18,546.02	
Innocent Landowner Claims	\$48,190.79	
Balance of Outdated Warrants	(\$302.42)	
	(\$302.42)	\$66,434.39
<b>Balance of Fund, September 30, 2008</b>		<b>\$9,961,730.25</b>

**0238 - UST LOAN GUARANTEE FUND (Non-Bonding)**

<b>Balance of Fund, September 1, 2008</b>		\$265,855.00
<b>Receipts:</b>		
Interest Income	\$1,898.59	
	\$1,898.59	\$1,898.59
<b>Disbursements:</b>		
Intra State Fund Transfer	\$0.00	
Payments on Loan Losses	\$0.00	
	\$0.00	\$0.00
<b>Balance of Fund, September 30, 2008</b>		<b>\$267,753.59</b>

**0614 - UST CAPITAL RESERVE FUNDS (Bonding)**

<b>Balance of Fund, September 30, 2008</b>		\$0.00
<b>Combined UST Capital Reserve Fund Balances, September 30, 2008</b>		<b>\$0.00</b>
<b>TOTAL FUND BALANCES, September 30, 2008</b>		<b>\$22,665,776.93</b>

**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. All bond funds are \$0.00 8/31/08  
Funds labeled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

**C. Year to Date Financial Report as of  
September 30, 2008**

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND  
STATEMENT OF FUND BALANCES  
FISCAL YEAR TO DATE ENDING SEPTEMBER 30, 2008**

		<b>FISCAL 2009 BUDGET</b>
<b>0471 - UST REVENUE FUND (Bonding)</b>		
<b>Balance of Fund, July 1, 2008</b>	\$0.00	\$0.00
<b>Receipts:</b>		
Tank Management Fees	\$385,000.00	\$800,000.00
Motor Vehicle Use Tax	\$0.00	\$17,000,000.00
Intra State Fund Transfers Received	\$0.00	
Interest Income	\$0.00	
Interest Income - Capital Reserve Fund	\$0.00	
	\$385,000.00	\$17,800,000.00
<b>Disbursements:</b>		
Bond Interest Payment	\$0.00	
Bond Principal Payment	\$0.00	
Transfer to Innocent Landowner Fund	\$0.00	\$4,250,000.00
Transfer to Unassigned Revenue Fund	\$0.00	\$13,550,000.00
	\$0.00	\$17,800,000.00
<b>Balance of Fund, September 30, 2008</b>	<b>\$385,000.00</b>	<b>\$0.00</b>
<b>0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)</b>		
<b>Balance of Fund, July 1, 2008</b>	\$10,303,265.43	\$10,303,265.43
<b>Receipts:</b>		
Request for Proposal Fees	\$0.00	
Copying/Filing Fees	\$0.00	
Fines & Penalties	\$5,190.00	\$10,000.00
Refund/Overpayment	\$1,416.54	
Transfer From UST Revenue Fund	\$0.00	\$13,550,000.00
Intra State Fund Transfers Received	\$0.00	
Compensation for Pooled Money Investments	\$0.00	
Amort / Accretion	(\$143.60)	\$30,000.00
Buys/ Sells	\$81,805.78	(\$20,000.00)
Interest Income	\$609,206.32	\$1,800,000.00
	\$697,475.04	\$15,370,000.00
<b>Disbursements:</b>		
UST Administrator's Fees	\$368,663.09	\$1,412,712.00
Attorney General's Fees	\$112,319.17	\$105,000.00
Attorney's Fees: Cost-Recovery Administration	\$0.00	
Cost Recovery Expense (i.e. Lien Filing, Overpayment Refund)	\$7.00	\$30.00
Actuarial Fees	\$0.00	
Auditor of the State Fees	\$4,876.00	\$4,876.00
Bond Trustee's Fees - Bankers Trust	\$3,000.00	\$36,000.00
Claim Settlement	\$0.00	\$1,050,000.00
Custodial Fees - BONY	\$392.87	
Department of Revenue EPC Collection Fees	\$1,425.78	\$6,000.00
Environmental Protection Charge Refunds	\$0.00	
Innovative Technology	\$0.00	
Inspection & Appeals Service Fees	\$0.00	\$3,500.00

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND**  
**STATEMENT OF FUND BALANCES**  
**FISCAL YEAR TO DATE ENDING SEPTEMBER 30, 2008**

		FISCAL 2009 BUDGET
Legal and Professional Fees	\$24,515.25	
Postage / Printing / Miscellaneous	\$0.00	\$100.00
Professional Admin Services (Investments)	\$8,629.30	\$30,000.00
Rebate	\$0.00	
Tank Closure Claims and Plastic Waterline Claims	\$12,629.10	\$50,000.00
Travel Expenses-UST Board Members	\$270.66	\$700.00
Warrant Float Expense	\$2,846.29	
Transfer to Remedial Non-Bonding Fund	\$0.00	\$4,250,000.00
Transfer to Innocent Landowner Fund	\$0.00	
28E Agreement - RBCA (DNR Staff Training & Development)	\$0.00	
28E Agreement - DNR UST Section Funding - FY08	\$229,797.00	\$400,000.00
28E Agreement - DNR UST Section Funding - FY09	\$0.00	\$400,000.00
Statutory Transfer to DNR (Snowmobile & ATV Funds) - FY09	\$0.00	\$1,925,000.00
Statutory Transfer to General Fund - FY08	\$3,000,000.00	\$3,000,000.00
	\$3,769,371.51	\$12,673,918.00
<b>Balance of Fund, September 30, 2008</b>	<b>\$7,231,368.96</b>	<b>\$12,999,347.43</b>
<b>0208 - UST REMEDIAL NON-BONDING FUND</b>		
<b>Balance of Fund, July 1, 2008</b>		\$5,734,239.12
<b>Receipts:</b>		
Remedial Refunds	\$0.00	\$3,000.00
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer Received from Unassigned Revenue	\$0.00	\$4,250,000.00
		\$0.00
<b>Disbursements:</b>		
Retroactive Claims	\$74,214.64	\$600,000.00
Remedial Claims	\$1,173,219.15	\$7,000,000.00
Balance of Outdated Warrants	(\$1,272.61)	
	\$1,246,161.18	\$7,600,000.00
<b>Balance of Fund, September 30, 2008</b>	<b>\$4,488,077.94</b>	<b>\$2,387,239.12</b>
<b>0478 - UST MARKETABILITY FUND</b>		
<b>Balance of Fund, July 1, 2008</b>		\$101,715.84
<b>Receipts:</b>		
Interest	\$230,130.35	\$200,000.00
Use Tax	\$0.00	
	\$230,130.35	\$200,000.00
<b>Disbursements:</b>		
Intra State Fund Transfer	\$0.00	
	\$0.00	\$0.00
<b>Balance of Fund, September 30, 2008</b>	<b>\$331,846.19</b>	<b>\$301,715.84</b>

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND  
STATEMENT OF FUND BALANCES  
FISCAL YEAR TO DATE ENDING SEPTEMBER 30, 2008**

