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, August 27, 2009. **The meeting will be held at the Iowa Insurance Division located at 330 E Maple St, Des Moines, Iowa.**

The tentative agenda for the meeting is as follows:

10:00 a.m. Call to Order

1. Approval of Prior Board Minutes

2. Closed Session – Discussion of Pending and Imminent Litigation (To adjourn by 10:30 a.m.)

3. Public Comment Period

4. Board Issues

   A. FY 2010 Budget – Revision
   B. Underground Storage Tanks in Iowa after "2016" – Tim Hall
   C. FY 2010 Goals Discussion
   D. DNR 28E Agreement Addendum for FY10 Funding
   E. Administrator Contract Renewal
   F. DNR Update

5. Approval of Program Billings

6. Monthly Activity Report and Financials Reviewed

7. Attorney General's Report

8. Claim Payment Approval

9. Contracts Entered Into Since July 16, 2009 Board Meeting

10. Other Issues as Presented Next Board Mtg 9/24

11. Correspondence and Attachments

2700 Westown Parkway, Suite 320 West Des Moines, Iowa 50266 Ph. 515-225-9263
Toll Free: 877-312-5020 Fax: 515-225-9361

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

July 16, 2009

ANNUAL STRATEGIC PLANNING SESSION
HONEY CREEK RESORT STATE PARK
MORAVIA, IOWA

Susan Voss, Chairperson, called the Iowa UST Board meeting to order at 10:15 A.M. A quorum was present. Roll call was taken with the following Board members present:

Doug Beech
Tim Hall (for Richard Leopold)
Nancy Lincoln
Jeff Robinson
Stephen Larson (for Mike Fitzgerald)

Also present were:

Angela Burke-Boston, Deputy Insurance Commissioner
Scott Scheidel, Administrator
James Gastineau, Program Administrator's Office
Lacey Skalicky, Program Administrator's Office
Steve Reinders, GAB Robins
Neil Searcy, GAB Robins
Elaine Douskey, Iowa Department of Natural Resources
Brian Tormey, Iowa Department of Natural Resources

STRATEGIC PLANNING SESSION

Ms. Voss reviewed the agenda for the day, which included a morning session of Strategic Planning for the current fiscal year (2010) and a regular Board meeting following a break for lunch.

I. Evaluation of Past Program Goals and Program Status

A. Current Program Status

Mr. Scheidel talked with the Board members regarding current membership. He noted that his contact at the Governor's Office had stated they should have no problem appointing new Board members before the July meeting; however no new Board members had been appointed. He explained that the UST Program status document was provided in the Board packets for review, but without new Board members to acquaint with the program history, Mr. Scheidel summarized the UST Fund status very briefly, explaining that the latest program-to-date expenditures by claim type and fund were included throughout the narrative.

Mr. Scheidel discussed the reduction in claim count referenced on the June 2009 monthly activity report, as well as, the invoice types paid in terms of dollars and percentages, as shown in pie charts in the Board packets. He explained the first pie chart showed claim payments by invoice type over the program-to-date. The following two charts reflected the invoice type activity for fiscal year (FY) 2008 and FY 2009, which showed that monitoring, remediation system implementation, operation and maintenance work had all increased in the last year. The bulk of claim payments, approximately 32%, over the life of the program were paid for site assessment. And the majority of claim payments paid during FY 2009 were paid for monitoring (27%) and over-excavation (16%). He noted the continued shift in emphasis shows that most LUST sites have been assessed and actions during the past year were taken to move them toward closure.

Mr. Scheidel explained the status of the Loan Guarantee Program as of June 30, 2009, stating again that only one loan remained outstanding and was scheduled to mature in 2014.

Mr. Gastineau presented a memo regarding the remedial innovative technology (REMIT) and community remediation projects (CRP) that remained open going into FY 2010. He highlighted the activities of some projects for the Board. He stated that the REMIT project in Council Bluffs might be reclassified in 2009 to no action required (NAR) with free product, with the use of the new risk based corrective action (RBCA) model. He noted that the groundwater professional for the CRP in Marengo had submitted a site monitoring report (SMR) approximately one year ago recommending reclassification to NAR. That report was pending review from the Department of Natural Resources (DNR).

While discussing the CRP in Akron, Ms. Voss inquired about the authority to get residents to close water wells and hook up to a water network, and Mr. Gastineau explained that DNR would not require or force residents to give up any rights to private water wells. Mr. Scheidel noted that DNR counsel did investigate the Department's legal authority on the issue in 2004 or 2005, and gave the opinion that the DNR did not have the authority to take away water rights from any resident. The Board discussed exit strategies for sites that would require endless monitoring as a result of the protected groundwater source pathway, in addition to the resulting cost. Mr. Larson inquired about the indefinite monitoring and how the passing of the site owner might affect that timeline. Mr. Gastineau said the monitoring would continue through the CRP process regardless.

Mr. Gastineau reported that a rural water network was now available in Greeley; however no community ordinance existed to require residents to close private water wells. He noted the

Greeley CRP site in this case was not UST Fund-eligible due to a lapse in the financial responsibility requirement of a UST Fund claim. He also reviewed the Sioux City CRP, which involved the closure of municipal water supply wells in the Cook Park area. He stated that once all Cook Park wells were closed, the UST Fund would pay the City $1.8M per an agreement to that effect.

Lastly, he explained that another CRP in Dubuque had similar issues, as the City of Dubuque would not pass an ordinance to prevent the installation of new wells, therefore leaving a potential protected groundwater source pathway at risk. He stated the Administrator's Office had requested assistance from DNR legal staff to find options to establish an environmental covenant, which would reclassify all four sites involved.

Mr. Scheidel next directed the Board's attention to charts and graphs regarding the Department of Natural Resources' (DNR's) leaking underground storage tank (LUST) sites, noting that 54% of open UST Fund claims were high risk LUST sites. Two bar graphs showed that a relatively small number of DNR LUST sites had no claim with the UST Fund. Next, he presented a spreadsheet and series of graphs containing fiscal year end data from 1990 to 2009. Data included in the spreadsheet and in the graphs involved total numbers of open claims by year and total amount of outstanding reserves by year, as well as, totals for individual claim types (remedial and ILO). Additionally, the graphs provided a comparison between the outstanding reserves of each claim type and its corresponding fund balance. He discussed the historically significant trends shown in the graphs, including the influx of claims in 1992, as site owners didn't want to miss the deadline in case their sites had confirmed releases.

Mr. Scheidel highlighted the fiscal year to date financial statement as of June 30, 2009, comparing the actual receipts and expenditures with the budgeted receipts and expenditures. He pointed out the unexpected statutory transfer of $5.6M to the General Fund pursuant to recently passed legislation to assist with State budget shortfalls. Mr. Scheidel also explained that the UST Fund's allocation from the Iowa Department of Transportation (IDOT) received during FY09, would be transferred from the Revenue Fund to replenish the Remedial Non-Bonding and Innocent Landowner Funds, which were both tapped for bond payoff and defeasance at the end of FY08. Lastly, he commented on remedial claim payments totaling $4.9M, which fell short of the budgeted $7.0M. Retroactive claims were budgeted for $600.0K, and over $700.0K was incurred. Also, the budgeted $2.0M in innocent landowner claims was met with just over $814.0K in claim payments. The 2009 FYE balance of funds totaled just under $25.0M compared to the budgeted $28.0M.

Following the financials, Mr. Scheidel reviewed a spreadsheet of projected cash flows available for corrective action costs. He noted that he lowered the projected claim payment amounts to reflect recent historical payment totals. He said that if the legislature continued to divert funds from UST in excess of $5.0M, the projected Fund balances may be in the red within a year or two. Ms. Voss inquired if any additional money might be diverted from the UST Fund this fiscal year. Mr. Scheidel explained that he was trying to stay out of sight - out of mind.

B. Status of 28E Agreements

Mr. Scheidel reviewed with the Board the 28E Agreements the Board had entered into since the inception of the program, noting that 7 of the 27 agreements had expenditures in FY09. He

also pointed out that seven agreements were new in the last 12 months. Mr. Scheidel discussed the Attorney General's Office agreement, which was received without changes from the previous year's agreement. Mr. Scheidel stated he had discussed some changes in the agreement with Julie Pottorf, as a result of the May Board meeting comments, and the total agreement amount may be approximately $93,000 for FY 2010. He had not yet received a revised agreement.

C. Attorney General's Report

No report was issued from the Attorney General's Office.

D. Prior Year's Goals

a. Closing Claims

Mr. Scheidel reviewed with the Board the goals set in July 2008 to continue to close UST sites. A goal of 140 net claims closed was set to measure the Board's progress for closing sites, and 148 (gross) claims were closed. The fiscal year saw a reduction in claim count by 110 claims (net); therefore the Board had not met its goal. He also stated that an additional group of 81 claim sites were pending no action required (NAR) classifications upon review by the DNR. He explained that the DNR had its own goals set based on the Federal Fiscal Year (FFY), which ends September 30, 2009; therefore the DNR may make a final push to review those pending reports to reclassify those 81 sites by September's end.

b. Corrective Action Meetings

The Board had set a goal to complete 100 corrective action meetings, however only 89 meetings were completed during FY 2009.

c. Legislative/Executive Policy Makers

The goal set last July was to meet with legislative leaders early in Session and seek guidance on the Program's vision. To that end, Mr. Scheidel sent a letter to leaders in the House, Senate, and Governor's Office. As a result, Ms. Voss and Mr. Scheidel met with Senate Majority Leader Gronstal, and Mr. Scheidel met with a representative from the Department of Management. The Board's bonding authority and cooperative funding for the DNR were topics of discussion. Clear interest was expressed in bringing the program to closure and meeting the DNR's funding needs through cooperation, the bonding authority extension was altered at the end of the Session from 2016 to 2010, so that another extension will be necessary this year. A multi-year DNR funding agreement was entered during the past year to allow for future addendums, and meetings were scheduled with DNR to implement joint processes to meet the terms of the agreement. Ms. Douskey inquired whether a DNR representative was invited to those meetings. Ms. Voss said that one was not, although if interested she would ask Director Leopold to meet with her and legislative leaders this year.

d. NFA Agreement

The no further action (NFA) agreement had been stalled during FY 2008; therefore last July the Board set a goal to move the process along. The NFA 28E agreement was drafted and

entered into during FY 2009, and a request for proposal (RFP) for the contractor(s) for that work was pending currently. Mr. Scheidel explained that some UST Fund claimants' sites had fallen through the cracks in the NFA agreement and a site-specific NFA agreement was entered into to cover some sites, and another site-specific NFA agreement was pending for similar reasons. Mr. Scheidel noted that he was appreciative of Ms. Douskey's efforts to prevent additional DNR letters going out to site owners where recent tank pulls had revealed contamination prior to an assessment of whether that contamination was old or new.

What assessment? Fund's of course!

e. Complete Implementation of the Recalibrated Tier 2 Model

Mr. Scheidel reported that the implementation of the recalibrated risk based corrective action (RBCA) Tier 2 model was all but complete, and LaDon Jones was set to release the new model for DNR test within 30-60 days. Additionally, the Board and DNR had entered into a plume study 28E agreement to assess sites of DNR concern when the new model is applied to them.

f. Plastic Water Lines

Another goal set by the Board was to coordinate with the DNR to establish and implement a plastic water line policy that would draw from the actual experience in Iowa and other states as well as the study data available. He stated that as reported in the DNR report, many meetings had been conducted over the past year, and a joint evaluation and recommendation was completed in June 2009, with policy implementation to follow.

He said the recommendations included treating different types of plastic water lines differently to reflect the different level of risk pursuant to the research conducted. The focus group recommended the target levels for PVC plastic water lines be increased for water mains, and held the same on smaller supply lines within actual plumes. He noted that stakeholders would be allowed to comment on the recommendations before rule changes would be undertaken.

g. Other RBCA Areas

Lastly, Mr. Scheidel reported that Ms. Douskey had taken the initiative to form focus groups to investigate several RBCA issues including soil gas methodology, vapor receptors, surface water restrictions, and temporal effect on historical releases. Specific action plans for the entire vapor framework and for surface water had been developed as a result of those meetings. The implementation of those action plans would be included as milestones in the FY 2010 funding agreement with the DNR. The time effect on releases was also discussed at these meetings, and all agreed to greater collaboration on Tier 3 assessments, including updating the Tier 2 if time had passed since its completion or since the completion of corrective action.

II. DNR Report on UST Issues

Tim Hall addressed the Board about a project he had undertaken to examine the spirit of cooperation between the Iowa UST Fund Board and the DNR staff to achieve common goals. He stated that his inspiration was the cash flow projection spreadsheet that was presented each year at the annual meeting, and he wondered how to reconcile the excess funds in the Iowa UST Fund balances after projected expenses were met with the DNR-identified problems within its purview that DNR could not solve due to lack of funds. He wanted to understand the obstacles from every perspective, including that of the Fund, the DNR, the groundwater

professionals, site owners, petroleum marketers, etc. He noted a few preliminary observations including that the system had rampant distrust between the parties involved. In addition, the parties involved tended to engage in an overlapping of roles, i.e. the DNR wants to opine on funding decisions, and the Fund wants to interject on regulatory decisions at sites. He stated that no common vision existed between the parties, in his opinion. He wanted to know how each interested party expected the Program to look in 2016, and he suggested that a common direction ought to be determined. He expected his full report to be complete by the end of July or early August.

Elaine Douskey explained to the Board that the UST/LUST Section of the DNR was primarily funded by the United States Environmental Protection Agency (EPA). To that end, the DNR had goals set based on those required by the EPA, although similarly one of those goals was to close LUST sites by September 30, 2009. She reported that, in addition to the LUST area, the DNR has UST regulation and UST professional certification and licensing programs to run. And she emphasized the success of the corrective action meetings since inception of the process in 2004, and noted that 450 LUST sites had been closed in the past five years.

She brought in several EPA pamphlets regarding the Underground Storage Tank Program's 25 years of operation for Board members to take with them. Next, Ms. Douskey reported that the State of Iowa DNR received $2.64M from the Federal stimulus funding for DNR-special projects, and she was awaiting fair wages guidance from the EPA to finish the RFP, which was set to be released by the second week of August. She noted that the Federal stimulus money had many Federal and State stipulations associated with it regarding contracts. The DNR project sites would include abandoned LUST sites with no responsible party or an unwilling responsible party.

Anita Maher-Lewis, representing the Petroleum Marketers and Convenience Stores of Iowa (PMCI), stated that the Missouri department had sent out questionnaires to cities and municipalities to identify sites in need of attention in a similar project using stimulus money.

Mr. Scheidel asked about the timetable to begin work. Ms. Douskey explained that they had begun the RFP drafting process in February when first notified about the stimulus money and its purpose; however after the delays in receiving guidance from the EPA, she expected the contract would be awarded and work would begin by November 2009.

III. Program Goals—Fiscal Year 2010

Mr. Scheidel requested discussion from Board members regarding goals for the new fiscal year.

A. Issues from Last Year

B. Remedial Program—Getting Sites to Closure

To coordinate with DNR goals, Mr. Scheidel inquired about DNR's goals set with the EPA. Ms. Douskey reported that FFY 2009 was set for 125 closed sites plus a bonus for an additional 25 sites. She expected to set the same goal for FFY 2010. The Board set a tentative numerical goal of 150 net closed claims for FY 2010. Also, the Board set an activity goal of 100 corrective action meetings to be held in FY 2010.

Focusing on the benefits of engaging in corrective action meetings, the Board discussed a way to use the same approach involving all parties in the room to resolve other site issues.