		<b>FISCAL 2009 BUDGET</b>
<b>0485 - UST INNOCENT LANDOWNERS FUND</b>		
<b>Balance of Fund, July 1, 2008</b>	<b>\$10,192,565.89</b>	<b>\$10,192,565.89</b>
<b>Receipts:</b>		
Cost Recovery (i.e. lien settlements)	\$8,500.00	\$10,000.00
ILO Refunds	\$0.00	
Intra State Fund Transfers Received	\$0.00	\$4,250,000.00
Miscellaneous Income	\$0.00	
	<b>\$8,500.00</b>	<b>\$4,260,000.00</b>
<b>Disbursements:</b>		
Transfer to Unassigned Revenue Fund	\$0.00	
Other Contractual Services	\$0.00	
Global Settlement Claims	\$61,347.69	\$300,000.00
Innocent Landowner Claims	\$178,290.37	\$2,000,000.00
Balance of Outdated Warrants	(\$302.42)	
	<b>\$239,335.64</b>	<b>\$2,300,000.00</b>
<b>Balance of Fund, September 30, 2008</b>	<b>\$9,961,730.25</b>	<b>\$12,152,565.89</b>
<b>0238 - UST LOAN GUARANTEE FUND (Non-Bonding)</b>		
<b>Balance of Fund, July 1, 2008</b>	<b>\$255,595.82</b>	<b>\$255,595.82</b>
<b>Receipts:</b>		
Interest Income	\$12,157.77	\$10,000.00
	<b>\$12,157.77</b>	<b>\$10,000.00</b>
<b>Disbursements:</b>		
Payments on Loan Losses	\$0.00	
Transfer to Unassigned Revenue Fund	\$0.00	\$0.00
	<b>\$0.00</b>	<b>\$0.00</b>
<b>Balance of Fund, September 30, 2008</b>	<b>\$267,753.59</b>	<b>\$265,595.82</b>
<b>0614 - UST CAPITAL RESERVE FUNDS (Bonding)</b>		
<b>Combined UST Capital Reserve Fund Balances, September 30, 2008</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL FUND BALANCES, September 30, 2008</b>	<b>\$22,665,776.93</b>	<b>\$28,106,464.10</b>

**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. All bond funds are \$0.00 8/31/08  
Funds labeled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

## **D. September Opt-In Report**

**OPT-IN PROGRAM SUMMARY REPORT**  
**October 23, 2008**  
**For the Period September 1 to September 30, 2008**

**GENERAL PROGRAM SUMMARY:**

Notices to potential claimants:	0
Eligible claims referred to GAB this period:	1
Number of 90-Day Notices sent this period:	2
Settlement Agreements outstanding at major oil company for execution:	0
Settlement Agreements forwarded to GAB for processing warrants or co-payment credit:	4
Number of claimants receiving warrants or co-payment credit this period:	30
Number of 1st Party Affidavits received in lieu of supporting docs (# this month/# Total to date):	0/91

**WARRANTS MAILED THIS PERIOD SUMMARY:**

	Number	Total
First Warrant	1	\$ 7,698.38
Additional Warrants	29	\$ 21,916.88
Co-Payment Credit	0	-
<b>TOTALS:</b>	<b>30</b>	<b>\$ 29,615.26</b>

**PROGRAM PAYMENT DISBURSEMENT TO DATE:**

Oil Company	Total Claims to Date	New Claims this Period	Payments Made to Date	Payments Made this Period
ARCO	57	0	\$ 439,797.42	\$ 268.20
PHILLIPS	264	0	\$ 1,787,576.94	\$ 15,639.69
AMOCO	308	0	\$ 2,297,618.78	\$ 1,020.18
CONOCO	110	0	\$ 697,341.14	\$ 1,644.78
SOUTHLAND	18	0	\$ 90,596.93	\$ 302.38
FINA	14	0	\$ 110,660.53	-
SUN/SUNOCO	181	0	\$ 1,253,549.89	\$ 892.59
TEXACO	158	1	\$ 1,081,581.72	\$ 8,693.74
CHAMPLIN	23	0	\$ 126,508.92	\$ 415.61
KERR-McGEE	78	0	\$ 529,322.32	\$ 192.60
CHEVRON	24	0	\$ 166,638.64	-
OXY	0	0	-	-
T.P.I. INC.	16	0	\$ 134,594.50	\$ 545.49
<b>TOTAL:</b>	<b>1251</b>	<b>1</b>	<b>\$ 8,715,787.73</b>	<b>\$ 29,615.26</b>

**ADDITIONAL WARRANT SUMMARY:**

Arco	\$ 268.20	Sunoco	\$ 892.59
Phillips	\$ 15,639.69	Texaco	\$ 995.36
Amoco	\$ 1,020.18	Champlin	\$ 415.61
Conoco	\$ 1,644.78	Chevron	-
Southland	\$ 302.38	Kerr-McGee	\$ 192.60
Fina	-	TPI, Inc.	\$ 545.49

## **Attorney General's Report**

## **Claim Payment Approval**

Claim Payment Authority

	Site #	Site Name	1st Bd Rpt	2nd Bd Rpt	3rd Bd Rpt	4th Bd Rpt	Paid to Date	Recommended Authority	Approved Authority	Pd Since Last Bd Report	WW Comments
1	8710480	Colby Management Co	08/27/08				\$65,909	\$125,000	\$125,000		
2	8600154	Rock C Store	05/17/04	08/27/08			\$116,620	\$403,000	\$403,000		
3	8601200	Casey's Marketing Co, Merrill	08/27/08				\$84,831	\$110,000	\$110,000		dww & PGS
4	8601909	MRP properties Co. LLC/Total Pe	08/27/08				\$86,165	\$120,000	\$120,000		
5	8606922	Olson Brothers Service Inc.	08/27/08				\$75,501	\$115,000	\$115,000		
6	8607200	The Short Stop, LLC	11/10/03	08/27/08			\$267,387	\$353,000	\$353,000		dww's
7	8811086	City of George	06/17/03	06/30/08			\$424,693	\$750,000		\$351,890	No second to motion
8	8606248	Country Stores of Carroll	09/25/08				\$104,577	\$140,000	\$140,000		
9	8600372	Tyson Foods	09/25/08				\$76,630	\$125,000	\$125,000		
10	8607266	South Federal Properties LLC	10/23/08				\$80,729	\$115,000			
11	8607575	Valley Restaurant Inc.	01/14/02	10/23/08			\$365,374	\$583,000		\$311,891	3 city dww
12	8608197	Krause Gentle Corp	04/06/00	10/23/08			\$351,697	\$552,500		\$268,444	2 city dww
13	8608502	Wow Service Inc	10/21/04	10/23/08			\$262,116	\$375,000		\$189,517	



IOWA UNDERGROUND STORAGE TANK PROGRAM  
FIRST BOARD REPORT  
OCTOBER 17, 2008  
MCGUIRE'S SERVICE STATION  
504 S MAIN ST  
HOLSTEIN  
SITE REGISTRATION NUMBER: 8608670  
LUST NUMBER: 9LTG75

**RISK CLASSIFICATION:**

HIGH  LOW  UNDETERMINED

**PRESENT CLAIM RESERVE:** \$ 125,000.00

**ELIGIBILITY:** The owner filed an innocent land owner claim that was denied for failure to establish a pre-October 26, 1990 release and failure to procure financial responsibility until 1998. The administrative law judge found the groundwater professional arguments on age of release persuasive and with buyback, the claim is now eligible.

**COST INCURRED TO DATE:**

1. RBCA Tier II report \$ 16,431.01

TOTAL COSTS INCURRED TO DATE: \$ 16,431.01

**PROJECTED COSTS:**

<input type="checkbox"/>	Risked Based Corrective Action Tier I & II Report	<input checked="" type="checkbox"/>	Tank Pull
<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:** \$ 70,000 to 175,000.00 ++

**TOTAL AUTHORITY RECOMMENDED:**

\$ 180,000.00

**COMMENTS:** The site is silty clay. An over-excavation is the best technology. The soil plume is not well defined, thus the range of costs. We will have plume defined prior to the over-excavation.

*Claim Approved*

**IOWA UNDERGROUND STORAGE TANK PROGRAM**  
**FIRST BOARD REPORT**  
**OCTOBER 13, 2008**  
**SOUTH FEDERAL PROPERTIES, LLC**  
**1824 S FEDERAL**  
**MASON CITY**  
**SITE REGISTRATION NUMBER: 8607266**  
**LUST NUMBER: 8LTS54**

*Kate*

**RISK CLASSIFICATION:**

HIGH

LOW

UNDETERMINED

**PRESENT CLAIM RESERVE:**

\$ 100,000.00

**ELIGIBILITY:** The contamination was reported to the IDNR on March 12, 1990 after the tank pull. A timely insurance application was filed in October 1990. This is an eligible remedial claim.

**COST INCURRED TO DATE:**

1. Tank Pull	\$ 8,808.99
2. Site clean-up report	31,633.57
3. Site monitoring reports	20,021.00
4. RBCA Tier II & Tier III reports	19,265.65
5. Post RBCA Evaluation	<u>1,000.00</u>

TOTAL COSTS INCURRED TO DATE: \$ 80,729.21

**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 CADR

**TOTAL PROJECTED COSTS:**

\$ 10,000 to 40,000.00 ++

**TOTAL AUTHORITY RECOMMENDED:**

\$ 115,000.00

**COMMENTS:** The site has been submitted as low risk following RBCA Tier III and subsequent site monitoring reports.

*Approved*

Kate Meyer

## 8LTS54 – South Federal Properties, LLC, Mason City

03/12/92: RP WILL TAKE A GW SAMPLE AND SUBMIT RESULTS.  
04/15/92: SCR LETTER SENT.  
08/10/92: LISTED AS PARTICIPANT IN MASON CITY CRP.  
10/25/93: REC'D SCR.  
10/29/93: SCR UNACCEPTABLE, BASED ON LIMITED REVIEW.  
12/29/94: REC'D NEW SCR.  
02/15/95: SCR ACCEPTED, HIGH RISK (5,9,11) WITH MONITORING.  
02/19/98: DATE OF LTR FROM FO2 TO RP CONCERNING WELL REPAIR OF MW AT ADJ. SITE.  
06/07/99: RBCA LTR SENT.  
06/30/99: REC'D FAX FROM STEVEN HALL (RP?) CONCERNING DNR'S LAST LTR - QUESTIONS REQUIREMENTS  
07/09/99: LTR SENT TO MR. HALL - TIER 1 REQUIREMENTS STAND. TIER 1 DUE 10/30/99. GWP DUE 8/30/99 --JRG  
06/08/00: REC'D TIER 2 REPORT & DISK. MTBE WORKSHEET & DISK.  
08/08/00: Rejected T2, revisions due 11/8/00.  
11/22/00: Rec'd copy of transfer of benefits form - form Willaim Woodward Estate to South Federal Properties/Osias Goren.  
03/09/01: First OD letter sent with due date for T2 revisions of 3/21/01.  
03/16/01: REC'D copy of original TIER 2 REPORT. (NO TIER 2 DISK REC'D).  
03/29/01: Sent FAX to Scott Hendrickson/ South Federal Properties requesting schedule for submittal of revised T2. (ED)  
03/30/01: Call from Scott Hendrickson, Maxim is completing revisions, & will submit extension request.  
04/03/01: TE granted for T2 until 4/30/01  
04/20/01: E-MAIL FROM MAXIM; T2 = 05/04/01.  
06/07/01: REC'D REVISED TIER 2 REPORT & DISK.  
06/14/01: REC'D REVISIONS TO TIER 2 REPORT.  
07/18/01: Accepted revised T2, high risk. ~CADR = 11/18/01.  
07/20/01: APO letter sent.  
08/29/02: SENT OD CADR LETTER. CADR = 9/13/02. (GREEN CARD DATED 9/5/02)  
09/23/02: Telcon w/Craig Nicholas (Lawyer). Will be sending scheduling letter. Considering a T3. --JH  
09/25/02: TE granted for T3 Work plan until 12/9/02.  
01/23/03: SENT FINAL OD T3 WP LETTER. T3 WP = 2/7/03. (GREEN CARD DATED 1/29/03)  
01/31/03: REC'D TIER 3 WORK PLAN. --bsg  
02/04/03: REC'D SMR. (CAN'T OPEN TIER 2 SMR SOFTWARE DISK). E-MAILED G. HIESTERMAN & REQUESTED TIER 2 SMR SOFTWARE AND MTBE E-MAILED TO ME). --bsg  
02/05/03: REC'D SMR TIER 2 SOFTWARE AND MTBE PER E-MAIL FROM G. HIESTERMAN. bsg  
06/18/03: ACCEPT T3 WP PER TRIBUNAL W/COMMENT TO PROVIDE CONSTRUCTION, STRATIGRAPHY INFO. --bdj  
10/07/03: REC'D SMR. SMR TIER 2 DISK. SITE RECLASSIFICATION RECOMMENDED FROM HR INTERIM MONITORING TO LR. Bsg  
09/29/05: Portion of email response to GAB Robins question about the MW to be sampled and review letter not sent. 1. new public water supply well was identified 2. Not all wells were sampled. 3. The Groundwater/Soil Leaching Monitoring Plan is inadequate. Plus, discussion requested by the department in response to the Tier 3 for the site is provided for reclassification of the high risk drinking water well, DWW1. According to the Site Reclassification section, Kum & Go #006, LUST # 7LTM67, sites recent revitalization (recasing and grouting) work on Mason City Well #12 is used to clear the receptor. Asked GWP if reinstallation of unlocated MWs is necessary.  
12/15/05: Rejected reclass from HR to LR because GWI to DWW pathways are unclear. Asked for clarification in 2005 SMR since it has not been received. Also need to provide justification or sample all MWs in Monitoring plan since the site is non-gran bedrock. (green card dated 12/27/06)  
12/16/05: REC'D TIER 2 BEDROCK SOFTWARE & MTBE PER E-MAIL. bsg  
12/29/05: REC'D REVISED TIER 2 REPORT, BEDROCK. HR. bsg (green card dated 02/07/06)

02/01/06: Rejected T2. "New" well still unexplained, so technically HR. All wells not sampled.  
Scheduled teleconf for 03/16/06.

02/22/06: Email/GWP inquiring about the Tier 3 of the city wells and wishing to discuss site. Replied that we could discuss anytime, but please reread 12/15/05 letter, def #1 concerning the new well.

03/07/06: Phonecon with GWP. There is an additional non-municipal water supply well at a trailer park.

03/07/06: Sent out email reminder of upcoming conference on 3/20. JHW

03/10/06: Rec'd Post T2E Wkst by e-mail.

03/20/06: Teleconf. Tier 3 approach to city wells and trailer park well. Trailer park well may be plugged in fall, as customers will hook up to city water. Reinstall 4 MWs and sample, and check into IC for PGWS (issued by the City on a case-by-case basis)

03/27/06: Sent MOA.

04/05/06: GAB approval of T3 budget.

04/04/06: MOA signature page signed by GAB Robins.

01/30/08: REC'D SMR, BEDROCK. HR, RECOMMENDING LR. TIER 3 REPORT. TIER 2 SMR  
BEDROCK SOFTWARE & MTBE REC'D PER E-MAIL. bsg

03/14/08: Rev'd SMR and T3, rejected. Revised T3/SMR in 90 days. Gcard dated 3/19/08. (km)

04/09/08: E-mail correspondence with Gaylen Hiesterman/TetraTech regarding classification of the wells. Also, need to clarify well #12 classification through file 7ltm67. (km)

06/12/08: Rec'd T2 bedrock software file from tetraTech with the latest data via e-mail. (km)

06/13/08: REC'D SMR, BEDROCK. LR. bsg

**IOWA UNDERGROUND STORAGE TANK PROGRAM  
 SECOND BOARD REPORT  
 OCTOBER 13, 2008  
 VALLEY RESTAURANT, INC  
 108 N. U AVE  
 VILLISCA**