C. Maintain Short and Long Term Solvency
D. Legislative Initiatives

Mr. Hall said that he thought the FY 2010 goals should be tied to the end of the program goals perhaps by creating a consensus document or a road map for the next seven years. Ms. Voss suggested getting the legislators more involved in the development of the road map.

Mr. Beech responded that the Board and the stakeholders should come to a consensus regarding the road map and present it to the legislators stating it is good public policy to follow, rather than requesting legislative input on the front end. He noted that legislators require a good deal of education on UST/LUST issues, and their initial input might prove to be counterproductive. Ms. Voss agreed.

The Board discussed the process to get more work done and spend more money on closing sites. Mr. Scheidel said it would be futile to set a goal to spend more money. Mr. Beech suggested that stakeholders, including groundwater professionals, should approach the Board with ideas to spend money, however wisely, to get more LUST sites closed. Additional discussion continued, and the Board decided to wait for Mr. Hall's report before developing solidly defined goals for the year. Also, Mr. Beech requested that Mr. Scheidel communicate with stakeholders to find good ideas to move sites to closure thereby spending money before it is diverted.

The Board agreed to create a consensus document to encompass an overall program goal, thereby guiding annual goals along. Mr. Scheidel reported that the Board could review rules to make sure they were current, and the Board had the option to set a goal with regard to rule review. He stated that reserves were also being reviewed as was standard, but again the Board may set a goal in that regard. He also stated the bonding authority would have to be extended, and that should be included as a legislative goal. The Board agreed to continue the development of the road map after further discussion and receipt of Mr. Hall's final report.

IV. Summary

Mr. Scheidel offered to write a synopsis of the Board's goals incorporating Mr. Hall's discussion paper for the August meeting and to supply them to DNR to facilitate coordination.

The Strategic Planning Session ended at 12:31 PM, and the Board took a break for lunch. The Board reconvened at 1:20 PM moving into general Board business at that time.

APPROVAL OF PRIOR BOARD MINUTES

The minutes from the May 28, 2009 meeting were reviewed and Mr. Beech made a motion to approve the minutes, Ms. Lincoln seconded, and by a vote of 3-0 the minutes were approved.

CLOSED SESSION

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

PUBLIC COMMENT

There was no public comment from anyone present.

BOARD ISSUES

A. Fiscal 2010 Budget

Mr. Scheidel presented the Board with a budget to reflect expected receipts and expenditures from June 1, 2009 through June 30, 2010. He explained the need to transfer funds received from the environmental protection charge (EPC) collections during FY 2009 to both the Innocent Landowner (ILO) and Remedial Non-Bonding Funds to reimburse those funds for monies diverted to payoff and defease bonds one year ago. In addition, he noted the plan to transfer EPC collections received during FY 2010 to ILO and Remedial Funds, as well as, to the Unassigned Revenue Fund as those allocations are received into the Revenue Fund. Mr. Scheidel stated that all transfers discussed were included in the 2010 budget in the Board packets. Mr. Beech submitted a motion to approve the transfers and the 2010 budget, and Mr. Hall seconded. The 2010 budget was approved by a vote of 4-0.

Mr. Scheidel also reviewed items listed within the budget including the new 28E agreements with DNR for No Further Action (NFA) claim payments for $500,000 and for plume study expenses for $700,000. Mr. Scheidel explained those budget items were purely educated guesses, as exact projections were impossible to make until the two processes were further developed.

B. Fiscal Year 2010 Reimbursement Agreement with Attorney General's Office

Mr. Scheidel explained to the Board that the proposed reimbursement agreement for FY10 with the Attorney General's Office was drafted and signed by Julie Pottorf of the Department of Justice (DOJ). The agreement was the same as the previous year's agreement, and neither the Administrator nor the Board had negotiated its terms with the DOJ. The Board discussed potential changes to the agreement, and Mr. Scheidel stated that he would relay the Board's suggestions to Ms. Pottorf and bring a revised agreement to the Board at a later meeting.

C. DNR 28E Agreement for Select NFA Sites

Mr. Scheidel presented a memo in the Board packets discussing a 28E agreement between the Board and the DNR for handling potential high risk conditions at sites that had previously received NFA certificates. The agreement would provide for targeted assessment or corrective action to be performed by a Board-contracted groundwater professional if the risk is due to the release for which the NFA certificate was issued. The agreement would allow for a coordination of the Board and the DNR to review sites prior to the presumption of a new release being made. The Board had entered into a site-specific agreement regarding 3 UST sites in July 2008, prior to the execution of the master NFA agreement. Since the master

agreement was executed, the DNR continued to issue letters to site owners requiring new assessments at these without coordinating with the Board. The Administrator had developed a list of sites, and had requested the DNR add to the list sites that require coordination. The recommendation involved the Board entering into a new 28E agreement similar to the one entered in July 2008 for a specific list of sites. He explained the terms for this agreement would be completed when the list of sites was completed with DNR's known sites added and the process of coordinating prior to DNR requiring investigation was in place. He indicated a draft agreement could be available as soon as August.

D. DNR 28E Funding Agreement FY09 – Milestone Status

Mr. Scheidel reported that the Plastic Water Line Group milestone, for which the Board and the DNR were to coordinate regarding RBCA policy or guideline changes in reference to plastic water lines, was the only milestone outstanding before the Board could release the final two quarters' payments to the DNR. He requested the authority for the Administrator's Office to issue those final FY 2009 payments upon completion of the milestone. Mr. Beech submitted a motion to approve the authority, and Mr. Larson seconded the motion, which was approved by a vote of 3-0, with an abstention from Mr. Hall.

Mr. Scheidel asked Elaine Douskey from DNR to review the status documents reviewing the milestones and how they were met. Ms. Douskey listed the four main tasks for discussion in the agreement including low risk sites (five+ years of monitoring), plastic water line receptors, technical advisory groups for other RBCA pathways, and quarterly field office meetings to review priorities.

Ms. Douskey noted that a summary of activities conducted by the Field Offices for the fiscal year was included in the carry-in documents and were self-explanatory. She stated that the plastic water line advisory group had reviewed much data provided by recent research to assist with group discussions and to support any revisions in Chapter 135 rules to factor in the results of such research. This group would soon submit a summary of proposed findings and conclusions with regard to plastic water line receptors.

Ms. Douskey provided the Board with another carry-in which outlined the focus group formation and plan to update RBCA vapor regulation, and she stated that another group was close to a rule modification regarding surface water receptors. Lastly, she discussed low risk sites, and how it would be difficult to create flexibility in rule to close sites when traditional closure standards have not been met. She noted that she and the Administrator had discussed the idea of a safety net to prevent closing the door on a site prematurely, possibly in the form of the 28E agreement for NFA sites, in addition to having some oversight in terms of future land use.

Mr. Scheidel also noted that Ms. Douskey had prepared rule waiver packages to get low risk sites moving toward closure in the interim while changes in the flexibility of DNR rules were being developed.

E. DNR 28E Addendum for FY10 Funding

Mr. Scheidel noted the addendum was yet to be drafted, although the milestones had been agreed upon in concept. He said that Ms. Douskey would draft the milestone language to incorporate into the addendum, and a final draft should be available in August to the Board.

F. 12-Month Board Meeting Schedule

Mr. Scheidel provided the Board members with a tentative meeting schedule for the next 12 months.

G. Reauthorization of 28E for UST Closure Contracts

Mr. Scheidel presented a memo to the Board regarding a 28E agreement between the Board and the DNR to address the tank closure and assessment of UST sites where the DNR had determined action was needed and either no responsible party was able to pay or the responsible party was recalcitrant. The initial 28E for these activities was entered into in 1997, and a new 28E was executed in 2004 for the continuation of the same services, as contracted by the request for proposal process to selected groundwater professional firms. The current agreement was set to expire in July, and the Administrator recommended that it be renewed by addendum for one additional and final year. He also recommended that the contracts with two groundwater professional firms be renewed for another year.

Mr. Larson submitted a motion to extend the 28E agreement with the DNR through July 15, 2010, and to extend the 2 vendor contracts to July 30, 2010 for use in the implementation of the 28E agreement. Ms. Lincoln seconded the motion, which was approved by a vote of 4-0.

PROGRAM BILLINGS

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

1. Aon Risk Services ..... $ 127,219.00
   Consulting Services July 2009 -- $70,639.00
   Claims Processing Services July 2009 -- $56,580.00

2. Aon Risk Services $127,219.00
   Consulting Services August 2009 -- $70,639.00
   Claims Processing Services August 2009 -- $56,580.00

3. Attorney General's Office ..... $ 8,287.55
   Services provided for Underground Storage Tank Program
   Billing for May 2009

4. Attorney General's Office $12,466.22
   Services provided for Underground Storage Tank Program
   Billing for June 2009

There were no billings for outside cost recovery and litigation counsel presented for this month's meeting. On a motion by Mr. Hall and a second by Mr. Larson, the billings were approved by a vote of 4-0.

MONTHLY ACTIVITY REPORT

Mr. Scheidel noted that the May and June monthly activity reports and financials were included in the packet for the Board to review.

ATTORNEY GENERAL'S REPORT

There was no report from the Attorney General's Office.

CLAIM PAYMENTS

Mr. Gastineau summarized the claim payment reports and project change orders in the Board packet.

1. Site Registration 7910104 – City of Muscatine

This site was classified low risk, for the protected groundwater source pathway and potential enclosed space vapor pathway, following an excavation. Low risk monitoring would continue until exit criteria were met. Previous approval to $75,000 had been granted, of which $75,760.73 was incurred to date. Additional authority to $95,000 was requested for further monitoring.

Motion to approve claim authority was submitted by Mr. Larson and seconded by Mr. Hall. Approved 4-0.

2. Site Registration 8912094 – Myers Service, Ridgeway

This was the second Board report for the site classified high risk for groundwater ingestion, groundwater vapor, soil leaching and soil vapor pathways. An in-situ oxygen compound (ISOC) remediation system was in operation at the site for several years, and it was recommended that operation of a new remediation system should be implemented at the site. Previous approval to $365,000 had been granted, of which $378,998.33 was incurred to date. Additional authority to $565,000 was requested for implementation of the new system and monitoring.

Motion to approve claim authority was submitted by Mr. Larson and seconded by Mr. Hall. Approved 4-0.

3. Site Registration 8609090 – Griffith Oil Corp, Welton

This was the third Board report for a site classified high risk for 16 drinking water wells, as well as, numerous basements and sewers. The City installed a water distribution system with conditional assistance from the Fund. Welton residents were required to plug their water wells, and the City had completed a well ordinance preventing new wells from being installed. The Fund has agreed to reimburse the City $250,000 once the conditions are complete. At the

LUST site, an air-sparge/soil vapor extraction system had been operating and may have reduced contaminant levels enough to reclassify the vapor pathways. Confirmation sampling and additional work may be required before monitoring wells will be closed. Previous approval to $850,000 had been granted, of which $601,692.18 was incurred to date. Additional authority to $1,000,000 was requested to reimburse the City pursuant to the agreement and to continue operation and maintenance of the system and monitoring.

The Board discussed at length the issues surrounding the closing of private water wells of all residents. Mr. Gastineau noted that two residents had yet to close their wells; however the site remained high risk for vapor pathways as well. Ms. Douskey stated the remediation system had provided good results at the site. He noted that costs at the site would approach $1,000,000 after the settlement was paid to close the monitoring wells and the remediation system. Mr. Hall submitted a motion to approve claim authority, and Mr. Larson seconded the motion. The motion was approved by a vote of 4-0.

4. CRPCA 9710-07 – Akron

This community remediation project was contracted initially in 1998 to address two sites in the City of Akron, Iowa. The original contract included site evaluation and preparation of a corrective action design report (CADR). The contract was amended in 2004 to allow for the implementation of the CADR plan including the operation of a dual phase extraction (DPE) system for two years to be followed by a Tier 3 evaluation. The sites were in the post-remediation monitoring phase, but remained high risk for proximity to municipal water supply wells. Mr. Gastineau noted that the installation of a new well field was not feasible, nor was rural water available. Monitoring would continue, although additional work may be required.

The 2004 amended contract was written as a 3-year agreement, with the option of three 1-year extensions. The current contract term was set to expire October 3, 2009. The Board authorization for the project was currently $500,000, with $419,417.61 incurred to date. No changes in the funding authorization were requested, and the Administrator recommended the Board opt to extend the contract for the 4th and final year through October 3, 2010.

Ms. Lincoln submitted a motion to extend the contract for the Akron project for one year to October 3, 2010. Mr. Beech seconded the motion, which was approved 4-0.

5. CRPCA 0406-38 – Rose Hill

This community remediation project was contracted in 2004 to address a site in Rose Hill, Iowa, that was previously assessed under the Board-authorized State Lead Closure Contract project. The high risk concerns associated with the site included one plastic water main, a sanitary sewer, and two private water wells. Since the inception of the project, minimal work had been completed due to access problems and issues regarding the wells on a neighboring property. In 2007, the private wells were closed; however the plastic water line and the sanitary sewer remain at risk and further monitoring would assess contaminant levels and the risk to those remaining receptors. The site was not Fund-eligible, and a lien had been filed for the assessment costs. Due to the uncertainty of the project's direction, no additional funding authorization was requested and remained at $30,898.42, with $12,945.00 incurred to date. Mr. Gastineau stated that he and David Wornson had sent jointly-signed letters to the several county governments to accept responsibility for the individual sites throughout the state, as the

result would be fund-eligibility for the sites; however little or no responses were received. Regardless, the Administrator recommended that the Board extend the project agreement and contract for an additional year through August 30, 2010.

Mr. Larson submitted a motion to extend the contract for the Rose Hill project for one year to August 30, 2010. Mr. Hall seconded the motion, which was approved 4-0.

6. CRPCA 0206-28 -- Walnut

This community remediation project was contracted in 2002 to assess three sites in Walnut, Iowa. The contract for this project was amended in 2004 to allow for the implementation of the selected corrective actions, which had included the installation of DPE system, free product recovery activities, and various Tier 3 approaches for the limiting receptors. It was anticipated that the DPE system would require 2-3 years of additional operation to meet the site specific target levels (SSTL's). Free product recovery was ongoing. The amended contract for the project was written as a 3-yr agreement with the option of three 1-yr extensions. The current agreement term was set to expire on October 1, 2009, and the Administrator recommended a 1-year extension for this project (third of three 1-yr options). Current contract authority for this project was $488,728.98, and the Administrator requested additional authority to $600,000 through October 1, 2010 for operational and monitoring costs. Mr. Gastineau noted that a Tier III was pending DNR review to confirm the impact on the plastic water line receptor.

Mr. Hall submitted a motion to extend the contract for the Walnut project for one year. Mr. Larson seconded the motion, which was approved 4-0.

Lastly, Mr. Gastineau brought up a LUST site owned by Fauser Oil in Winthrop, Iowa. He explained that the Board report for the site had been deferred at the May Board meeting, and a corrective action meeting had been held on July 10, 2009. He stated that additional assessment was still needed, and he would present the report to the Board at the August meeting.

CONTRACTS ENTERED INTO SINCE MAY 28, 2009 BOARD MEETING

Since the May 28, 2009 Board meeting, the Board had not entered into any new agreements or contracts.

OTHER ISSUES

The next meeting of the Board was scheduled for Thursday, August 27, 2009 at 10 A.M at the Iowa Insurance Division.

CORRESPONDENCE AND ATTACHMENTS

Ms. Voss noted that there was no further business, and there being none, Mr. Hall moved to adjourn, and Mr. Beech seconded the motion. By a vote of 4-0, the Board adjourned at 2:04 P.M.