*Staff - VRS*

**SITE REGISTRATION NUMBER: 8607575  
 LUST NUMBER: 7LTY50**

**RISK CLASSIFICATION:**

**HIGH**       **LOW**       **UNDETERMINED**

**PRESENT CLAIM RESERVE:**      \$ 570,000.00

**PREVIOUS BOARD APPROVAL:**      \$ 350,000.00

Number and Date of each previous Board Report: 1st: January 14, 2002

**PREVIOUS COSTS INCURRED:**      \$ 53,483.19

**COSTS INCURRED SINCE LAST BOARD APPROVAL:**

1. Corrective action design report	3,108.32
2. Site monitoring report	60,848.93
3. Remediation implementation	85,704.84
4. Operation and maintenance	49,290.42
5. Over-excavation	101,527.74
6. Utilities	10,622.65
7. Post-RBCA Tier II evaluation report	<u>787.77</u>
<b>TOTAL COSTS INCURRED TO DATE:</b>	<b>\$ <u>365,373.86</u></b>

**PROJECTED COSTS:**

<input type="checkbox"/> Risked Based Corrective Action Tier 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 and AS/SVE
<b><u>TOTAL PROJECTED COSTS:</u></b>	<b>\$ <u>165,000.00 to 300,000.00+</u></b>

**ADDITIONAL AUTHORITY RECOMMENDED:**     

**TOTAL AUTHORITY:\***      **\$ 583,000.00**

**COMMENTS:** The site is high risk for three city drinking water wells, one residential sewer, two non-residential sewers, and three plastic water lines. A previous over excavation and the installation of an SVE/AS system was completed at the site. This was successful in remediating a portion of the site. A down gradient area beyond the reach of the previous system is still highly contaminated, and the IDNR is requiring additional corrective action. An over excavation in this down gradient area is proposed, followed with air sparge and extraction wells being installed in the over-excavation backfill and connected to the existing system.

*Approved*

\*Previous approval + additional recommended

VKS

**7LTY50 – Valley Restaurant, Inc., Villisca**

10/19/87: LAST DATA SUBMITTED. INDICATED IMPROVEMENT IN GROUNDWATER QUALITY. ANNUAL REPORT DUE JANUARY 1989. REQUEST TO SUBMIT REPORT 30 DAYS FROM JUNE 19, 1989 - RETURNED 'UNCLAIMED'.  
01/07/92: D.WORNSON SUGGESTS LEGAL REF. RP UNRESPONSIVE. AS PER VKS, RETURN FILE TO RECORDS,  
WAIT FOR SF362 GUIDELINES BEFORE FURTHER ACTION TAKEN.  
03/12/93: AO PACKAGE PREPARED & ROUTING BEGUN.  
07/28/93: REC'D LTR FROM ATTORNEY NAMING CNSLT. = NESCO OF DSM.  
06/22/93: AO ISSUED. SCR REQUIRED. UNKNOWN WHEN RECEIVED.  
01/16/96: SCR REJCTD: REVSD SCR DUE 4/16/96.  
05/13/96: QUARTERLY FP REPORTS.  
05/07/96: RVSD SCR REV LTR SNT. ACC HI. OPT TO DO CADR OR WAIT FOR RBCA.  
06/07/96: LTR FROM RP. WILL WAIT FOR RBCA.  
01/27/98: DW PHONE. CONVERSATION WITH ATTY MARK LANDA. HE NOW REPRESENTS SIERP. CORRESPONDENCE TO HIM.  
01/28/98: DW SENT LTR TO RP ATTORNEY RGRNG T2. T2 = 5/28/98.  
02/05/98: LTR FROM ATTRNY. SIERPS WILL COMPLY.  
03/13/98: ATTY LANDA LTR STATING BARKER-LEMAR IS GWP FOR TIERED ASSESS.  
07/20/98: FP LTR SNT. REC'D 7/21. RPT = 9/8/98. CONSULTANT INSTALLED MW - REQUEST REDUCED SAMPLING  
SCHEDULE AFTER 6 MONTHS DATA INDICATE LEVELS OF CONTAMINATION ARE REDUCING. APPROVED YEARLY REPORT EXCEPT 2 MONITORING WELLS REQUIRED QUARTERLY REPORT. LAST REPORT SUBMITTED 10/87.  
08/03/99: REVISED TIER 2 SUBMITTED.  
09/14/99: Revsd T2 rev ltr snt. Rej. Rec'd 9/16. SECOND REVISIONS = 12/16/99.  
12/15/99: REC'D REVISED TIER 2 REPORT & DISK.  
01/25/00: Rvsd T2 rev ltr snt. ok hi. CADR = 6/2/00.  
09/05/00: DW Atty Landa has been communicating since late May, fund problems, they submitted 3 CADR proposals to GAB.  
As of today, still waiting on Fund approval, Landa will call Fund and rept. Need to establish schedule once CADR proposal approved.  
11/16/00: Rec'd sched. from Landa re: CADR & SMR. CADR = 12/22/00.  
12/11/00: Rec'd copy of FAX to DW. EIGHT INCHES OF FP "REDISCOVERED" IN MW-20.  
10/05/01: Rec'd CADR. Limited OE & Limited Air sparging of 'source' w/natural attenuation for remainder of GW plume.  
10/18/01: REC'D SIGNED CADR COVER PAGE.  
12/18/01: CADR rev ltr snt. Rej. Revised CADR = 2/25/02.  
02/07/02: REC'D REVISED CADR.  
02/15/02: REC'D 2ND COPY OF REVISNS TO CADR.  
03/19/02: Revsd CADR rev ltr snt. Ok. Rec'd 3/20/02. DNR 'suggested' modifications in # & placement of monitoring wells.  
09/27/02: Tel conf with M. Landa, they have mostly resolved Fund eligiblity so they should be able to proceed with implementation. He will review some proposals and talk to Fund re; pay for performance and contact us with a submission schedule...probably after new year.  
01/30/03: Ltr from Landa. Negotiating contract w/seneca re CA implem. Will provide schedule ASAP.  
03/12/03: REC'D LETTER RE: TENTATIVE WORK SCHEDULE FOR INSTALL OF REMEDIATION SYSTEM. Bsg  
06/11/03: REC'D O & M MANUAL FROM SENECA ENVIRONMENTAL SERVICES. Bsg  
02/26/04: REC'D SMR. VERSION 1.0. HR: REMEDIATION. Bsg  
12/20/04: REC'D REMED SMR. VERSION 1.0. Reqst NOT made for re-classif.  
02/03/06: REC'D SMR. HR: REMEDIATION. VERSION 1.0. MTBE WORKSHEET & DISK. bsg  
08/21/06: REC'D SMR. HR: REMEDIATION. VERSION 1.0. MTBE WORKSHEET & DISK. bsg  
03/15/07: REC'D SMR. HR: REMEDIATION. VERSION 1.0. MTBE WORKSHEET & DISK. bsg

04/30/07: CA Teleconf ltr snt. recd 5-3. Teleconf = 6-27-2007. Worksheet due 6-11-2007.  
06/15/07: Emailed reminder of conference on 6/27 and Worksheet that was due 6/11. JW  
06/27/07: CA conference held. Ok to shut down AS/VE system in east portion & go to Post-Remed mntng. Western portion needs addn'l work. Proposal for delineation, etc. Next CA conf = 9-27-2007. Report to DNR 9-21-2007.  
06/28/07: Memo sent to CA participants.  
07/23/07: REC'D FROM SENECA SUBMITTAL OF DELINEATION PROPOSAL/MONITORING PLAN. bsg  
07/24/07: DNR written respns to proposal snt.  
07/25/07: E-mail from CGWP - Following the CA Teleconference June 28, 2007, an agreement was reached between all parties that the current remediation system at the above referenced site could be shut down. The SVE/AS remediation system was shut down on 7/24/07.  
08/03/07: REC'D FROM SENECA REVISED DELINEATION PROPOSAL/MONITORING PLAN PER DNR 7-24-07 RESPNS.  
08/06/07: REC'D COPY OF LETTER FROM GAB TO MARK LANDA, SULLIVAN & WARD APPROVING THE DELINEATION AND SHUT DOWN MONITORING BUDGET BY SENECA. bsg  
09/13/07: Emailed reminder of conference on 9/27 and delineation information due by 9/21/07. JHW  
09/14/07: Emailed out conference reschedule to 10/11/07 at request of CGP. Data due by 10/5/07. JHW  
09/20/07: Emailed conference reschedule from 10/11 to 11/8/07 at request of PM. Data due by 10/20/07. JHW  
10/12/07: REC'D FROM SENECA DELINEATION LETTER REPORT. bsg  
10/29/07: Emailed reminder of ca conference on 11/8/07. JHW  
11-8-2007: CA teleconf held. Will do a second OE (for central portion), install VE/AS in OE which may help bio/attenuation in western portion. vks  
11/13/07: MOA snt. vks  
03/10/08: REC'D SMR. HR: REMEDIATION. (NO TIER 2 SMR SOFTWARE DISK REC'D). E-MAILED ADAM DAVISON & REQUESTED IT E-MAILED TO ME. bsg  
03/11/08: REC'D TIER 2 SMR SOFTWARE PER E-MAIL. MTBE NOT ANALYZED. bsg  
08/22/08: REC'D FROM SENECA MW41 & MW42 SOIL & GROUNDWATER DATA LETTER REPORT. bsg  
9-5-2008: Snt respns to deling letter. Ok for OE. need to expand OE to S & E. OE rpt due 60 days from OE completion. Must include Mntng Plan. bogus tracking date = 7-1-2009 vks

**IOWA UNDERGROUND STORAGE TANK PROGRAM  
 SECOND BOARD REPORT  
 OCTOBER 13, 2008  
 KRAUSE GENTLE  
 310-6<sup>TH</sup> ST  
 PARKERSBURG  
 SITE REGISTRATION NUMBER: 8608197  
 LUST NUMBER: 8LTT83**

*Kate*

**RISK CLASSIFICATION:**

**HIGH**

**LOW**

**UNDETERMINED**

PRESENT CLAIM RESERVE:

\$ 500,000.00

PREVIOUS BOARD APPROVAL:

\$ 380,000.00

Number and Date of each previous Board Report: 1st: April 6, 2000

PREVIOUS COSTS INCURRED:

\$ 83,252.93

COSTS INCURRED SINCE LAST BOARD APPROVAL:

1. Corrective action design report	8,445.55
2. Free product recovery report	23,786.16
3. Site monitoring reports	33,492.37
4. Remedial improvement	128,316.81
5. Operation and maintenance	20,044.94
6. Over excavation	14,710.95
7. Post-RBCA evaluation report	1,000.00
8. RBCA Tier II report	7,531.30
9. Tank pull	29,979.39
10. Utilities	<u>1,136.58</u>

TOTAL COSTS INCURRED TO DATE:

\$ 351,696.98

PROJECTED COSTS:

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

TOTAL PROJECTED COSTS:

\$ 120,000.00 to 225,000.00

ADDITIONAL AUTHORITY RECOMMENDED:

\$ 172,500.00

TOTAL AUTHORITY:\*

\$ 552,500.00

COMMENTS: The site is high risk for two city wells and four residential sewers. The previous excavations and remediation system, ozone generator, did not adequately lower the contaminant levels. The station is now closed and the tanks have been removed. With better access to the contaminant source areas, we are hopeful that this second round of excavation and remediation will meet the target levels.

*Approved*

\*Previous approval + additional recommended

Kate

**8LTT83 – Kum & Go #504, Parkersburg**

- 08/10/92: SITE CHECK LETTER SENT.  
REC'D FPR REPORTS: SEPT. THRU DEC. 1992, THRU 1993, THRU 1994, THRU 1995.
- 03/19/93: SITE CHECK CONFIRMS CONT. SCR LETTER SENT.
- 04/01/93: SCR DUE DATE SCHEDULED FOR 11/1/93. CONSULTANT IS TWIN CITY TESTING.
- 04/28/93: REC'D RETEST RESULTS FOR TTT FOR 4 USTS. PASSED.
- 03/19/96: REC'D SCR...
- 04/01/96: SCR REV'D: HI -5,8,11. CADR/RBCA OPTION. SMR REQD 4/5/96: RP TO WAIT FOR RBCA.  
REC'D SMRS: 7/23/96, 1/22/97, 11/97, 11/98.
- 09/11/97: REFER TO SENECA / KG SUBMIT SCHEDULE FOR SUBMITTAL OF TIER 1.
- 12/15/97: LTR SEN REQ'ING FPR BY 15TH OF EACH MONTH.  
REC'D FPR: 3/98, 5/98, 8/20/98.
- 06/15/99: T1 due date of 2/4/00 per Seneca schedule.
- 02/10/00: REC'D TIER 2 REPORT & DISK.
- 03/31/00: Sent T2 reject ltr revised due 07/05/00 soil source questioned and TEHd issues green card dated 04/05/00 tvb.
- 07/10/00: REC'D REVISED TIER 2 REPORT. (DISK ERROR-CAN'T READ TO COPY TO Q DRIVE).
- 07/19/00: REC'D TIER 2 DISK.
- 10/11/00: Accepted T2-HR w/ four deficiencies to be addressed in CADR... Sent letter.... CADR due 02/12/01.
- 10/24/00: APO letter sent.
- 04/06/01: Approved request to terminate FPR.. Sent letter.. Monitor FP for 1 year.
- 08/29/01: FP >0.35 ft in MW4, as reported in FP report. Continue FP recovery.
- 05/07/02: Schedule extension request from CGWP. CADR=07/15/02. Jh
- 05/16/02: REC'D SMR. SMR TIER 2 DISK.
- 10/15/02: Rejected SMR.. Accepted 3 of 4 T2 revisions included w/SMR.. CADR OD.. Sent letter.. CADR due 11/15/02.
- 01/13/03: REC'D REQUEST TO TERMINATE FREE PRODUCT RECOVERY REPORTING. Bsg
- 01/17/03: Approved request to terminate FP.. Sent letter.. Monitor for 1 year..
- 02/13/03: TE granted until 5/3/03 for submittal of the CADR.
- 06/03/03: REC'D EXTENSION REQUEST FOR CADR UNTIL 6/20/03. Bsg Filed..
- 08/04/03: REC'D CADR.
- 08/21/03: REC'D E-mail from CGP (Ginger Thune, Seneca) requesting delay in CADR review for additional pilot testing..
- 08/27/03: Sent e-mail RE 8/21/03 e-mail from CGP.. Will shelve CADR until further notice..
- 11/04/03: REC'D e-mail from GAB (Jeff Hove) to proceed with CADR evaluation..
- 11/19/03: Accepted CADR w/9 def. to be corrected w/in 60 days.. OE w/Ozone Biosparge.. Implementation by 05/30/04..
- 02/10/04: REC'D CADR. Bsg WHICH INCLUDES T2 REMODEL.--bdj
- 03/08/04: EMAIL REQUEST TO THUNE FOR RT2 SOFTWARE.--bdj
- 03/12/04: REC'D TIER 2 SOFTWARE PER E-MAIL. --Bsg
- 03/17/04: SEND TO PEI.
- 04/30/04: ACCEPT T2 REVISIONS/CADR REVISIONS/CADR IMPLEMENTATION DUE 5/19/04.--bdj
- 06/30/04: REC'D REVISED TIER 2 REPORT. TIER 2 SOFTWARE DISK. HR. MTBE WORKSHEET & DISK.  
--bsg
- 07/06/04: ACC 2ND RT2 W/OUT REVIEW SAYING DID NOT AFFECT OVERALL RISK/GET US IMPLEMENTATION RPT BY 8/30/04 OR OUR FEELINGS WILL BE HURT.--bdj
- 09/01/04: THUNE RPTS 8" OF PRODUCT IN BAILER FROM MW-4/.05 GALLONS REMOVED ON 8/30/04.--bdj
- 09/07/04: SENT LTR REQUIRING MONTHLY FP RECOVERY & REPORTING.--bdj
- 09/08/04: FIRST CORRECTIVE ACTION MEETING SCHEDULED FOR 9/20/04.--bdj
- 09/20/04: Telcon. Will proceed with biosparge/ozone in northern area after OE in northern and southern areas of contamination. Another telcon will be scheduled only if it is necessary. --KKL
- 09/28/04: Rec'd signed MOA from GAB Robins and copy of CA Implementation Proposal from GWP. --KKL
- 10/20/04: REC'D FPR.