Respectfully Submitted,

Scott M. Scheidel
Administrator

Closed Session

Discussion of Pending and Imminent Litigation

Public Comment

Norris - expressed interest in LPT
- 250 open claims targeted where PMMIC is insurer.
- resolve old vs. New

Board Issues

A. FY 2010 Budget - Revision

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
BUDGET FISCAL 2010

motion approved for revised

UST REVENUE FUND (Bonding)		*FY10 Budget*
Balance of Fund, July 1, 2009	$	11,729,152.76
Receipts:		
Tank Management Fees FY09	$	385,000.00
Tank Management Fees FY10	$	385,000.00
Motor Vehicle Use Tax/ DOT	$	17,000,000.00
Intra State Transfers		
Interest Income - Capital Reserve Fund		
	$	17,770,000.00
Disbursements:		
Bond Interest Payment	$	-
Bond Principal Payment	$	-
Transfer to Innocent Landowner Fund FY09	$	7,479,152.76
Transfer to Innocent Landowner Fund FY10	$	4,250,000.00
Transfer to Unassigned Revenue Fund FY10	$	4,250,000.00
Transfer to Remedial Non-Bonding Fund FY09	$	4,250,000.00
Transfer to Remedial Non-Bonding Fund FY10	$	8,500,000.00
	$	28,729,152.76
Balance of Fund, June 30, 2010	$	**770,000.00**

UST UNASSIGNED REVENUE FUND (Non-Bonding)		
Balance of Fund, July 1, 2009	$	3,074,133.22
Receipts:		
Request for Proposal Fees		
Copying Fees		
Fines & Penalties	$	10,000.00
Refund/Overpayment	$	-
Transfer From UST Revenue Fund 471	$	4,250,000.00
Intra State Fund Transfers Received		
Amort / Accretion	$	-
Buys/Sells	$	80,000.00
Interest Income	$	700,000.00
	$	5,040,000.00
Disbursements:		
UST Administrator's Fees	$	1,527,428.00
Attorney General's Fees	$	105,000.00
Attorney's Fees: Cost-Recovery Administration		
Cost Recovery Expense (Lien Filings, Overpayment Refunds)	$	11.00
Actuarial Fees		
Auditor of the State Fees	$	5,000.00
Bond Trustee's Fees - Bankers Trust	$	3,000.00
Claim Settlement	$	-
Custodial Fees - BONY	$	-

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
BUDGET FISCAL 2010

Department of Revenue (DAS) EPC Collection Fees	$	6,000.00
Environmental Protection Charge Refunds		
Inspection & Appeals Service Fees	$	-
Iowa Finance Authority Expenses		
Legal and Professional Fees	$	5,000.00
Postage / Printing / Miscellaneous	$	100.00
Professional Admin Services (Investments)	$	10,000.00
Rebate		
Tank Closure Claims	$	150,000.00
Travel Expenses-UST Board Members	$	700.00
Warrant Float Expense		
28E Agreement--DNR Plume Study — July Amendment because put in twice	$	700,000.00
28E Agreement--NFA certificate sites	$	500,000.00
28E Agreement - RBCA (DNR Staff Training & Development)		
28E Agreement - DNR UST Section Funding - FY08	$	-
28E Agreement - DNR UST Section Funding - FY09	$	207,500.00
28E Agreement - DNR UST Section Funding - FY10	$	400,000.00
Statutory Transfer to DNR - FY10	$	200,000.00
Statutory Transfer to DNR (Snowmobiles & ATV's)- FY09	$	-
Statutory Transfer to General Fund (0001) - FY08	$	-
	$	3,819,739.00
Balance of Fund June 30, 2010	**$**	**4,294,394.22**

UST REMEDIAL NON-BONDING FUND

Balance of Fund, July 1, 2009	$	178,085.07
Receipts:		
Remedial Refunds	$	-
Misc. Income - (i.e. Eligibility Settlements)		
Interest Income		
Intra State Fund Transfers Received (from 471)	$	12,750,000.00
	$	12,750,000.00
Disbursements:		
Retroactive Claims	$	1,000,000.00
Remedial Claims	$	5,000,000.00
Intra State Fund Transfers Paid		
Balance of Outdated Warrants		
	$	6,000,000.00
Balance of Fund June 30, 2010	**$**	**6,928,085.07**

UST MARKETABILITY FUND

Balance of Fund, July 1, 2009	$	541,968.25
Receipts:		
Interest	$	450,000.00
	$	450,000.00
Disbursements:		
	$	-
Balance of Fund June 30, 2010	**$**	**991,968.25**

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
BUDGET FISCAL 2010

UST INNOCENT LANDOWNERS FUND		
Balance of Fund, July 1, 2009	$	9,180,653.23
Receipts:		
Cost Recovery	$	-
ILO Refunds		
Intra State Fund Transfers Received (from 471)	$	11,729,152.76
Transfer from Marketability Fund		
	$	11,729,152.76
Disbursements:		
Cost Recovery Reimbursement		
Cost Recovery Global Settlement		
Other Contractual Services		
Intra State Fund Transfers Paid		
AG - Cost Recovery Expenses		
Global Settlement Claims	$	300,000.00
Innocent Landowner Claims	$	2,000,000.00
Balance of Outdated Warrants		
	$	2,300,000.00
Balance of Fund June 30, 2010	**$**	**18,609,805.99**
UST LOAN GUARANTEE FUND (Non-Bonding)		
Balance of Fund, July 1, 2009	$	273,195.38
Receipts:		
Loan Application Fees		
Interest Income	$	20,000.00
	$	20,000.00
Disbursements:		
Transfer to Unassigned Revenue Fund	$	-
Payments on Loan Losses	$	-
	$	-
Balance of Fund June 30, 2010	**$**	**293,195.38**
UST CAPITAL RESERVE FUNDS (Bonding)		
Balance of Fund, July 1, 2009		$0.00
Receipts:		
Proceeds From Issuance of Bonds		
Disbursements:		
Balance of Fund June 30, 2010		**$0.00**
Combined UST Capital Reserve Fund Balances, June 30, 2010		**$0.00**
TOTAL FUND BALANCES, June 30, 2010	**$**	**31,887,448.91**

FOOTNOTES:

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

B. Underground Storage Tanks in Iowa after "2016" – Tim Hall

Wayne introduction:
- Reference Tag Fees Legis + Concern of legislators
- System not working well / not harmonious relations
- Wayne asked Tim to begin the 'research'
- This is not directive → just a starting point.

Discussion: SS under-represented groups - sites w/ No operating systems
~ 2/3 of open claims (Not PMCI members)
- How to handle group that are ineligible for funding
- TH: Commentary suggested entity 'stepping in' As Administrator.
SS - commented to the effect of protecting interest of eligible claimants
TH: can change statute if group agrees that funding should cover X.
DB: 'get them off the books' what things are impeding these
- gave examples → No cleanup at low risk
Expensive cleanups that don't get job done
Rules that are obstacles.
SS: Define what that means to everyone - what's each defn of 'off the books'.
Steward: At 2016, no funds + no allocation to DNR.
Wayne: DNR can commit to meeting deadlines / enforcement.
Steve Larson - Stakeholders to go to Legis → where do they want this to go.
Working group / partners - when was last time legis looked at this?
Jeff - Seems like we should look at 2012.
DB - emphasized, Board needs to keep focus on eligible
Pat - Need to have [illegible] to define vision, before prioritizing

Underground Storage Tanks in Iowa after "2016"

Opportunities for the UST Community to improve the Iowa's UST System

1. Project Overview

This project was born out of the experiences of the service of Tim Hall as the Department of Natural Resources' (DNR's) representative to the Iowa Underground Storage Tank Fund Board (the Board) during Fiscal Year 2009. During that time the Department's Deputy Director was focused on other duties, and Tim was asked to serve on the Board, and it was during that time that the preliminary development of the structure of this project undertaken. Partly as a result of an attempt to understand the Projected Cash Flows of the Board, and partly as a result of having managed the Underground Storage Tank/Leaking Underground Storage Tank (UST/LUST) Section at the DNR, a series of ideas were considered, and became the basis for this report.

A cursory review of the Projected Cash Flows from the Annual Strategic Planning Session of the Iowa Underground Storage Tank Fund show that significant fund balances are expected over the next seven to nine years – the total of all funds is expected to be almost $55M by 2018. This balance is expected to reach this level even after the Fund has planned for the payment of all the reserve expenses for the known sites in the system. Given this fact, it would appear that delays, frustrations, and sites which have not been cleaned are not due to a lack of money. We should hesitate to say that "money is no object," but in this case money does not seem to the factor that prevents action.

The questions then are these:

1. **If money is not preventing action, then what is?** There must be barriers that are getting in the way of a more efficient system – that are preventing more LUST sites from getting cleaned up more quickly.
2. Or to put it another way, **What should be done differently that would result in more sites being cleaned up more rapidly?**

2. Data Collection and Discussions

During the months of June, July, and August a total of about 25 different individuals were asked to participate in this project. These individuals included:

DNR Staff
Groundwater Professionals
Tank Owners
Petroleum Marketers and Convenience Stores of Iowa (PMCI) Staff
Fund Administrator's Staff
Board Members
Petroleum Marketers Mutual Insurance Company (PMMIC) Staff
GAB Robins Staff

Discussions with these stakeholders lasted from 30 minutes to over two hours, and a total of almost 90 pages of notes were taken. The summary of ideas gleaned from those notes is included in the Appendix to this report.

The balance of the report, to be presented at the August 27, 2009 UST Fund Board Meeting, will include the following sections:

3. Summary of Problems and Challenges
4. Summary of Suggestions
5. Recommendations

Appendix of Information

C. FY 2010 Goals Discussion

Discussion of Fiscal 2010 Goals setting resulted in some tentative numerical goals for both closure of sites and corrective action meetings, however the Board did not want to lock in goals without first incorporating discussion of the report on stakeholder interviews Tim Hall was in the midst of completing. The Board's discussion regarding Tim's reported process led to a strong belief that significant action items might become more apparent after reviewing the report.

Goals Set

- Net closure of 150 claims—achievement of the goal would mean that there would be fewer than 895 total open claims at June 30, 2010
- 100 Corrective Action meetings held

Pending Goals and Action Items

- Tim Hall will present findings to the Board with observations from interviews and summary of obstacles and suggestions for overcoming them. Data was actively being collected mainly through private interviews of involved parties (owners, consultants, DNR and Fund staff, Board members) Ideas preliminarily discussed at the meeting included coordinated cash flow and site closure activity to meet both open LUST site and Fund claim milestones between now and the end of FY2016, leveraging coordinated effort to close Low Risk sites (NFA issue), ongoing evaluation of RBCA standards and regular joint review of reserves and DNR staff perception of activities reserved for on individual sites. This report should be available before or at the August 27th meeting.

- In reviewing discussions with Legislative leaders early in the completed session, it was noted that their main concerns were moving toward closure of the program and broader State budget issues. Susan Voss suggested a joint meeting with the leaders this year with herself, DNR Director Leopold and other Board members available to try and gain greater commitment on specific issues (bond authority, program expansion (benefits to non eligible or AST issues) or contraction (not spending large sums of capital for relatively lower risks at individual sites), and capital relative to liabilities.

IOWA UST FUND PROGRAM
FISCAL YEAR 2010 GOALS DISCUSSION

Hold until Goal discussion

A. ISSUES FROM LAST YEAR

B. GETTING SITES TO CLOSURE

- Setting number or percentage goals
  - Claims closures
  - Corrective Action meetings
- Setting activity goals
  - Rule review
  - Reserve review
- Process Improvements
  - DNR Coordination (NFA, new openers)
  - RBCA Model Calibration/Plume Study
- RBCA Changes—model/receptor treatment

C. MAINTAIN SHORT AND LONG TERM SOLVENCY

- Cash flow—revenue and expenses
- DNR Coordination

D. LEGISLATIVE INITIATIVES

- Fiscal issues (Board and DNR)
- June 30, 2010 expiration of Iowa Code Section 455G.6—Extension
- Unresolved RBCA issues?

D. DNR 28E Agreement Addendum for FY 2010 Funding

ADDENDUM for FISCAL YEAR 2010 to the 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

This Addendum for Fiscal Year 2010 is entered into by and between the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board (hereinafter "Board"), and the Iowa Department of Natural Resources (hereinafter "DNR"). This Addendum is effective as of the date it is fully executed by all parties.

I. BACKGROUND

Section III of the 28E Agreement to which this Addendum attaches provides that representatives of the DNR and the Board administrator shall meet and develop mutually acceptable milestones for the joint missions and goals to be accomplished during the upcoming fiscal year. Once established, the milestones shall be attached to the Agreement, and incorporated therein, as an addendum to the Agreement.

Furthermore, Section VII of the 28E Agreement provides that it may be amended from time to time, and the right to amend shall extend to the provisions of an addendum to the Agreement.

The Board and DNR have jointly developed the amendments and milestones contained in this Addendum for Fiscal Year 2010, and hereby attach and incorporate them into the existing 28E Agreement for the funding and management of the UST Section of the DNR.

II. UST TANK MANAGEMENT FEES

The UST tank management fees collected by the DNR and allocated to the Board pursuant to Iowa Code sections 455B.479, 455G.8"3" and 455G.6 (15) "a," shall be allocated to the Board within 30 days of receipt by the DNR, or in any event no later than the last business day of the July following the close of the fiscal year in which the fees were collected.

III. MILESTONES

A. DNR RESPONSIBILITIES

Milestone 1: By October 1, 2009:

a. Low Risk Sites: Schedule pre-filing stakeholder meetings on short-term rule (regarding DNR's discretionary authority to waive, on case-by-case basis, exit monitoring criteria in order for a site to be granted a 'no action required' classification); and

b. Surface Water Pathway: Draft revised rules for the surface water pathway and schedule pre-filing stakeholder meetings; and

c. Vapor Pathways: Form small group to examine Iowa cases of vapor intrusion, and conduct a review of literature and national research materials on the mechanisms, methods and evaluation of petroleum vapor intrusion.

Milestone 2: By January 1, 2010:

a. Low Risk Sites: Identify options and resources needed to develop an on-line Institutional Control tracking system; and

b. Plastic Water Lines: Begin rule making process with submittal of informational item, and Notice of Intended Action to EPC; and

c. Surface Water Pathway: Begin rule making process with submittal of informational item, and Notice of Intended Action to EPC; and

d. Vapor Pathways: Conduct meetings with review team formed in Milestone 1. Prepare a report of findings, and recommendations for policy or rule change considerations, and /or broadening a focus group make policy.

Milestone 3: By April 1, 2010:

a. Low Risk Sites: Identify options and evaluate feasibility of potential alternate process(es) to track, survey and report on-site land use (vs. sampling at low risk sites); and

b. Vapor Intrusion Pathways: Based on outcome of Milestone 2.d, expand focus group and hold meetings to develop Iowa's vapor pathway evaluation policies and procedures.

Milestone 4: By June 30, 2010:

a. Low Risk Sites: Based on information gathered in Milestones 2.a, and 3.a, draft "low risk" site closure policy or rule jointly agreed upon by DNR and Board. Jointly modify the NFA Re-opener 28E Agreement, as needed, to address future needs for corrective actions specific to low risk sites which are closed without meeting target levels; and

b. Plastic Water Lines. Finalize RBCA software and guidance modifications; and

c. Surface Water Pathway: Finalize RBCA software and guidance modifications; and

d. Vapor Pathways: Draft vapor pathway evaluation rule language.

B. JOINT DNR / FUND BOARD RESPONSIBILITIES

Milestone 1: By October 1, 2009:

a. Low Risk Sites: Draft legislation to expand eligible reimbursable activities for low risk sites to include corrective action; and

b. PWL/ Surface Water pathways: Contract for services to modify RBCA software incorporating new target levels and evaluation logic.