10/27/04: Phonecon/GWP. One trench closer to IDOT ROW than previously thought. Working with DOT at this time. Install of system should be done by end of month. --KKL

11/15/04: REC'D REVISIONS TO THE REVISED TIER 2. SMR. SMR TIER 2 SOFTWARE DISK. HR: INTERIM. MTBE WORKSHEET & DISK. bsg

12/03/04: Phonecon/Ken McFadden. Report sent was HR SMR with corrections to deficiencies to T2. Wanted to know if June, 2004 RT2 should be reviewed. I said no as the OE has been completed and the biosparge/ozone system is being implemented.

12/13/04: E-mail from GWP. Ozone generator has not arrived, Seneca should receive it by 12/17/04. So, system startup delayed until week of 01/10/05. Implementation report anticipated by 01/21/05.

02/21/05: E-mail from PE. Ozone system start up 02/11, checked operation on 02/18, As Build and O&M will be submitted February 25, 2005.

03/07/05: REC'D REMEDIATION SYSTEM O&M MANUAL AND AS-BUILT REPORT.

04/11/05: Cursory review of SMR and T2 revisions sent in response to deficiencies, and they are adequate. Did not send a review letter as the site is in active remediation. --KKL

05/18/05: Rec'd FPRR

06/10/05: REC'D FPR.

02/15/06: REC'D SMR. HR: INTERIM. TIER 2 SMR SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg

06/19/06: REC'D FROM SENECA REQUEST FOR TERMINATION OF FREE PRODUCT RECOVERY & REPORTING. Bsg

07/05/06: Granted request to terminate FPRR. Must monitor for 1 year.

11/20/06: REC'D SMR. HR: INTERIM. TIER 2 SMR SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg

03/21/07: Email from GWP. Ozone system not functioning during site visit in Feb. Recovery well for system not recharging with GW, so system cannot run. Will leave off for now and will comment on system progress and options for the future in R-SMR that will be submitted by 4/30/07.

05/22/07: GAB approval of revised SMR budget.

06/22/07: REC'D SEMI-ANNUAL SMR/OE WITH REVISED SOIL PATHWAY. HR REMEDIATION. TIER 2 REPORT. HR. MTBE WORKSHEET & DISK. (ERROR MESSAGE W/TIER 2 SOFTWARE DISK). E-MAILED LESLIE NAGEL & REQUESTED IT E-MAILED TO ME. bsg

06/25/07: REC'D TIER 2 SMR SOFTWARE PER E-MAIL. bsg

09/17/07: Cursory review of 6/22/07 rev. T2 and SMR. Soil reclass. to nar is acceptable. No letter sent since remediation is ongoing. (km)

10/10/07: REC'D FROM SENECA UST AND PRODUCT PIPING CLOSURE REPORT & OVER-EXCAVATION REPORT. bsg

10/23/07: GAB approved SMR budget.

02/12/08: Email from Leslie Nagel/Seneca - FP noted again in mw-4A, will initiate monthly recovery. Allowed quarterly reporting. (km)

03/12/08: GAB letter regarding re-discovery of FP in MW-4A: to be fund eligible for FP recovery budget - have to document no new release after/at tank pull.

06/24/08: GAB approved FP recovery budget with conditions.

07/02/08: Rec'd FPRR.

07/10/08: GAB approved funding for FP as pre-1990 release.

08/01/08: REC'D TIER 2 REPORT. HR. TIER 2 SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg

08/06/08: Melody McLean (319-231-2730) called at 4:30 pm - her property is adjacent to the site, why was contaminated soil put back in OE? What is being done to clean site? the plume is huge and intercepts her property? she can't sell her property probably because of this, why were they not notified of contamination? At the town hall mtg. they discussed this site, K&G wants to donate this property to the city, etc. She wants them to clean it or buy her property. Reply - I will look into the file and get back with the current information for the site. (km)

08/07/08: Phone conversation with Leslie Nagel, I needed clarifications on latest OE (backfill was sampled and clean sand added). GW contamination is not decreasing (diesel), need another remediation approach. Agreed that we need a CA meeting to discuss CA options. (km)

08/07/08: Called Melody McLean - Explained site history (she was notified in 2000 of contamination based on correspondence folder), CA taken, current situation, and RBCA principles, discussed data on the SS Notification maps, actual plume is not on her property but RID is, we will have a CA mtg. with RP/Consultant/GAB to discuss further remediation. (km)

08/08/08: Rev'd 8/1/08 rev. T2 - accepted. CA teleconference invitation letter sent. CA date is 9/4/08. Gcard dated 8/12/08. (km)

08/26/08: Phone call from Leslie Nagel/Seneca - GAB refused to pay for T2 worksheet for CA meeting. T2 worksheet will not be submitted. (km)  
08/29/08: Emailed reminder of conference to GAB & CGP. JHW  
09/04/08: CA meeting held. See MOA. (km)  
09/19/08: GAB approved CADR budget.  
09/29/08: E-mail from Steve Reinders - failed to submit board report for IUST Fund meeting on 9/24, will submit for 10/30 fund meeting. My concern -work (OE) may be delayed due to late fall weather. (km)  
10/01/08: E-mail correspondence with Leslie Nagel - request to extend CADR submittal date to 10/10 (granted), will try to complete OE and system installation in November after board approval. (km)  
10/20/08: REC'D CADR & FPRR. bsg

**IOWA UNDERGROUND STORAGE TANK PROGRAM  
 SECOND BOARD REPORT  
 OCTOBER 13, 2008  
 WOW SERVICE INC  
 117 HWY 207  
 NEW VIRGINIA**

*Verne*

**SITE REGISTRATION NUMBER: 8608502  
 LUST NUMBER: 8LTF35**

**RISK CLASSIFICATION:**

**HIGH**

**LOW**

**UNDETERMINED**

**PRESENT CLAIM RESERVE:**

\$ 325,000.00

**PREVIOUS BOARD APPROVAL:**

\$ 250,000.00

Number and Date of each previous Board Report: 1st: October 21, 2004

**PREVIOUS COSTS INCURRED:**

\$ 72,599.04

**COSTS INCURRED SINCE LAST BOARD APPROVAL:**

- |                            |                  |
|----------------------------|------------------|
| 1. Site monitoring reports | 39,079.11        |
| 2. Remedial Improvement    | 16,655.08        |
| 3. Over-excavation         | 117,552.40       |
| 3. Tank pull               | <u>16,230.84</u> |

**TOTAL COSTS INCURRED TO DATE:**

\$ 262,116.47

**PROJECTED COSTS:**

- |  |   |
|--|---|
| <input type="checkbox"/> Risked Based Corrective Action Tier 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:**

\$ 75,000.00 to 175,000.00+

**ADDITIONAL AUTHORITY RECOMMENDED:**

\$ 125,000.00

**TOTAL AUTHORITY:\***

\$ 375,000.00

**COMMENTS:** The site remains high risk for two plastic water line receptors, one residential sewer, and one non-residential sewer. The previous excavation did not remove all contaminated soil, and a second excavation is proposed.

\*Previous approval + additional recommended

*JG - Remodeling may get the PWL out.  
 - Hope is that won't need to \$ this much w Remodel  
 - won't BE this year due to weather*

## 8LTF35 – Wow Service, Inc., New Virginia

01/01/91: DATE OF CORRESPONDENCE RECEIVED FROM OWNER STATING THAT DUE TO HEALTH REASONS, OWNER IS OUT OF STATE. OWNER WILL BE BACK IN IOWA 4/91. ASSESSMENT WORK PLAN DEADLINE IS EXTENDED TO 6/15/91.

03/20/92: SCR SENT OUT. WP NOT REC'D.

04/13/92: NOTICE OF CONSULTANT: SENECA. HAND DELIVERED BY MR. MCKNIGHT.

01/05/93: OVERDUE LTR SENT TO RP .

01/06/93: REC'D PHONEMAIL MSG FROM RP: NESCO CONSULTANT IS DOING WORK.

01/07/93: CALLED NESCO: WILL SEND LTR ON STATUS OF SCR.

11/15/96: REC'D SCR.

09/29/98: SENT LETTER TO DO TIER 1,2 OR 3. REPORT DUE 1/29/99. SMR DUE 10/30/99.

07/01/99: REC'D 1999 SMR (JRG)

01/05/00: REC'D TIER 2 REPORT & DISK.

03/07/00: Sent T2 reject ltr.. revised due 06/10/00.. PWL sample due 30 days.. Green card dated 03/10/2000 tvb

04/17/00: Called for MTBE disk.

04/20/00: Rec'd plastic water line sample results - results below detection limits.

05/03/00: REC'D MTBE WORKSHEET & DISK.

06/30/00: REC'D REVISED TIER 2 REPORT AND DISKETTE.

09/15/00: Accepted revised T2 and high risk classification. Must correct deficiencies in CADR, due 1/15/2001.

09/20/00: Call from RP, Helen McNight, concerned about this taking so long. She'll be gone several months this winter and wants this completed (worried about canceling plans). Told her we would expedite reviews as best we can. (ED)

10/12/00: Rec'd corrected deficiencies to T2 (adequately addressed) filed.

08/07/01: Telcon w/Helen. Requested posting of the CADR notice. JH

10/22/01: REC'D WELL ABANDONMENT (out-of-use DWW) COST PROPOSAL.

12/06/01: Call from Robin Barber (GeoTek working on expedited corrective action).. Would like copy of PWL maps, etc.

from SMR Seneca is submitting in next few days.. Robin also noted DWW plugged (in 1996) and water main east of site is PWL.. Main not included in SMR/T2 Revision to be submitted by Seneca..

12/07/01: REC'D SMR and Revised Tier 2 Report. SMR TIER 2 DISK. B concentrations increased and GW B source changed. To PEI for eval. Copy Robin Barber (GeoTek) on all correspondence..

01/14/02: Accepted Revised T2 report - HR w/ six deficiencies to be corrected by Seneca.. T2 revisions due 3/30/02..

CADR due 05/30/02..

03/19/02: REC'D REVISED TIER 2 REPORT & DISK.

04/29/02: Most Tier 2 revisions accepted.. One (PWL) remains unidentified.. Sent letter.. Seneca to complete revisions.

06/25/02: REC'D REVISED TIER 2 REPORT. (DISK REC'D WAS BLANK). CALLED J. REAMS-WIDDER AND REQUESTED TIER 2 SOFTWARE E-MAILED TO ME. Bsg

07/24/02: REC'D TIER 2 DISK.

09/02/02: Accepted T2 revisions by default..

11/14/02: Letter sent stating since budget was approved on 8/14/02 for SMR to reclassify, the report is due 12/1/02.

12/02/02: Telecon w/ CGP (Robin Barber, GeoTek), submitting SMR. Changes in site Sw & W for soil and GW, w/ changes in some receptor classifications.. Will schedule PWL replacement once SMR (w/ changes in receptor class) is approved.. Sent letter requesting well & PWL sampling w/ due date of 01/15/03.. CADR on hold until further notice..

04/01/03: Telecon w/ CGP (Robin Barber, Geotek).. SMR to go out this week..

04/08/03: REC'D RECLASSIFICATION SMR. NO RP SIGNATURE. SMR TIER 2 SOFTWARE DISK. (E-MAILED ROBIN BARBER & REQUESTED MTBE E-MAILED TO ME). Bsg

04/10/03: REC'D MTBE PER E-MAIL. Bsg

04/14/03: REC'D SIGNED SMR COVER PAGE. Bsg

05/28/03: Rejected revised Tier 2.. Sent letter.. Require PWL replacement by 9/30/03 and T2 by 8/30/03..

06/04/03: REC'D 6 mos SIR, line tightness testing, and leak detector tests.. All OK.. No tank tightness tests included..

06/10/03: Telecon w/ Doug Wicket (site owner).. Requested most recent tank tightness tests..

07/03/03: REC'D tank tightness tests from July - August 1998.. Appears OK.

08/19/03: REC'D FROM GEOTEK CORRECTIVE ACTION DESIGN REPORT ACTIVITIES. Bsg

09/19/03: E-mail to NS at GAB requesting completion of PWL replacement per 05/28/03 DNR correspondence ..

10/29/03: REC'D FROM UNIFIED CONTRACTING SERVICES, INC. TANK TIGHTNESS TESTING RESULTS. Bsg

12/26/03: REC'D REVISED TIER 2 REPORT & DISK. HR. MTBE WORKSHEET & DISK. Bsg

03/16/04: Sent 7th Rev Tier 2 accept letter. Still HR. Accept No More assessment of site. PWL Replacement due 5/30/04. CADR for HR soil gas pathways due 4/30/04. GC dated 3/18/04. --kw

04/13/04: REC'D FROM GEOTEK PROPOSAL - CORRECTIVE ACTION IMPLEMENTATION - CONTAMINATED SOIL EXCAVATION. Bsg

04/16/04: Rec'd response to work request from FO5. Inspection yielded no signs of possible new release. --kw

05/18/04: GAB letter approving pre-OE soil plume definition. GAB deadling = 8/17/04.

05/18/04: GAB letter approving tank pull budget, cannot confirm eligible until admin rules are promulgated by Board.

09/03/04: REC'D FROM GEOTEK LETTER RE: Replaced PWLs w/n actual plumes. Will submit PWL replacement data & pre-excavation soil data in association w/ 04 SMR due 10/30. OE is proposed. --kw

09/10/04: New (Kaizen) process invitation letter sent to RP. Bsg

09/22/04: Rec'd call from Helen McKnight (RP) who wants to be involved w/ Kaizen & also indicated Charlotte Wickett (641-449-3735), current owner of tanks, was to pull them by end of October. Linda Watts informed me Geotek is working with Seneca to complete tank pull & OE at the same time. GAB informed me they are attempting to work both out at same time also. GAB also told me that if Helen transferred benefits to Charlotte, both tank pull & OE would be covered under global settlement. Otherwise Charlotte would have to pay for tank pull. I informed Charlotte of this and told her to discuss with Reinders. Linda Watts w/ GeoTek angry by this because she would lose the work since Charlotte has been working w/ Seneca. At this time, no need to Kaizen. Plan appears to be large OE followed by monitoring GW & soil gas. --kw

10/06/04: REC'D FROM GEOTEK PROPOSAL - CORRECTIVE ACTION IMPLEMENTATION - CONTAMINATED SOIL EXCAVATION. OE to be conducted in association with UST Closure activities that are being performed by Seneca. Soil to be transported to landfill. Bsg

10/13/04: REC'D FROM GEOTEK PROPOSAL - CORRECTIVE ACTION IMPLEMENTATION - CONTAMINATED SOIL EXCAVATION. Bsg

10/29/04: Rec'd from GAB copy of benefits transfer from WOW/Helen McKnight to Douglas Wickett.