IV. INCORPORATION.

The parties agree that all provisions of this Addendum for Fiscal Year 2010 are incorporated into the 28E Agreement as if set forth in full therein. The Parties also agree that terms used in this Addendum shall have the same meanings as under the Agreement, unless otherwise noted in this Addendum.

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

BY: _____
Susan Voss, Chair

DATE: _____

IOWA DEPARTMENT OF NATURAL RESOURCES

BY: _____
Richard Leopold, Director

DATE: _____

Michael A. Mauro
Secretary of State
State of Iowa

28E Agreement

FOR OFFICE USE ONLY:

FILED

M502502

6/8/2009 3:17:02 PM

PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM

Item 1. The full legal name, organization type and county of each participant to this agreement are:

	Full Legal Name	Organization Type	*County
Party 1	Iowa Comprehensive Petroleum UST Fund Board	State Agency	Polk
Party 2	Iowa Department of Natural Resources	State Agency	Polk
Party 3			
Party 4			
Party 5			

Enter "Other" if not in Iowa

Item 2. The type of Public Service included in this agreement is: 0 (Code Number) Unknown Service Type (Service Description)
(Enter only one Service Code and Description)

Item 3. The purpose of this agreement is: *(please be specific)*
Funding & Management of UST Section of DNR beginning FY2010 to be renewed each fiscal year by addendum.

Long-term 28E

Item 4. The duration of this agreement is: *(check one)* ☐ Agreement Expires _____ [mm/dd/yyyy] ☑ Indefinite Duration

Item 5. Does this agreement amend or renew an existing agreement? *(check one)*

☑ **NO**

☐ **YES** Filing # of the agreement: _____

(Use the filing number of the most recent version filed for this agreement)
The filing number of the agreement may be found by searching the 28E database at: www.sos.state.ia.us/28E.

Item 6. Attach two copies of the agreement to this form if not filing online.

Item 7. The primary contact for further information regarding this agreement is: *(optional)*

LAST Name Scheidel **FIRST** Name Scott

Title Administrator Department Administrator

Email scott scheidel@ars.aon.com Phone 515-225-9263

IV. DNR RESPONSIBILITIES

A. The DNR shall include in each addendum milestone requirements to conduct a meeting between representatives of the DNR central office and the DNR field offices to review UST Section priorities and accomplishments on a quarterly basis (or otherwise agreed to basis), and 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.

B. Should the parties not reach an agreement on acceptable milestones prior to the start of the new fiscal year, this Agreement shall remain in effect; however, the Board will be relieved of its responsibilities contained in Section V of this Agreement for the new fiscal year unless or until an addendum is attached hereto.

C. Failure by the DNR to meet milestones contained in an addendum will not be considered a breach of this Agreement and will not affect the Board's payments for the fiscal year term of the addendum. Unless otherwise amended, the obligation by the Board to make payments for the completion of the milestones, however, shall result in a pro rata reduction from the payments owed by the Board in the subsequent fiscal year 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, before the end of the subsequent fiscal year, of all outstanding milestone requirements for which payment was withheld, the Board may pay the DNR the payment(s) withheld, and resume payments pursuant to the schedule described in Section V of the Agreement. The failure of the DNR to meet milestone requirements, and the suspended payment by the Board, shall be documented in the addendum to this Agreement for the subsequent fiscal year.

V. BOARD RESPONSIBILITIES

A. Prior to fiscal year 2010, and prior to each subsequent fiscal year, the Board, in consultation with the DNR, shall prepare an estimate of the UST tank management fees to be collected and allocated to the Board during the upcoming fiscal year. Pursuant to this estimate, the Board shall provide the DNR with funds in the amount of this estimate, subject to contingencies stated in this Agreement, in installments during the fiscal year as mutually agreed to by the parties. The estimate and installment schedule shall be contained in the addendum described in Section IV of this Agreement.

B. If the Board determines prior to the final installment for a fiscal year that the actual amount the UST tank management fees allocated to the Board during the fiscal year varies from the estimated amount by 10% or more, the Board shall adjust the final installment for the fiscal year 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 and the actual amount is less than 10%, the final installment shall remain unchanged.

C. Notwithstanding any provision in this Agreement to the contrary, this Agreement shall not prohibit the Board from providing funds to the DNR in excess of the annual UST tank management fees collected and allocated to the Board.

X. APPLICABLE LAW

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

XI. 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.

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

BY: Susan E. Voss
Susan Voss, Chair

DATE: 5/18/09

IOWA DEPARTMENT OF NATURAL RESOURCES

BY: [signature]
Richard Leopold, Director

DATE: 6-4-09

Approved ✓ Go to [illegible]

ADDENDUM for FISCAL YEAR 2010 to the 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

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I. BACKGROUND

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Furthermore, Section VII of the 28E Agreement provides that it may be amended from time to time, and the right to amend shall extend to the provisions of an addendum to the Agreement.

The Board and DNR have jointly developed the amendments and milestones contained in this Addendum for Fiscal Year 2010, and hereby attach and incorporate them into the existing 28E Agreement for the funding and management of the UST Section of the DNR.

II. UST TANK MANAGEMENT FEES

A. The UST tank management fees collected by the DNR and allocated to the Board pursuant to Iowa Code sections 455B.479, 455G.8"3" and 455G.6(15)"a," shall be allocated to the Board within 30 days of receipt by the DNR, or in any event no later than the last business day of the July following the close of the fiscal year in which the fees were collected.

B. The Board has estimated the tank management fees to be collected in Fiscal Year 2010 to be approximately Four Hundred Thousand Dollars ($400,000), and it shall pay this amount in quarterly installments of One Hundred Thousand Dollars ($100,000), commencing on October 1, 2009, and thereafter on January 4, 2010, April 1, 2010, and June 30, 2010.

III. MILESTONES

A. DNR RESPONSIBILITIES

Milestone 1: By October 1, 2009:

a. Low Risk Sites: Schedule pre-filing stakeholder meetings on short-term rule (regarding DNR's discretionary authority to waive, on case-by-case basis, exit monitoring criteria in order for a site to be granted a 'no action required' classification); and

B. JOINT DNR / FUND BOARD RESPONSIBILITIES

Milestone 1: By October 1, 2009:

a. Low Risk Sites: Draft legislation to expand eligible reimbursable activities for low risk sites to include corrective action; and

b. PWL/ Surface Water pathways: Contract for services to modify RBCA software incorporating new target levels and evaluation logic.

IV. INCORPORATION.

The parties agree that all provisions of this Addendum for Fiscal Year 2010 are incorporated into the 28E Agreement as if set forth in full therein. The Parties also agree that terms used in this Addendum shall have the same meanings as under the Agreement, unless otherwise noted in this Addendum.

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

BY: _____
Susan Voss, Chair

DATE: _____

IOWA DEPARTMENT OF NATURAL RESOURCES

BY: _____
Richard Leopold, Director

DATE: _____

E. Administrator Contract Renewal

FOURTH EXTENSION OF AGREEMENT FOR THE ADMINISTRATION OF IOWA'S COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND PROGRAM

Approved.

I. PARTIES:

Iowa Comprehensive Petroleum Underground Storage Tank Fund Board c/o Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319 (hereinafter referred to as "UST Fund Board"); and

Aon Risk Services, Inc. of Nebraska, 11213 Davenport Street, #201, Omaha NE 68154-2604 (hereinafter referred to as "Aon").

II. BACKGROUND:

On December 10, 2004, the UST Fund Board and Aon entered into an agreement for the administration of Iowa's petroleum underground storage tank fund program (hereinafter referred to as the "Agreement").

The initial term of the Agreement was from January 1, 2005 through December 31, 2006. Section 1 of the Agreement grants the UST Fund Board the option to extend the term of the Agreement for up to four terms of one (1) year each. At its regular board meeting on August 27, 2009, the UST Fund Board voted to exercise its option to extend the term of the Agreement through December 31, 2010.

III. EXTENSION OF TERM

Pursuant to section 1 of the Agreement, the UST Fund Board has determined to exercise its option to extend the term of the Agreement and timely gave Aon notice of its election to do so. Therefore, the parties hereby enter into this Fourth Extension of the Agreement, and agree to extend the term of the Agreement to run through December 31, 2010, unless terminated or extended pursuant to the terms of the Agreement.

IV. AON'S COMPENSATION

Section 5 of the Agreement provides Aon shall be compensated for its services under the Agreement on the basis of a flat fee, subject to certain exceptions contained in section 5 of the Agreement, plus Aon's expenses incurred pursuant to its contract with GAB Robins, to be passed on to the UST Fund Board at Aon's cost. During the Third Extension of the Agreement, Aon's flat fee was $65,639.00 per month.

Pursuant to Section 5 of the Agreement, Aon's compensation is to be increased by an amount equal to the fixed fee in existence at the time of the exercise of the option to extend the Agreement, plus a five percent (5%) increase per extension or renewal. Accordingly, the Parties hereby agree that Aon's compensation for the extended term of the Agreement shall be $68,921.00 per month, subject to the exceptions contained in section 5 of the Agreement, plus Aon's expenses incurred pursuant to its contract with GAB Robins, to be passed on to the UST Fund Board at Aon's cost.

V. INCORPORATION.

The parties agree that all provisions of the Agreement, and of this Fourth Extension thereto, are incorporated herein as if set forth in full. The Parties also agree that terms used in this Fourth Extension shall have the same meanings as under the Agreement, unless otherwise noted in this Fourth Extension.

IN WITNESS WHEREOF, the UST Fund Board and Aon have executed this Fourth Extension to the Agreement on this _____ day of _____, 2009.

AON RISK SERVICES, INC. OF NEBRASKA

By _____
James Arts, President

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

By _____
Susan E. Voss, Chairperson
Commissioner of Insurance
for the State of Iowa

F. DNR Update

Approval of Program Billings

IOWA UNDERGROUND STORAGE TANK
Financial Responsibility Program

Susan E. Voss, *Chairperson* Scott M. Scheidel, *Administrator*

Board Members: Michael L. Fitzgerald Jeff W. Robinson Jacqueline A. Johnson James M. Holcomb Richard A. Leopold Nancy A. Lincoln Douglas M. Beech

MEMORANDUM

TO: UST Board Members
FROM: Scott Scheidel
DATE: August 20, 2009
SUBJECT: Summary of Bills for Payment

NOTICE

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

1. Aon Risk Services $127,219.00 (FY10)
   Consulting Services September 2009 -- $70,639.00
   Claims Processing Services September 2009 -- $56,580.00

2. Aon Risk Services $727.77 (FY10)
   Iowa UST Annual Strategic Planning Session
   Honey Creek Resort – July 16, 2009 – banquet lunch, gratuity, taxes

3. Stephen Larson $68.64 (FY10)
   Mileage reimbursement for travel to Iowa UST Meeting
   Honey Creek Resort – July 16, 2009

4. Nancy Lincoln $137.28 (FY10)
   Mileage reimbursement for travel to Iowa UST Meeting
   Honey Creek Resort – July 16, 2009

5. Iowa Department of Revenue ..... $1,566.14 **(FY09)**
   Environmental Protection Charge collection
   April – June Fiscal Year 2009

6. Office of Auditor of State ..... $5,079.39 **(FY09)**
   Audit Services of FY08 Financial Statements – performed during FY09

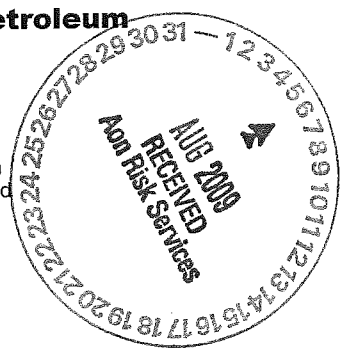
28E offer to AG's office – No billing, not finalized
In AG's court

2700 Westown Parkway, Suite 320 West Des Moines, Iowa 50266 Ph. 515-225-9263 Fax: 515-225-9361

Risk Services | AON

Iowa Comprehensive Petroleum

Invoice No. 9500000075838



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	Aug-03-2009	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2009 - Jan-01-2010	Sep-01-2009	Renewal - Service Fee	
			Service Fee	70,639.00
Comments				
Installment 9 of 12				
			TOTAL INVOICE AMOUNT DUE	**70,639.00**

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.

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	9500000075838	Aug-03-2009	US DOLLAR	70,639.00

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

Risk Services | AON

Iowa Comprehensive Petroleum

Invoice No. 9500000075839

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	Aug-03-2009	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2009 - Jan-01-2010	Sep-01-2009	Renewal - Service Fee	
			Service Fee	0.00
Comments			Consulting Expense	56,580.00
Installment 9 of 12				
			TOTAL INVOICE AMOUNT DUE	56,580.00

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.

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	9500000075839	Aug-03-2009	US DOLLAR	56,580.00

Iowa Comprehensive Petroleum
Underground Storage Tank Fund
Westown Pkwy, #320
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

Risk Services | AON

Iowa Comprehensive Petroleum

Invoice No. 9500000076330

Iowa Comprehensive Petroleum
Iowa UST Fund Board
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	Aug-20-2009	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2009 - Jan-01-2010	Jan-01-2009	Endorsement - Service Fee	
			Service Fee	727.77
Comments				
Accomodations for IUST Fund Board Annual Strategic Planning Session, July 16, 2009 at Honey Creek Resort State Park				
			TOTAL INVOICE AMOUNT DUE	727.77

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.

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	9500000076330	Aug-20-2009	US DOLLAR	727.77

Iowa Comprehensive Petroleum
Iowa UST Fund Board
rground Storage Tank Fund
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

HONEY CREEK RESORT
STATE PARK
ON RATHBUN LAKE

12633 Resort Drive
Moravia, IA 52571
641-724-9100

AUG 2009
RECEIVED
Aon Risk Services

Invoice

222

Date
07/31/2009
Account Number
AONRISK
Amount Due
$ 577.57

Aon Risk Services Central, Inc.
2700 Westown Parkway Ste 320
West Des Moines, IA 50266 USA

$ _____
AMOUNT ENCLOSED

Please detach and return this portion with your payment.

Honey Creek Resort State Park **Invoice Number:** 222 **Date:** 07/31/2009

Date	Type	Description	Amount
07/16/2009	Night Audit Transfers	AON Risk Services, Group Master Rm: GROUP	$577.57

ok to pay 8/3/09
SAS

Please remit payment to: Honey Creek Resort
12633 Resort Drive, Moravia, IA 52571

Amount Due: **$577.57**

HONEY CREEK RESORT
STATE PARK
ON RAINBOW LAKE

Guest Name: Group Master AON Risk Services
AON Risk Services
2700 Westown Parkway; Suite 32
West Des Moines, IA 50266 USA

Room #: GROUP
Folio#: R01058 - 1
Group #: 190
Guests: 0
Clerk: TRACY

AONRISK

Arrive: 07/16/09 Time: 02:05 AM Depart: 07/16/09 Time: 04:46 PM Stat: HIST

Date	Description	Reference	Comment	Charges	Credits
12/26/08	DEP CHECK	558452	ARS, Inc of Nebraska Fund Board Mee		($150.00)
07/16/09	BANQUET FOOD BREAI	BEO 1-10414	BANQUET FOOD BREAKFAST	$173.75	
07/16/09	BANQUET GRATUITY	BEO 1-10414	BANQUET GRATUITY	$15.64	
07/16/09	BANQUET SERVICE CH	BEO 1-10414	BANQUET SERVICE CHARGE	$15.64	
07/16/09	STATE TAX	BEO 1-10414	STATE TAX	$14.34	
07/16/09	BANQUET FOOD LUNCI	BEO 1-10415	BANQUET FOOD LUNCH	$352.50	
07/16/09	BANQUET PM BREAK	BEO 1-10415	BANQUET PM BREAK	$50.00	
07/16/09	BANQUET GRATUITY	BEO 1-10415	BANQUET GRATUITY	$36.22	
07/16/09	BANQUET SERVICE CH	BEO 1-10415	BANQUET SERVICE CHARGE	$36.22	
07/16/09	STATE TAX	BEO 1-10415	STATE TAX	$33.26	
07/16/09	DIRECT BILL	AONRISK	Ck Out 16:46		($577.57)

Folio Balance: $0.00

Guest Signature: Lacey Stalie G

RUN SORT:
REPORT ID J625I126-REG
SYSTEM IFAS

S625I1[illegible]0000253

THE FOLLOWING REGULAR WARRANTS
WERE ISSUED 07/27/2009

DATE OF RUN 07/27/2009.208
TIME OF RUN 18.56.35

NAME	DOCUMENT NUMBER	ACCOUNT NUMBER		REFERENCE NUMBER	WARRANT NUMBER	WARRANT AMOUNT
STEPHEN E LARSON	6560619809001	0450 10 656 000 450A	2103		81982273	68.64*
			TOTAL FOR APPR		$	68.64
			TOTAL FOR FUND	0450	$	68.64
			TOTAL FOR AGENCY	656	$	68.64

Attach supporting documentation to the back of this form

STATE OF IOWA

GAX (NON-EMP)

C L DOMICILE

NON-EMPLOYEE EXPENSES

DOCUMENT NUMBER

PURPOSE OF TRAVEL
- [ ] NORMAL JOB DUTIES
- [x] MEETING
- [ ] TRAINING
- [ ] CONFERENCE/SEMINAR
- [ ] STAFF DEVELOPMENT
- [x] REQUIRED BY FEDERAL GOVERNMENT
- [x] OTHER (SPECIFY) UST Board Meeting

NAME AND HOME ADDRESS: Nancy Lincoln

ALTERNATE ADDRESS (send warrant to):

ACCOUNTING USE ONLY-REFERENCE ALL OTHER RELATED DOCUMENTS

DOC #	DATE PAID	DOC #	DATE PAID

YEAR 2009

MM/DD	TIME LEFT	TIME RETURNED	TRAVEL FROM	TRAVEL TO	MILES	RATE	CHARGE	MEALS BREAKFAST	MEALS LUNCH	MEALS DINNER	MEALS TOTAL	MEALS REIMB TOTAL	LODGING ACTUAL	LODGING REIMB TOTAL	TRANSPORTATION AND OTHER EXPENSES CODE	AMOUNT
7/16	6:45am	8:00pm	Glenwood IA	Moravia IA	352	.39	137.28									
				TOTALS	352		137.28									

STATE VEHICLE / [x] PERSONAL VEHICLE

TRANS/OTHER EXPENSE: A-AIR, B-BUS/CAB, D-LD PHONE, F-LOCAL PHONE, L-LAUNDRY, P-PARKING, R-REGISTRATION, S-SUPPLIES, T-TOLLS, O-OTHER SPECIFY HERE

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

DOCUMENT TOTAL	137.28
LESS ADVANCES	
REIMBURSEMENT REQUESTED	137.28

CLAIMANT'S CERTIFICATION

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.

DEPARTMENT CERTIFICATION

I CERTIFY THAT THE ABOVE EXPENSES WERE INCURRED AND THE AMOUNTS ARE CORRECT AND SHOULD BE PAID FROM THE FUNDS APPROPRIATED BY:

CODE OR CHAPTER SECTIONS(S)

COMMUTING MILES EXCLUDED? [ ] Y [ ] N

TRAVEL INCLUDES VICINITY MILES? [x] Y [ ] N

DIRECT DEPOSIT? [ ] Y [x] N

WARRANT TO ALT ADDR? [ ] Y [ ] N

TRAVEL AUTHORITY # / BLANKET TRAVEL #

TITLE: Board Member

DEPARTMENT TO BE CHARGED: Iowa UST Fund (Agency 656) Fund 0450

VEND

TRAVEL APPROVAL (SUPERVISOR'S SIGNATURE)

CLAIMANT'S SIGNATURE: Nancy Lincoln

DATE: 8/13/09

DOCUMENT TOTAL 137.28

WARRANT #

PAID DATE

GAX (NON-EMP)

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

Iowa Department of Revenue

JUL 2009
RECEIVED
Non Risk Services

July 16, 2009

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

Dear Mr. Scheidel:

I am enclosing our 2nd[t] 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
APRIL - JUNE FY 2009

Compliance Division	
Examination Section:	
Personnel	$288.16
Indirect Costs	$0.00
	$288.16
Field Audit Section:	
Personnel	$832.50
Indirect Costs	$0.00
	$832.50
Total Compliance Division	
Revenue Operations Division	
Customer Accounts Section:	
Personnel	
Postage	$3.72
	$3.72
Processing Section:	
Personnel	$84.16
Indirect Costs	$0.00
	$84.16
Total Revenue Operations Division	
Technology & Information Management Division	
Personnel	$357.60
Postage	$0.00
Printing	$0.00
Indirect Costs	$0.00
	$357.60
Total Technology & Information Management Div.	
DEPARTMENT TOTAL	**$1,566.14**

G:\AD\BUDGET\09 expenditure reports\[09EXPRT-EPC.xls]APR-JUN

Please use the following accounting codes for the Environmental Protection Charges for the 2nd quarter FY 09.

08-0001-625-	**EX04 -**	**0285**	$	**288.16**
	FO04 -			**832.50**
	CA01 -			**3.72**
	PR01 -			**84.16**
	TM03 -			**357.60**
Total for Revenue			$	**1,566.14**

G:\AD\BUDGET\[EPC2.xls]Apr-June

OFFICE OF AUDITOR OF STATE

STATE OF IOWA

State Capitol Building
Des Moines, Iowa 50319-0004

Telephone (515) 281-5834 Facsimile (515) 242-6134

David A. Vaudt, CPA
Auditor of State

BILL TO:
SCOTT M. SCHEIDEL, ADMINISTRATOR IOWA UST PROGRAM 2700 WESTOWN PARKWAY, SUITE 320 WEST DES MOINES, IOWA 50266

INVOICE	
DATE	06/30/2009
NUMBER	21005
AMOUNT DUE	$ 5,079.39

FOR AUDIT SERVICES PERFORMED DURING FISCAL YEAR 2009

DESCRIPTION	HOURS	PER DIEM	EXPENSE	TOTAL
A. FISCAL YEAR TO DATE:				
Berkland, Tiffany	3.0	193.50	-	$ 193.50
Green, Jessica	11.0	665.50	-	665.50
Moser, Deborah	12.5	1,071.89	-	1,071.89
Roling, Sara	3.0	181.50	-	181.50
Schenkelberg, Brian	46.0	2,967.00	-	2,967.00
BILLING FOR AUDIT OF UST FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2008.				
TOTAL	75.5	$ 5,079.39	$ -	$ 5,079.39

JUL 2009
RECEIVED
Aon Risk Services

OFFICE USE ONLY	Please make payments to DAVID A. VAUDT, AUDITOR OF STATE and mail to the AUDITOR OF STATE, LUCAS BUILDING, 2ND FLOOR NORTH, DES MOINES, IA 50319. If you have any questions, please contact JULIE LUTHER (515-281-6416).

Attach supporting documentation
to the back of this form

STATE OF IOWA

IET

INTERNAL VOUCHER

BUDGET FY	DATE	ACCTG PERIOD (mm/yy)	TYPE*	DOCUMENT NUMBER
2009		/09		126DS021005

ACTION	SELLING AGENCY NAME	SELLING AGENCY INVOICE NUMBER	BUYING AGENCY NAME
E	Office of Auditor of State	21005	Iowa UST Program

TO: SELLER'S INFORMATION

OFFSET REC/CASH ACCT	OFFSET LIAB/CASH ACCT	DOCUMENT TOTAL
		$ 5,079.39

FUND	AGCY	ORG	SUB ORG	APPROP UNIT	ACTV	FUNC	RSRC	SUB RSRC	JOB	REP CAT
0001	126	2000	-	P01			0657			

FROM: BUYER'S INFORMATION

LINE	REF DOC TYPE	REFERENCE DOC NUMBER	REF DOC LINE	FUND	AGCY	ORG	SUB ORG	APPROP UNIT	ACTV	FUNC	OBJT	SUB OBJT
01												

JOB	REP CAT	BS ACCT	DESCRIPTION	I/D	P/F	AMOUNT

LINE	REF DOC TYPE	REFERENCE DOC NUMBER	REF DOC LINE	FUND	AGCY	ORG	SUB ORG	APPROP UNIT	ACTV	FUNC	OBJT	SUB OBJT
02												

JOB	REP CAT	BS ACCT	DESCRIPTION	I/D	P/F	AMOUNT

LINE	REF DOC TYPE	REFERENCE DOC NUMBER	REF DOC LINE	FUND	AGCY	ORG	SUB ORG	APPROP UNIT	ACTV	FUNC	OBJT	SUB OBJT
03												

JOB	REP CAT	BS ACCT	DESCRIPTION	I/D	P/F	AMOUNT

LINE	REF DOC TYPE	REFERENCE DOC NUMBER	REF DOC LINE	FUND	AGCY	ORG	SUB ORG	APPROP UNIT	ACTV	FUNC	OBJT	SUB OBJT
04												

JOB	REP CAT	BS ACCT	DESCRIPTION	I/D	P/F	AMOUNT

LINE	REF DOC TYPE	REFERENCE DOC NUMBER	REF DOC LINE	FUND	AGCY	ORG	SUB ORG	APPROP UNIT	ACTV	FUNC	OBJT	SUB OBJT
05												

JOB	REP CAT	BS ACCT	DESCRIPTION	I/D	P/F	AMOUNT

LINE	REF DOC TYPE	REFERENCE DOC NUMBER	REF DOC LINE	FUND	AGCY	ORG	SUB ORG	APPROP UNIT	ACTV	FUNC	OBJT	SUB OBJT
06												

JOB	REP CAT	BS ACCT	DESCRIPTION	I/D	P/F	AMOUNT

DOCUMENT TOTAL $ 5,079.39

EXPLANATION

Audit Billing #21005

AGENCY CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE EXPENSES WERE INCURRED AND THE AMOUNTS ARE CORRECT AND SHOULD BE PAID FROM THE FUNDS APPROPRIATED BY: CODE OR CHAPTER SECTION(S)

PREPARED BY	PHONE	DATE	AUTHORIZED SIGNATURE
Dave Simmons	281-6504	07/20/09	

*T... 2 FOR DIFFERENT FUND, TYPE 3 FOR SAME FUND

AUDITED BY

PAID DATE

Monthly Activity Report and Financials Reviewed

A. July Activity Report

Iowa UST Fund
Monthly Activities Report

July 2009

	Open Claims	Open & Closed	Open Claims	Open & Closed
Claims	June Ending	Monthly Net Changes	July Ending	Totals since Inception
RETROACTIVE				
number	61	0	61	444
reserve	$2,914,426.05	($72,713.31)	$2,841,712.74	$2,841,712.74
paid	$7,735,073.95	$41,713.31	$7,776,787.26	$15,298,464.62
total	$10,649,500.00	($31,000.00)	$10,618,500.00	$18,140,177.36
REMEDIAL				
number	767	(2)	765	4,440
reserve	$38,093,299.78	($313,689.34)	$37,779,610.44	$37,779,610.44
paid	$87,786,173.41	($125,455.66)	$87,660,717.75	$186,225,365.89
total	$125,879,473.19	($439,145.00)	$125,440,328.19	$224,004,976.33
INNOCENT LANDOWNER				
number	217	(2)	215	1,059
reserve	$7,894,359.93	($108,143.30)	$7,786,216.63	$7,786,216.63
paid	$11,664,382.63	$34,142.30	$11,698,524.93	$23,488,607.58
total	$19,558,742.56	($74,001.00)	$19,484,741.56	$31,274,824.21
GLOBAL OPT-IN				
number	216	1	217	1,281
reserve	$1,332,310.96	($8,451.18)	$1,323,859.78	$1,323,859.78
paid	$1,649,381.86	$10,951.18	$1,660,333.04	$9,099,073.58
total	$2,981,692.82	$2,500.00	$2,984,192.82	$10,422,933.36
UNASSIGNED PROJECTS				
number	16	1	17	186
reserve	$163,908.50	$11,623.50	$175,532.00	$175,532.00
paid	$298,381.45	$8,376.50	$306,757.95	$2,643,116.98
total	$462,289.95	$20,000.00	$482,289.95	$2,818,648.98

RT Claims	#
New	0
Reopened	0
Closed	0

RM Claims	#
New	0
Reopened	5
Closed	7

ILO Claims	#
New	0
Reopened	0
Closed	2

GS Claims	#
New	1
Reopened	0
Closed	0

PROJ Clms	#
New	1
Reopened	0
Closed	0

Invoice Type Totals	July	FYTD	Program to Date
American Soils	0.00	0.00	$5,678,423
AST Removal	0.00	0.00	$2,121,490
AST Upgrade	0.00	0.00	$5,460,479
CADR Charges	0.00	0.00	$4,137,305
Corrective Action	10,951.18	10,951.18	$50,237,525
Free Prod Recover	43,505.41	43,505.41	$7,853,589
Monitoring	107,682.34	107,682.34	$21,014,740
New UST Pull 2004	29,136.31	29,136.31	$1,434,317
Operations/Maint	43,093.57	43,093.57	$7,453,501
Over-excavation	91,150.39	91,150.39	$22,864,775
Plastic Water Lines	1,965.34	1,965.34	$1,617,683
Post RBCA Evals	633.75	633.75	$139,986
RBCA	32,056.98	32,056.98	$24,845,531
Remed Imp/Const.	126,083.10	126,083.10	$23,157,195
SCR Charges	0.00	0.00	$54,174,422
Site Check	0.00	0.00	$125,396
Soil Disposal	0.00	0.00	$656,364
Tank (UST) Pull	7,320.50	7,320.50	$5,026,974
Tank (UST) Upgrade	0.00	0.00	$5,880,860
Tier III	7,431.90	7,431.90	$1,157,165
Utilities	20,452.47	20,452.47	$1,075,970
Well Closure	12,564.24	12,564.24	$2,600,976
Total Invoice Types	534,027.48	534,027.48	$248,714,663

Budgets Approved to Date		
July	7	$483,725
Trailing 12 mos	38	$1,966,368
Prev Trail 12 mos	37	$1,839,062
Total Since Jan 2003	939	$35,312,647

Corrective Action Meetings	
Scheduled:	106
Completed:	915
MOA's	456

Project Contracts	Open	Closed	Pending
CRP's	19	23	0
Tank Closure	2	3	0
Plastic Water Line	0	2	0

B. July Financial Report

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING JULY 31, 2009

047 ST REVENUE FUND (Bonding)

Balance of Fund, July 1, 2009		$11,729,152.76
Receipts:		
Tank Management Fees	$0.00	
Motor Vehicle Use Tax (IDOT - vehicle registration)	$0.00	
Intra State Fund Transfers Received	$0.00	
Interest Income	$0.00	
Interest Income - Capital Reserve Fund	$0.00	
		$0.00
Disbursements:		
Bond Interest Payment	$0.00	
Bond Principal Payment	$0.00	
EPC Charges	$0.00	
Transfer to General Fund	$0.00	
Transfer to Unassigned Revenue Fund	$0.00	
Transfer to Innocent Landowner Fund	$7,479,152.76	
Transfer to Remedial Non-Bonding Fund	$4,250,000.00	
		$11,729,152.76
Balance of Fund, July 31, 2009		**$0.00**