11/08/04: GAB letter approving OE budget by Geotek for \$97,480. --kw

11/08/04: GAB letter approving tank pull budget by Seneca for \$12,853. --kw

01/26/05: REC'D REVISED TIER 2 REPORT. HR. TIER 2 SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg

01/31/05: Gave file to PEI for review. --kw

05/02/05: GAB letter approving SMR budget by GeoTek for \$2191.50. --kw

05/27/05: Sent Rev T2/OE accept letter. Post OE SMR & Post T2 Worksheet due 09/12/05. 1st CA teleconference 9/22/05. Numerous deficiencies must be addressed. --kw

06/06/05: E-mail from CGWP. Charlotte Wickett will participate in telecon at 641-449-3735. GeoTek will remain consultant. --kw

06/10/05: Telecon w/ CGWP. Okd delay of deficient OE sampling until CA telecon. Will discuss at that time. --kw

07/12/05: GAB letter approving revised SMR budget by GeoTek for \$7,624. --kw

09/15/05: Cancelled teleconference. CGWP does not have post-OE SMR or T2 worksheet complete. Rescheduled to 10/31. --kw

10/26/05: REC'D TIER 2 SOFTWARE DISK VIA E-MAIL. REPORTS TO BE DELIVERED TOMORROW. --kw

10/27/05: Cancelled teleconference again. CGWP did not submit SMR or T2 worksheet on time again. JW will reschedule. --kw

10/27/05: REC'D SMR. HR: INTERIM. bsg

11/09/05: REC'D SIGNED SMR COVER PAGE. Bsg

12/19/05: First CA teleconference w/ GeoTek, WOW Services, GAB, & DNR. --kw

12/20/05: Sent MOA summarizing teleconference. GeoTek must address OE sampling deficiencies, soil gas deficiencies, & Tier 2 deficiencies. GeoTek will submit 2nd post-OE SMR by 05/31/06. Favorable results should

reclassify site. Unfavorable results may require another teleconference. Did NOT review information submitted late by GeoTek. --kw

12/27/05: REC'D SIGNED MOA FROM STEVE REINDERS, GAB. --kw

12/30/05: REC'D SIGNED MOA FROM LINDA WATTS, CGWP AND CHARLOTTE WICKETT, RP. Bsg

01/05/06: REC'D FROM GEOTEK PROPOSAL - POST EXCAVATION MONITORING & SMR. GeoTek requested a review of this proposal to determine if acceptable to DNR. Bsg

01/06/06: E-mail to CGWP. DNR does not review proposals for accuracy. Refer to MOA for requested work. --kw

05/11/06: REC'D OVEREXCAVATION REPORT. SMR. HR: INTERIM. (NO TIER 2 SMR SOFTWARE DISK OR MTBE WORKSHEET & DISK REC'D). REVISED TIER 2 REPORT. HR. E-MAILED LINDA WATTS & REQUESTED IT E-MAILED TO ME. Bsg

05/11/06: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. Bsg

08/17/06: Sent 10th Rev Tier 2/SMR accept letter. Still HR for GW & SL to PWLs and all vapor pathways to SSSNR. GW close to meeting SSTLs for PWLs. 1 soil gas well still failing. SMR due 11/20. CA teleconference 11/30. GC dated 8/19. --kw

08/17/06: GAB letter approving SMR budget by GeoTek for \$2,250. --kw

08/31/06: GAB letter approving revised SMR budget by GeoTek for additional \$176. --kw

11/06/06: REC'D SMR. HR: INTERIM. (NO TIER 2 SMR SOFTWARE DISK OR MTBE WORKSHEET & DISK REC'D). E-MAILED LINDA WATTS & REQUESTED IT E-MAILED TO ME. Bsg

11/07/06: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. Bsg

11/14/06: REC'D SIGNED SMR COVER PAGE. Bsg

11/15/06: Emailed reminder of upcoming CA conference on 11/30/06. Jw

12/27/06: Emailed reminder of rescheduled conference on 1/4/07. JW

01/04/07: Held second CA Conference. Will do soil gas sampling, install new monitoring well, submit SMR by 5/5/07. JW

01/05/07: Sent out MOA for KW. JW

01/17/07: REC'D SIGNATURE PAGE FOR MOA SIGNED BY CHARLOTTE WICKETT. bsg

01/18/07: As requested by James Gastineau, sent out a revised MOA for signatures. JW

01/26/07: REC'D SIGNATURE PAGE FOR MOA SIGNED BY CHARLOTTE WICKETT. bsg

02/02/07: Received signature page for MOA signed by Steve Reinders. JW

02/05/07: REC'D SIGNATURE PAGE FOR MOA SIGNED BY JAMES GASTINEAU. Bsg

03/07/07: REC'D SIGNATURE PAGE FOR MOA SIGNED BY LINDA WATTS, CGWP. bsg

05/14/07: REC'D TIER 2 REPORT. HR. TIER 2 SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg

5-31-2007: E-mail rspns to CGWP re Lab Data Valid. Need to resample soil max location. Questioned why submitted revsd T2 versus SMR as agreed in CA teleconf. Per Jan '07 MOA, see need for another CA teleconf.

(vks)

06/13/07: E-mail frm CGWP. Please schedule a teleconf. (vks)

06/14/07: ltr snt scheduling another CA teleconf. Rec'd 6/15. Conf = 7/24/07. Wrksht = 7/11/07.

08/03/07: Received worksheet. Conference on hold. JHW

08/16/07: Emailed everyone re scheduled conference on 10/3/07. JHW

09/21/07: Emailed reminder re conference on 10/3/07. JHW

10/03/07: 3rd CA teleconf held.

10/05/07: MOA sent. CGWP will attempt vapor smpl @ SG9. CGWP will attempt to document soil plume (> 2.88 ppm B) is submerged. GAB agreed Southern PWL (up to 100 feet) will be replaced provided \$ are 'reasonable'.

10/16/07: REC'D SIGNATURE PAGE FOR MOA SIGNED BY CHARLOTTE WICKETT, RP. bsg

10/24/07: REC'D SIGNATURE PAGE FOR MOA SIGNED BY LINDA WATTS, CGWP. bsg

11/07/07: REC'D SMR. HR: INTERIM. TIER 2 SMR SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg

04/03/08: REC'D FROM GEOTEK SOIL SOURCE DOCUMENTATION SAMPLING. bsg Cannot document Soil submergence. Could not perform vapor sampling. CGWP suggests addn' OE, asks for advice re approx 100' of PWL replacement. vks

6-17-2008: DNR ltr snt in respns re CA. OK to complete 2nd OE, continue gw monitoring re PWL. Submit Remediation SMRs May & November. vks

**Contracts Entered Into  
Since September 25, 2008 Board Meeting**



IOWA UNDERGROUND STORAGE TANK  
*Financial Responsibility Program*

9

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

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**TO:** UST Board

**FROM:** Scott Scheidel

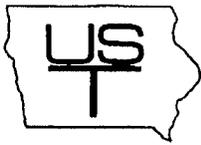
**DATE:** October 17, 2008 **REVISION**

**RE:** Contracts Entered Into Since September 25, 2008

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Since the September 25, 2008 Board meeting, the Board has entered into the following contracts or agreements:

- 1) Administrators Contract with Aon for the period of 1/1/09 – 12/31/09
- 2) 4<sup>th</sup> one-year extension of the Bentley (Neola) CRP contract with Barker Lemar Engineering Consultants
- 3) Settlement agreement with McGuire's Service Station for benefits (via appeal)



# IOWA UNDERGROUND STORAGE TANK

## *Financial Responsibility Program*

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### Φ Φ Φ *MEMO* Φ Φ Φ

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**TO:** UST Board

**FROM:** Scott Scheidel

**DATE:** October 16, 2008

**RE:** Contracts Entered Into Since September 25, 2008

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Since the September 25, 2008 Board meeting, the Board has entered into the following contracts or agreements:

- 1) Administrators Contract with Aon for the period of 1/1/09 – 12/31/09
- 2) 4<sup>th</sup> one-year extension of the Bentley (Neola) CRP contract with Barker Lemar Engineering Consultants
- 3) 28E agreement with DNR for NFA sites
- 4) Settlement agreement with McGuire's Service Station for benefits (via appeal)

## **Other Issues as Presented**

## **Correspondence and Attachments**