0450 UST UNASSIGNED REVENUE FUND (Non-Bonding)

Balance of Fund, July 1, 2009		$3,074,133.22
Receipts:		
Request for Proposal Fees	$0.00	
Copying/Filing Fees	$0.00	
Fines & Penalties	$0.00	
Refund/Overpayment	$0.00	
Transfer From UST Revenue Fund	$0.00	
Intra State Fund Transfers Received	$0.00	
Compensation for Pooled Money Investments	$0.00	
Amort / Accretion	$0.00	
Buys/ Sells	$0.00	
Interest Income	$1,583.62	
		$1,583.62
Disbursements:		
UST Administrator's Fees	$254,438.00	
Attorney General's Fees	$20,753.77	
Attorney's Fees: Cost-Recovery Administration	$0.00	
Cost Recovery Expense (i.e. Lien Filing, Overpayment Refund)	$9.00	
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	

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING JULY 31, 2009

Environmental Protection Charge Refunds	$2,531.92	
Innovative Technology	$0.00	
Inspection & Appeals Service Fees	$0.00	
Iowa Finance Authority Expenses	$0.00	
Legal and Professional Fees	$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	$8,376.50	
Travel Expenses-UST Board Members	$68.64	
Warrant Float Expense	$0.00	
28E Agreement - DNR Plume Study	$0.00	
28E Agreement - NFA Claims	$0.00	
28E Agreement - RBCA (DNR Staff Training & Development)	$0.00	
28E Agreement - DNR UST Section Funding - FY09	$0.00	
28E Agreement - DNR UST Section Funding - FY10	$0.00	
Statutory Transfer to DNR - FY10	$0.00	
Statutory Transfer to General Fund	$0.00	$286,177.83
Balance of Fund, July 31, 2009		**$2,789,539.01**

0208 - UST REMEDIAL NON-BONDING FUND

Balance of Fund, July 1, 2009		$178,085.07
Receipts:		
Remedial Refunds	$0.00	
Misc. Income (i.e. eligibility settlements)	$0.00	
Interest Income	$0.00	
Transfer Received from Revenue Fund	$4,250,000.00	
		$4,250,000.00
Disbursements:		
Retroactive Claims	$41,713.31	
Remedial Claims	$388,302.50	
Balance of Outdated Warrants	$0.00	
		$430,015.81
Balance of Fund, July 31, 2009		**$3,998,069.26**

0478 - UST MARKETABILITY FUND

Balance of Fund, July 1, 2009		$541,968.25
Receipts:		
Interest	$7,739.55	
Use Tax	$0.00	
		$7,739.55
Disbursements:		
Intra State Fund Transfer	$0.00	
		$0.00
Balance of Fund, July 31, 2009		**$549,707.80**

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FOR THE MONTH ENDING JULY 31, 2009

0485 UST INNOCENT LANDOWNERS FUND		
Balance of Fund, July 1, 2009		$9,180,653.23
Receipts:		
Cost Recovery (i.e. lien settlements)	$0.00	
ILO Refunds	$0.00	
Transfer Received from Revenue Fund	$7,479,152.76	
Miscellaneous Income	$0.00	
		$7,479,152.76
Disbursements:		
Other Contractual Services	$0.00	
Global Settlement Claims	$10,951.16	
Innocent Landowner Claims	$86,483.99	
Balance of Outdated Warrants	$0.00	
		$97,435.15
Balance of Fund, July 31, 2009		**$16,562,370.84**
0238 - UST LOAN GUARANTEE FUND (Non-Bonding)		
Balance of Fund, July 1, 2009		$273,195.38
Receipts:		
Interest Income	$210.41	
		$210.41
Disbursements:		
Intra State Fund Transfer	$0.00	
Payments on Loan Losses	$0.00	
		$0.00
Balance of Fund, July 31, 2009		**$273,405.79**
0614 - UST CAPITAL RESERVE FUNDS (Bonding)		
Balance of Fund, July 31, 2009		$0.00
Combined UST Capital Reserve Fund Balances, July 31, 2009		**$0.00**
TOTAL FUND BALANCES, July 31, 2009		**$24,173,092.70**

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 lableled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

C. Year-to-Date Financials as of July 31, 2009

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING JULY 31, 2009

			FISCAL 2010 BUDGET
0471 - UST REVENUE FUND (Bonding)			
Balance of Fund, July 1, 2009		$11,729,152.76	$11,729,152.76
Receipts:			
Tank Management Fees	$0.00		$770,000.00
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		
		$0.00	$17,770,000.00
Disbursements:			
Bond Interest Payment	$0.00		
Bond Principal Payment	$0.00		
EPC Charges	$0.00		
Transfer to General Fund	$0.00		
Transfer to Unassigned Revenue Fund	$0.00		$4,250,000.00
Transfer to Innocent Landowner Fund	$7,479,152.76		$11,729,152.76
Transfer to Remedial Non-Bonding Fund	$4,250,000.00		$12,750,000.00
		$11,729,152.76	$28,729,152.76
Balance of Fund, July 31, 2009		**$0.00**	$770,000.00
0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)			
Balance of Fund, July 1, 2009		$3,074,133.22	$3,074,133.22
Receipts:			
Request for Proposal Fees	$0.00		
Copying/Filing Fees	$0.00		
Fines & Penalties	$0.00		$10,000.00
Refund/Overpayment	$0.00		
Transfer From UST Revenue Fund	$0.00		$4,250,000.00
Intra State Fund Transfers Received	$0.00		
Compensation for Pooled Money Investments	$0.00		
Amort / Accretion	$0.00		$0.00
Buys/ Sells	$0.00		$80,000.00
Interest Income	$1,583.62		$700,000.00
		$1,583.62	$5,040,000.00
Disbursements:			
UST Administrator's Fees	$254,438.00		$1,527,428.00
Attorney General's Fees	$20,753.77		$105,000.00
Attorney's Fees: Cost-Recovery Administration	$0.00		
Cost Recovery Expense (i.e. Lien Filing, Overpayment Refund)	$9.00		$11.00
Actuarial Fees	$0.00		
Auditor of the State Fees	$0.00		$5,000.00
Bond Trustee's Fees - Bankers Trust	$0.00		$3,000.00
Claim Settlement	$0.00		$0.00
Custodial Fees - BONY	$0.00		
Department of Revenue EPC Collection Fees	$0.00		$6,000.00
Environmental Protection Charge Refunds	$2,531.92		
Innovative Technology	$0.00		

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING JULY 31, 2009

			FISCAL 2010 BUDGET
Inspection & Appeals Service Fees	$0.00		$0.00
Legal and Professional Fees	$0.00		$5,000.00
Postage / Printing / Miscellaneous	$0.00		$100.00
Professional Admin Services (Investments)	$0.00		$10,000.00
Rebate	$0.00		
Tank Closure Claims and Plastic Waterline Claims	$8,376.50		$150,000.00
Travel Expenses-UST Board Members	$68.64		$700.00
Warrant Float Expense	$0.00		
28E Agreement - DNR Plume Study	$0.00		$700,000.00
28E Agreement - NFA Claims	$0.00		$500,000.00
28E Agreement - RBCA (DNR Staff Training & Development)	$0.00		
28E Agreement - DNR UST Section Funding - FY09	$0.00		$207,500.00
28E Agreement - DNR UST Section Funding - FY10	$0.00		$400,000.00
Statutory Transfer to DNR	$0.00		$200,000.00
Statutory Transfer to General Fund	$0.00		$0.00
		$286,177.83	$3,819,739.00
Balance of Fund, July 31, 2009		**$2,789,539.01**	$4,294,394.22
0208 - UST REMEDIAL NON-BONDING FUND			
Balance of Fund, July 1, 2009		$178,085.07	$178,085.07
Receipts:			
Remedial Refunds	$0.00		$0.00
Misc. Income (i.e. eligibility settlements)	$0.00		
Interest Income	$0.00		
Transfer Received from Revenue Fund	$4,250,000.00		$12,750,000.00
		$4,250,000.00	$12,750,000.00
Disbursements:			
Retroactive Claims	$41,713.31		$1,000,000.00
Remedial Claims	$388,302.50		$5,000,000.00
Balance of Outdated Warrants	$0.00		
		$430,015.81	$6,000,000.00
Balance of Fund, July 31, 2009		**$3,998,069.26**	$6,928,085.07
0478 - UST MARKETABILITY FUND			
Balance of Fund, July 1, 2009		$541,968.25	$541,968.25
Receipts:			
Interest	$7,739.55		$450,000.00
Use Tax	$0.00		
		$7,739.55	$450,000.00
Disbursements:			
Intra State Fund Transfer	$0.00		
		$0.00	$0.00
Balance of Fund, July 31, 2009		**$549,707.80**	$991,968.25

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
STATEMENT OF FUND BALANCES
FISCAL YEAR TO DATE ENDING JULY 31, 2009

			FISCAL 2010 BUDGET
0485 - UST INNOCENT LANDOWNERS FUND			
Balance of Fund, July 1, 2009		$9,180,653.23	$9,180,653.23
Receipts:			
Cost Recovery (i.e. lien settlements)	$0.00		$0.00
ILO Refunds	$0.00		
Transfer Received from Revenue Fund	$7,479,152.76		$11,729,152.76
Miscellaneous Income	$0.00		
		$7,479,152.76	$11,729,152.76
Disbursements:			
Other Contractual Services	$0.00		
Global Settlement Claims	$10,951.16		$300,000.00
Innocent Landowner Claims	$86,483.99		$2,000,000.00
Balance of Outdated Warrants	$0.00		
		$97,435.15	$2,300,000.00
Balance of Fund, July 31, 2009		**$16,562,370.84**	$18,609,805.99
0238 - UST LOAN GUARANTEE FUND (Non-Bonding)			
Balance of Fund, July 1, 2009		$273,195.38	$273,195.38
Receipts:			
Interest Income	$210.41		$20,000.00
		$210.41	$20,000.00
Disbursements:			
Payments on Loan Losses	$0.00		
Transfer to Unassigned Revenue Fund	$0.00		$0.00
		$0.00	$0.00
Balance of Fund, July 31, 2009		**$273,405.79**	$293,195.38
0614 - UST CAPITAL RESERVE FUNDS (Bonding)			
Combined UST Capital Reserve Fund Balances, July 31, 2009		**$0.00**	$0.00
TOTAL FUND BALANCES, July 31, 2009		**$24,173,092.70**	$31,887,448.91

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 lableled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

Attorney General's Report

Claim Payment Approval

	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	7910104	City of Muscatine	07/16/09				$75,761	$95,000	$95,000		PGS
2	8912094	Myers Service	8/12/2003	7/16/2009			$378,998	$565,000	$565,000	$335,651	
3	8609090	Griffith Oil Corp	10/29/2001	11/18/2004	7/16/2009		$601,692	$1,000,000	$1,000,000	$182,194	16 dww
4	7910533	James Martin Jr	8/5/2009				$20,484	$150,000			4 dww
5	8710742	Ubben Oil Co.	11/18/2004	8/14/2009			$271,592	$310,000		$212,721	
6	8609091	Griffith Oil Corp	6/17/2003	8/20/2009			$385,398	$455,000		$301,531	ndww
7											
8											

dww=drinking water well
ndww=non-drinking water well
PGS=protected groundwater source
SOL=state-owned lake

IOWA UNDERGROUND STORAGE TANK PROGRAM
FIRST BOARD REPORT
AUGUST 5, 2009
JAMES MARTIN JR.
2200 BLOCK OF QUASQUETON DIAGONAL
INDEPENDENCE
SITE REGISTRATION NUMBER: 7910533
LUST NUMBER: 9LTL84

RC /JW

RISK CLASSIFICATION:

HIGH	X	LOW		UNDETERMINED	

PRESENT CLAIM RESERVE: $ 125,000.00

ELIGIBILITY: The contamination was discovered during a site investigation completed in December 2004. The site has not operated as a gas station since the 1960's and is currently owned by the heirs of the operator. This is an eligible innocent land owner claim.

COST INCURRED TO DATE:

1. Site check	$ 3,000.00
2. RBCA Tier II report	17,484.45
TOTAL COSTS INCURRED TO DATE:	$ 20,484.45

PROJECTED COSTS:

	Risked Based Corrective Action Tier I & II Report		Tank Pull/Up-Grade.
X	Site Monitoring Report (SMR)		Free Product Recovery (FPR)
	Corrective Action Design Report (CADR)	X	Implementation of over-excavation

TOTAL PROJECTED COSTS: $ 75,000.00 to 150,000.00+

TOTAL AUTHORITY RECOMMENDED: $ 150,000.00

COMMENTS: The site is a non-granular bedrock site and is high risk for the groundwater and soil leaching to groundwater ingestion pathways for four private drinking water wells. Public water is not available. An over excavation followed by monitoring, is proposed.

Approved

**********Tracking Summary**********

ED. Notes

9LTL84

11/10/04: SITE INVESTIGATION CONDUCTED. rc.

11/17/04: DATE DISCOVERED. rc.

12/15/04: DATE REPORTED. REC'D COPY OF LIMITED SITE INVESTIGATION. rc.

01/10/05: START DATE ENTERED ON COMPUTER. rc.

01/14/05: SNT T1/T2 LTR. REC'D 01/22. CGWP = 2/22/05. T1 = 4/22/05. rc.

04/12/05: REC'D FROM TERRACON REQUEST FOR TIME EXTENSION FOR TIER 1/TIER 2 UNTIL 7/14/05. Bsg

09/24/07: REC'D TIER 2 REPORT, BEDROCK. HR. (NO TIER 2 BEDROCK SOFTWARE DISK OR MTBE WORKSHEET & DISK REC'D). E-MAILED SCOTT BEHRENDS & REQUESTED IT E-MAILED TO ME. bsg

09/25/07: REC'D TIER 2 BEDROCK SOFTWARE & MTBE PER E-MAIL. bsg

12/12/08: Call from Tom Kapper checking on status of site. rc.

06/29/09: Emailed all re corrective action conference scheduled for 7/30/09. JHW

07/07/07: Emailed all; conference rescheduled to 7/31/09. JHW

07/21/09: Emailed out reminder of conference on 7/31 and copy of agenda. JHW

7/24/09: Mailed letter accepting Tier 2 Report and confirming CA conference. JHW

07/28/09: RP's daughter, Tom Kapper's wife, will also be on phone. JHW

7/31/09: 1st corrective action conference. OE by 10/15/09, SMR w/ T3WP by 6/1/10. JHW

8/4/09: Tier 2 acceptance letter to RP returned, not deliverable. As we learned in the conference, RP is in a nursing home. RP is represented by his daughter and her husband, Shawn and Thomas Kapper. JHW

IOWA UNDERGROUND STORAGE TANK PROGRAM
SECOND BOARD REPORT
AUGUST 14, 2009
UBBEN OIL CO
703 CENTRAL AVE
HAMPTON
SITE REGISTRATION NUMBER: 8710742
LUST NUMBER: 8LTA98 RC

RISK CLASSIFICATION:

HIGH	X	LOW		UNDETERMINED	

PRESENT CLAIM RESERVE: $ 300,000.00

PREVIOUS BOARD APPROVAL: $ 260,000.00
Number and Date of each previous Board Report: 1st: November 18, 2004

PREVIOUS COSTS INCURRED: $ 58,871.17

COSTS INCURRED SINCE LAST BOARD APPROVAL:

1. Site monitoring reports	39,688.46
2. Corrective action design report	14,902.96
3. Free product recovery	9,582.48
4. Remediation implementation	45,589.04
5. Operation & Maintenance	25,808.34
6. Over-excavation	71,433.57
Post-RBCA evaluation report	1,000.00
Utilities	4,716.05

TOTAL COSTS INCURRED TO DATE: $ 271,592.07

System in operation for 5 years.

PROJECTED COSTS:

	Risked Based Corrective Action Tier II Report		Tank Pull/Up-Grade.
X	Site Monitoring Reports (SMR)	X	Free Product Recovery (FPR)
	Corrective Action Design Report (CADR)	X	Re-Start SVE System

TOTAL PROJECTED COSTS: $ 25,000.00 to 75,000.00

ADDITIONAL AUTHORITY RECOMMENDED: $ 50,000.00

TOTAL AUTHORITY:* $ 310,000.00

COMMENTS: The remediation system will be shut down this month. Post remediation will occur and if the concentrations do not rebound and free product does not return, this site might be re-classified to no action required within two years. If rebound does occur, however, the system will be restarted.

Approved.

*Previous approval + additional recommended

E.D. Notes
8LTA98

8LTA98

03/31/04: REC'D REVISED TIER 2 REPORT, BEDROCK. HR. TIER 2 BEDROCK SOFTWARE DISK. MTBE. Bsg
05/10/04: sent T2 accept letter with corrections cleared GW PGWS and SL PGWS with ordinance CADR due 09/10/04 confirmation soil gas samples due 07/12/04 tracking in MISC green card dated 05/13/04 tvb
09/15/04: Sent letter scheduling 1st telcon for 11/15/04. Post T2 Worksheet due October 26, 2004. KKL
10/21/04: GAB budget approval for post T2 eval, Seneca.
11/05/04: Held 1st telcon. Pending sampling results of 2004 SMR, an 8-hr pilot study to determine best system, SVE or MPVE, will be done. Sampling by 12/31, pilot by 01/05, SMR/CADR submittal by 03/16/05. 2nd telcon 04/01/05 at 9:00, if necessary.
11/18/04: GAB letter approving SMR and CADR budgets.
12/17/04: Seneca tech reported via telcon that FP discovered in Wells 13B, 18A, and possibly 17A. Sent letter requiring assessment and that recovery begin immediately. Assessment due 02/01/05, FP report 01/15/05. (green card dated: 12/20/04)
12/30/04: E-mail/GWP. Sample results back from lab 01/03/05; will comment at that time
01/07/05: Rec'd current GW and SG data via e-mail. WSW found to be 0.75mi from source, and SG passed at GW source. Confirmation SG sampling next step, which may show that pilot test and remediation discussed at 1st teleconf not necessary. 2nd teleconf scheduled for 04/01/05.
01/19/05: E-mail to GWP to ensure that there are no report submittal or meeting delays, even with an additional confirmation sample.
01/20/05: GAB letter approving FP assessment and recovery budget. RP must provide tank tightness tests since October 26, 1990, report inventory shortages, accidents or overspills, and statement from GWP with opinion as to the release is post October, 1990.
01/17/05: GAB letter approving SMR.
02/15/05: 2nd telecon rescheduled for 06/06/05 after GWP request for time to complete pilot test for 2 CA technologies.
02/14/05: GAB letter accepting documentation the recent discovery of FP was most likely pre-1990. Budget approved in Jan.11 letter is FUND eligible.
02/25/05: REC'D INITIAL FREE PRODUCT REMOVAL REPORT. Bsg
02/28/05: GAB approval letter for CADR budget proposal.
03/31/05: REC'D TIER 2 REPORT, BEDROCK. TIER 2 BEDROCK SOFTWARE DISK. HR. MTBE WORKSHEET & DISK. bsg
04/20/05: Filed T2 report as a CADR and 2nd teleconference is scheduled. Did not send letter.
06/01/05: Rec'd CADR; NO SOFTWARE DISKETTE. (E-maild GWP on 6/2 and again on 6/6 to request diskette. Phoned and left message on 6/9 that we needed diskette. GWP called on 6/10 to say "he has never heard of sending in software with a CADR.") ?? --sb
06/06/05: 2nd teleconf. Approved CADR/SVE to run approx 1 year. SVE trench soils will be landfilled. 1st remediation SMR due April 16, '06 and will include as-buildts. Annual 3rd quarter sampling will be done in August before system startup.
06/15/05: REC'D SIGNATURE PAGE FOR MOA SIGNED BY ROBERT UBBEN, RP. Bsg
06/24/05: Rec'd MOA sign page from GAB.
06/21/05: Rec'd MOA sign page from GWP.
07/08/05: GAB letter approving CA implementation budget. Service charges are not fund eligible and electric costs must be forwarded monthly.
09/01/05: E-mail from GWP. Client signed contract 08/24, everything delayed. Sampling done by 9/30 and SMR by 10/31.
09/16/05: Rec'd FPRR that was not signed by RP. Sent back to him.
09/14/05: GAB letter approving SMR.
12/02/05: REC'D SIGNATURE PAGE FOR FPRR. Bsg
01/18/06: Email from GWP. Groundwork not done yet due to construction delays and access issues (city property). Remediation trailer finished, just needs to to delivered. Requested April start up. Okay'd.
01/23/06: REC'D SMR, BEDROCK. HR. MTBE WORKSHEET (NO TIER 2 SMR BEDROCK SOFTWARE OR MTBE DISK REC'D). E-MAILED DARREN BINNING & REQUESTED IT E-MAILED TO ME. Bsg
01/25/06: REC'D TIER 2 SMR BEDROCK SOFTWARE & MTBE PER E-MAIL. Bsg
03/07/06: Emailed GWP asking why last samples not tested by OA-2. Reply: Just missed it.
03/31/06: Rejected RT2 and SMR. 10 defs, including getting another sample from the PWSW, and sampling all MWs at the site. Revisions due July 5, 2006. (green card dated 04/05/06)

04/13/06: Seneca questions defs from review letter since SVE system stated 04/11/06. Replied that other than soil borings, all other can be done and revisions by 07/05/06.
04.17.06: Seneca question acceptability of sampling schedule and TEH-wo sampling decided in CA conf. Replied why wouldn't it be acceptable? No response as of 04/20/06..
04/20/06: REC'D FROM SENECA REMEDIATION SYSTEM O&M MANUAL, AS-BUILT, AND START UP REPORT. Bsg
05/11/06: DW approval of the IC for private water wells.
06/07/06: REC'D REVISED TIER 2 REPORT, BEDROCK. HR. CORRECTIONS FOR SMR REC'D 1/23/06. TIER 2 BEDROCK SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg
12/21/06: REC'D SMR, BEDROCK. HR: REMEDIATION. TIER 2 BEDROCK SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg
03/05/07: Notified by Seneca that 1.74' of FP found in system extration well, EXT-1, which had not been checked during monthly recovery events up to this point. Tech did not know if dsl or gasoline.
03/13/07: GAB approval of FPR budget.
04/10/07: 3.04 feet of product found in EXT-1 on 4/1/07. Asked for recommendations - Seneca will get more info during next O&M visit and make recommendations then.
04/27/07: REC'D SMR BEDROCK, MTBE, AND SOFTWARE.
06/13/07: GAB approval of SMR, evaluation and additional FPR budgets.
06/15/07: REC'D FROM SENECA LETTER REPORT REGARDING THE REMEDIATION SYSTEM/FREE PRODUCT AT WELL EXT-1.
08/08/07: OD FPR letter, and scheduled teleconf for Sept 13 to discuss more agressive FPR and modification or expansion of SVE system. Deliverables: abbreviated FPA report and results of slug tests and historical interviews proposed in LEtter report rec'd 06/15/07. (green card dated 8/11/07)
08/30/07: Emailed reminder of CA conference on 9/13/07 and information due by 9/4/07. JHW
09/04/07: REC'D FROM SENECA ADDITIONAL LETTER REPORT. bsg
09/11/07: REC'D COPY OF LETTER FROM GAB TO ROBERT UBBEN APPROVING THE FREE PRODUCT ASSESSMENT BUDGET BY SENECA. bsg
09/13/07: Teleconf. OE west of the bldg, from Mw18 to MW17. Space is tight. Adjacent property owner will have to give permission. SMR due 10/30/07, OE done by 11/01/07, report by 01/15/08. Can meet again if necessary.
09/17/07: Mailed teleconf memo.
09/18/07: REC'D FROM SENECA REMEDIATION INSTALLATION PICTURES. bsg
09/21/07: FREE PRODUCT REMOVAL REPORT. bsg- also contained parts of assessment report as required 08/08/07.
09/26/07: Sent approval of FPA report. FPR due Oct15. (green card dated 09/29/07)
10/01/07: Call from Neil Searcy, GAB. Proposal for OE too high. Told Seneca to get another bid. ($90000, 1100 yd3, estimate 8 days to complete.)
10/03/07: REC'D FROM SENECA PROPOSAL AND BUDGET FOR A SOIL EXCAVATION/SVE INSTALLATION. bsg
10/29/07: REC'D COPY OF LETTER FROM GAB ROBINS TO ROBERT UBBEN APPROVING THE EXCAVATION BUDGET BY SENECA. bsg - but no landfarming costs.
11/16/07: Emailed GWP about progress at site. OE completed; budget was approved 10/26/07.
11/13/07: REC'D BEDROCK SMR. HR: REMEDIATION. MTBE WORKSHEET. (NO TIER 2 SMR BEDROCK SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED ADAM DAVISON & REQUESTED IT E-MAILED TO ME. bsg
11/14/07: REC'D TIER 2 SMR BEDROCK SOFTWARE & MTBE PER E-MAIL. bsg
12/12/07: REC'D FROM SENECA SOIL EXCAVATION/SVE RETROFIT. bsg
04/29/08: REC'D SMR, BEDROCK. HR. (NO TIER 2 SMR BEDROCK SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED ADAM DAVISON & REQUESTED IT E-MAILED TO ME. bsg
04/29/08: REC'D TIER 2 SMR BEDROCK SOFTWARE & MTBE PER E-MAIL. bsg
02/24/09: REC'D SMR, BEDROCK. HR. (NO TIER 2 SMR BEDROCK SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED BETH CURNES & REQUESTED IT E-MAILED TO ME. bsg
03/13/09: REC'D TIER 2 SMR BEDROCK SOFTWARE & MTBE PER E-MAIL. bsg
03/16/09: REC'D NOTICE ADAM DAVISON, SENECA-DSM, TAKING OVER AS CGWP/PM. rc.
07/21/09: REC'D SMR, BEDROCK. HR. MTBE WORKSHEET. (WE DID NOT RECEIVE THE TIER 2 SMR BEDROCK SOFTWARE & MTBE DISK). E-MAILED ADAM DAVISON & REQUESTED IT E-MAILED TO ME. bsg
07/21/09: REC'D TIER 2 SMR BEDROCK SOFTWARE & MTBE PER E-MAIL. bsg

IOWA UNDERGROUND STORAGE TANK PROGRAM
SECOND BOARD REPORT
AUGUST 20, 2009
GRIFFITH OIL CORP.
208 LOST GROVE ROAD
PRINCETON
SITE REGISTRATION NUMBER: 8609091
LUST NUMBER: 7LTL39 TV

RISK CLASSIFICATION:

HIGH	X	LOW		UNDETERMINED	

PRESENT CLAIM RESERVE: $ 450,000.00

PREVIOUS BOARD APPROVAL: $ 380,000.00
Number and Date of each previous Board Report: 1st: June 17, 2003

PREVIOUS COSTS INCURRED: $ 83,867.61

COSTS INCURRED SINCE LAST BOARD APPROVAL:

1. Free product recovery	20,180.20
2. Site monitoring reports	27,536.00
3. Remediation implementation	163,943.26
4. Operation and maintenance	65,635.50
5. Utilities	24,235.89

TOTAL COSTS INCURRED TO DATE: $ 385,398.46

.OJECTED COSTS: Seneca / Bottendorf

	Risked Based Corrective Action Tier II Report	X	Receptor removal
X	Site Monitoring Reports (SMR)	X	Free Product Recovery (FPR)
	Corrective Action Design Report (CADR)	X	Continuation of remediation

TOTAL PROJECTED COSTS: $ 25,000.00 to 125,000.00 ++

ADDITIONAL AUTHORITY RECOMMENDED: $ 75,000.00

TOTAL AUTHORITY:* $ 455,000.00

COMMENTS: The site is a non-granular bedrock site which had a history of free product. The site is high risk for a non-drinking water well, a residential sewer, and the soil leaching to protected groundwater source pathway and is low risk for the potential vapor pathways. A multi-phase remediation system has operated for five years. The free product has disappeared and the groundwater concentrations have declined during this time. The system seems to have reached a point of diminishing returns. The groundwater concentrations are no longer declining and it does not appear that the target levels will be reached without a redesign the system. Another option is to offer a settlement to the non-drinking water well owner to close his well, document the city ..inance to clear the protected groundwater source pathway, and complete post-remediation monitoring and soil resampling to hopefully reclassify the site to low risk or no further action within two years.

Approved

*Previous approval + additional recommended

DB - Should force him to close well, 'get off books'
- go to legal to get authority to do this

E.D. Notes
7LTL39

7LTL39

08/19/02: First OD letter sent with due date of 9/2/02. (GREEN CARD DATED 8/28/02).
09/09/02: REC'D EXTENSION REQUEST FOR CORRECTIVE ACTION DESIGN REPORT UNTIL 10/31/02.
09/11/02: Granted time extension CADR due 10/30/02. tvb
10/29/02: REC'D TIME EXTENSION REQUEST FOR CADR UNTIL 2/28/03. Did not respond posting on web page at GAB request.
11/19/02: Letter stating site had been posted to the Internet on 11/15/02.
02/07/03: Granted Seneca's request to install pilot well 10 ft into bedrock see email in file. tvb
02/19/03: E-mail from Mark Diehl Seneca pump test next week CADR in by 05/22/03. tvb
05/28/03: REC'D CADR. bsg
06/06/03: Sent CADR accept ltr with comments dual phase extraction consisting of GW pump and treat and SVE. SMR and CADR implementation report due 08/29/03 entered in MISC tracking. Remediation SMRs due April 30 and Oct 30 green card dated 06/11/03. tvb
07/31/03: REC'D SMR. VERSION 1.O. BEDROCK: NON-GRANULAR, HR INTERIM. MTBE WORKSHEET & DISK. bsg
09/03/03: Rec'd CADR implementation update ltr system will be operational and report submitted by end of October. tvb
09/19/03: REC'D FPR.
10/03/03: Reviewed SMR it is acceptable MWs sampled in June prior to system installation or start-up. tvb
10/23/03: Email update from Mark Diehl got permission to discharge into city storm sewer. tvb
12/17/03: Email update from Mark Diehl system should be operational by the end of January 2004. tvb
03/16/04: REC'D FROM SENECA REQUEST FOR QUARTERLY REPORTING OF FREE PRODUCT RECOVERY. Bsg
03/22/04: Sent letter denying request to submit FPR quarterly current method not adequate absorbent socks are not removing all the free product next FPR should contain alternate recovery method. tvb
05/19/04: REC'D FROM SENECA REMEDIATION STARTUP - REQUEST FOR CHANGE ORDER. Bsg
05/20/04: Sent email to Seneca regarding change order discharge from DPE is not meeting permit limits going to add a carbon filter and test for 5 days submit results from testing and OD remediation SMR by 06/14/04. tvb
06/23/04: Email update from Seneca carbon filter breakthrough second change order submitted for additional funding to complete actions necessary to operate the remediation system. tvb
06/24/04: REC'D FROM SENECA REQUEST FOR CHANGE ORDER FOR CORRECTIVE ACTION IMPLEMENTATION. Bsg
06/28/04: REC'D ANALYTICAL REPORT. Bsg
06/30/04: Reviewed analytical report from carbon filter effluent pre filter benzene <10 ppb effluent post filter benzene 54.1 ppb the change order is to remove the submersible pumps and install pneumatic pumps. tvb
07/02/04: REC'D FROM SENECA O & M MANUAL. Bsg
07/07/04: Email update from Seneca expect budget approval within one week than 7-9 weeks for equipment to come in and installation the SVE system is continuing to operate. Tvb
09/28/04: Email update from Seneca installed the air lift pumps and the groundwater pump and the system is running will extract 4 gpm and meeting effluent discharge limited SVE has been running all summer and free product disappeared. tvb
09/29/04: FO 6 is sending ltr to city, RP and CGWP regarding discharging treated GW into storm sewer email in file. tvb
10/04/04: Rec'd copy of FO6 ltr to Seneca regarding discharging treated effluent into storm sewer tvb
12/14/04: Reviewed free product recovery report 3 monitoring wells with absorbent socks had free product present 0.25 - 0.45 ft even though SVE is operating tvb
01/05/05: REC'D REMEDIATION SMR. MTBE WORKSHEET. (NO DISK REC'D). E-MAILED MARK DIEHL & REQUESTED TIER 2 SMR SOFTWARE & MTBE E-MAILED TO ME. Bsg
01/10/05: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. Bsg
05/25/05: REC'D REMEDIATION SMR. TIER 2 SMR DISK. MTBE WORKSHEET. (NO MTBE DISK REC'D). E-MAILED MARK DIEHL & REQUESTED IT E-MAILED TO ME. Bsg
06/09/05: REC'D E-MAIL STATING MTBE WAS NOT ANALYZED. Bsg

09/30/05: Reviewed January 2005 and May 2005 remediation SMRs they are acceptable emailed comments to cgwp copy in file next remediation SMR due 10/30/05. Tvb
11/11/05: REC'D TIER 2 SOFTWARE PER E-MAIL. Bsg
11/15/05: REC'D SMR. HR: REMEDIATION. Bsg
02/27/06: Rec'd copy of FO6 notice of violation of wastewater permit for remediation system tvb
04/14/06: Email exchange with Seneca FPR can be submitted quarterly next one due 06/15/06 denied GAB Robins request to submit FPR semi annually with remediation SMR tvb
06/27/06: REC'D SMR. HR: REMEDIATION. MTBE WORKSHEET. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED MARK DIEHL & REQUESTED IT E-MAILED TO ME. Bsg
07/05/06: REC'D SMR TIER 2 SOFTWARE PER E-MAIL. MTBE NOT ANALYZED. Bsg
08/28/06: Sent letter accepting Nov 2005 and June 2006 remediation SMRs with comments treated 700,000 gl of groundwater since system retrofit startup April 2004 next remediation SMR due 10/30/06 green card dated 09/01/06 tvb
11/02/06: Rec'd request via fax from property owner Mary Diercks for a comfort letter trying to sell the property tvb
11/06/06: Legal department sent comfort letter to Mary Diercks explaining prospective purchaser liability tvb
11/13/06: Faxed Mary Diercks copy of 11/06/06 letter tvb
01/26/07: REC'D SMR. HR: REMEDIATION. (NO TIER 2 SMR SOFTWARE DISK OR MTBE WORKSHEET & DISK REC'D). E-MAILED MARK DIEHL & REQUESTED IT E-MAILED TO ME. Bsg
01/29/07: REC'D TIER 2 SMR SOFTWARE PER E-MAIL. MTBE NOT ANALYZED. Bsg
03/19/07: GAB Robins budget approval to install a pump tvb
12/03/07: REC'D SMR. HR: REMEDIATION. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED MARK DIEHL & REQUESTED IT E-MAILED TO ME. bsg
12/04/07: REC'D TIER 2 SMR SOFTWARE PER E-MAIL. NO MTBE ANALYZED. bsg
07/02/08: REC'D SITE MONITORING REPORT. HR: REMEDIATION. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED MARK DIEHL & REQUESTED IT E-MAILED TO ME. bsg
07/08/08: REC'D TIER 2 SMR SOFTWARE PER E-MAIL. MTBE NOT ANALYZED. bsg
07/23/08: REC'D FROM SENECA REQUEST FOR TERMINATION OF FREE PRODUCT RECOVERY. bsg
07/25/08: Sent letter can stop free product recovery and reporting must inspect monitoring wells for one year tvb
02/17/09: REC'D SMR. HR: REMEDIATION. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED MARK DIEHL & REQUESTED IT E-MAILED TO ME. bsg
02/18/09: REC'D TIER 2 SMR SOFTWARE PER E-MAIL. MTBE NOT ANALYZED. bsg
03/06/09: reviewed 12/03/07 remediation SMR the SVE blower went down on 09/04/07 groundwater pump and treat still running tvb
03/06/09: reviewed 07/02/08 remediation SMR the SVE portion was restarted on 01/28/08 tvb
03/09/09: email exchange with FO6 a notice of violation will be sent for two discharge exceedance tvb
03/10/09: sent letter accepting Jan and Nov 2007, June 2008 and Feb 2009 remediation SMRs with comments its a bedrock site use bedrock software for 04/30/09 SMR tvb
03/19/09: rec'd copy of FO6 notice of violation for discharge limits tvb
05/15/09: REC'D SMR. HR: REMEDIATION. MTBE WORKSHEET. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED MARK DIEHL & REQUESTED IT E-MAILED TO ME. bsg
05/18/09: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. bsg

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

TO: UST Board

FROM: Scott M. Scheidel

SUBJECT: Contract No. CRPCA 0309-33: Ballard Service, Bentley (UST # 8603658) TUB

DATE: August 19, 2009

The Ballard Service property, in the unincorporated community of Bentley (Pottawattamie County), was identified as a LUST site in June 2000. Following a Tier 2 investigation, the site was designated high risk due to proximity to basements and private wells. Due to funding issues, work ceased at that time. The Board however authorized a settlement with the former landowner's estate to provide benefits for future work. In September 2003, a RFP was issued to retain a Contractor to perform future activities in an effort to remove contamination and reduce the risks identified at the site.

Following the RFP process, the Board awarded a contract to Barker Lemar Engineering Consultants to perform the requested services. Due to depth of contamination and proximity of multiple private wells, corrective action options were limited. The use of an innovative technology was discussed and agreed upon by all parties. During the pilot test, the selected technology was determined to be unfeasible, after further evaluation, a new method using the patented "Low-Perma InWell Technology" method was selected and tested. This method was determined acceptable and a full system was installed in 2007. The system is currently operational and it is anticipated continued efforts will be required for several years in order to achieve target levels. — unspecified term or six years

– Free Product Reduced
– 90% reduction in benzene

Issue

In accordance with State Regulations, the contract with Barker Lemar was written with a six year time limit. Thus, the contract with Barker Lemar is set to expire on December 30, 2009.

Recommendation

Due to the unique remedial technology and system in use at the site, we believe that Barker Lemar has a unique set of skills and experience gained during implementation to maintain and enhance the remedial system as may become necessary. Therefore, in the interest of continuing remediation to protect human health, maintaining the remediation system and providing benefit for the intellectual capital that has been invested by both Barker Lemar and their collaboration with the patent holder, it is requested the Board authorize the Administrator to negotiate and enter a sole source contract with Barker Lemar to continue work at the site.

State Regulations do permit a sole source contract under the following conditions, as applicable to the Board: (a) a determination that one service provider is the only one qualified or eligible or is quite obviously the most qualified or eligible to perform the service; or (b) the services being purchased involve work that is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity to the project, or ownership of intellectual property rights, could most satisfactorily provide the service.

c: GAB Robins

Approved

2700 Westown Parkway, Suite 320 West Des Moines, Iowa 50266 Ph. 515-225-9263 Fax: 515-225-9361

Contracts Entered Into
Since July 16, 2009 Board Meeting

IOWA UNDERGROUND STORAGE TANK
Financial Responsibility Program

Susan E. Voss, *Chairperson* Scott M. Scheidel, *Administrator*

Board Members: Michael L. Fitzgerald Jeff W. Robinson Jacqueline A. Johnson James M. Holcomb Richard A. Leopold
Nancy A. Lincoln Douglas M. Beech

ΦΦΦ *MEMO* ΦΦΦ

TO: **UST Board**

FROM: Scott Scheidel

DATE: August 19, 2009

RE: Contracts Entered Into Since July 16, 2009

Since the July 16, 2009 Board meeting, the Board has entered into the following renewal contracts:

1) GeoTek Engineering & Testing Services for the UST closure contract sites (West)
2) Barker Lemar Engineering Consultants for the UST closure contract sites (East)

2700 Westown Parkway, Suite 320 West Des Moines, Iowa 50266 Ph. 515-225-9263
Fax: 515-225-9361

Other Issues as Presented

Correspondence and Attachments

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Observer Online

Your connection to rural Clinton County, Iowa

Wednesday, August 12, 2009

AgVantage attempt to keep Welton well puts funding in question

Wednesday, August 12, 2009

The city of Welton began planning for a municipal water system in 2005 after a city-wide vote, and the project was completed this year, but AgVantage FS representative Tom Michel says he didn't find out until July 6 the agricultural service company would have to shut down its private well as a requirement of the city's funding agreement through the state underground storage tank fund.

Michel, head of the AgVantage FS risk management department, appeared before the Welton City Council Tuesday night, Aug. 4, to a e city to negotiate to allow the company to maintain its well for non-drinking purposes.

The well was due to be sealed July 9, but AgVantage has delayed that action while exploring options to keep the well open, Michel said.

The city has an ordinance in place requiring capping of all private wells located within the pollution plume from the Nick's Amoco underground storage tank, and in June the council denied a request from Christi Kilburg to allow her to maintain a well at 114 Main St. for non-drinking purposes.

The well-capping requirement was passed down to the city as a condition for $250,000 in water project funding through Iowa's underground storage tank program.

In an e-mail presented to council members, the consultant for the underground storage tank program said the funding agreement will be "on hold" until either the AgVantage well is closed or the Department of Natural Resources (DNR) states a formal position on the risk of contamination from the benzene plume.

The consultant for the underground storage tank fund is James Gastineau of Aon Risk Services.

Michel said AgVantage wants to keep its well open so it can be used as a production well for crop spraying once remediation is complete and the pollution site is reclassified by the DNR.

Consultant Seneca Environmental Services classified the well as a drinking well, but it is not, Michel said.

"We had thought of closing our Delmar facility and expanding here, but this puts that on hold depending on our future water bills," he stated.

Michel said Seneca is "reasonably certain" soil cleanup will be successful and result in a clean site that will be certified by the DNR as N Further Action, or NFA, possibly by 2011.

"We're trying to find a long-range solution to what's going to be a short-term problem," Michel said.

Michel repeatedly said he wants both the city and AgVantage to come out of the situation as winners.

"We were thrown into this situation. We want to grow and expand and stay part of the community," he said.

Michel's tone at the meeting was more compromising than in an e-mail to Welton city clerk LeAnn McCallister, where he stated, "We feel quite put off an arbitrary agreement between various parties results in a decision that negatively impacts our business with not one advance or attempt to discuss this with decision-makers within AgVantage FS prior to said agreement to require all wells to be closed."

He presented four options for AgVantage to deal with the situation:

•Request and pursue re-sampling, remodeling and reclassification of the site through a revised Tier 2 environmental study.

•Pursue a Tier 3 environmental study to re-classify the well/receptor.

•Pursue legal avenues.

•Pursue an exception to the well-closure agreement through Aon Risk Services and the city.

AgVantage is not trying to avoid paying the city's water charge, Michel told the council.

However, in the e-mail, he proposed the city provide for the company's non-drinking water needs at no charge until July 1, 2011, to allow time for testing to reach the NFA designation at the plume site.

He also proposed the city:

•Grant AgVantage a variance from capping the non-drinking well.

•Renegotiate with Aon Risk Services to provide the $250,000 in funding despite the variance.

•Allow the well to remain open, but not in use, until July 1, 2011.

•Re-evaluate options if NFA is not achieved by July 1, 2011.

"Are there any other cities that allow you to have your own well within the city limts?" council member Ed Novak asked.

"I think so," Michel said, citing Charles City as one example. He added he is in the risk management department and is not knowledgeable about all the company's operations.

"I come in when there's an issue," he said.

Information about the city's well-capping requirement was not relayed to company officials after AgVantage merged with New Horizon FS in September 2007, Michel stated.

Michel told the city council he needs "definite answers" on two questions to decide how to proceed: will the city funding still come if the site is certified NFA, and will the DNR reclassify the well?

"Gastineau won't budge an inch on payment, and the DNR won't budge on reclassification until a proposal is submitted," he said.

Novak said the city would be willing to set a reduced water fee for high-volume customers. Council member Billy Koranda said the reduced rate would have to apply equally to other high-volume users in town.

Michel asked to see a proposed rate structure, with the caveat that he must respond to a "higher authority" at AgVantage.

"Our hands are kind of tied, too, by the precedent we set on other wells and the underground storage tank funding," Novak said.

"It would be absolutely absurd for you to let them keep the well after you denied our request to use our well for watering the lawn," resident Christie Kilburg told the council.

She noted the city ordinance provides for a fine of $500 per day for homes and businesses that refuse to cap their wells and asked if the fine will be levied against AgVantage.

"Our wells were capped. The city ordinance was clear. The citizens were all told," she said.

The council held its first reading of the well-capping ordinance in July 2008 and adopted the ordinance in a subsequent meeting.

Mayor Jan Huffman noted there is an abandoned house in town that has not had its well capped because the city has been unable to find the owner. The home reportedly was foreclosed upon and listed at a sheriff's sale, but was removed from the list and never sold.

The city won't be able to draw down the underground storage tank funding until the well at the abandoned house also is capped, Huffman said.

The council voted 3-0 to delay action on the issue until September, when more information may be available and when a full council can be present. Council members Sandi Walker and Glen Boswell were absent from the meeting.

The request from AgVantage came at the same meeting in which the city council declared the water project substantially complete and approved a punch list of items to be addressed before final completion is approved.

At the close of the council meeting, with Michel already departed, council members wondered aloud if the cost of AgVantage's water bills is the real issue.

According to McCallister, the company has used around 800,000 gallons since the water system went on-line at a cost of approximately $2,000.

In addition to a monthly fee for usage of up to 3,000 gallons of water, Welton charges $2.52 for each additional 1,000 gallons.

Related Links

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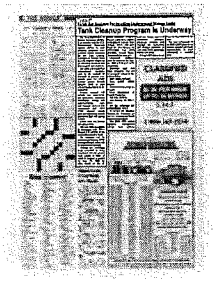


~120 P

Funds Are Available For Handling Underground Storage Leaks

Tank Cleanup Program Is Underway

The Iowa Department of Natural Resources (DNR), in partnership with the U.S. Environmental Protection Agency (EPA), is now accepting proposals from qualified service providers for the Iowa Leaking Underground Storage Tanks (LUST) Program funded by the American Recovery and Reinvestment Act (ARRA).

The DNR will award four non-exclusive contracts, each in the amount of $625,000 to provide site-specific plans for LUST cleanup actions through October 2015 at sites selected and assigned to the contractor.

Projects planned will include site assessment, soil excavation, long-term remediation design and implementation, high-risk receptor removal and replacement and other LUST cleanup related activities which may include permanent tank and piping closure.

LUST sites are located throughout Iowa.

All work will be completed in accordance with 567—Chapter 135 (455B) of the Iowa Administrative Code.

An emphasis will be placed on performing LUST cleanup activities which can be implemented quickly.

Vendors and consulting firms interested in being considered for the project must submit a letter of intent to propose a project by Aug. 19, 2009 by mail, e-mail or fax to: Karen Anderson, Program Planner and Issuing Officer, Underground Storage Tank Section, DNR, 502 East Ninth St., Des Moines, IA 50319-0034, Fax: (515) 281-8895, e-mail Karen.Anderson@dnr.iowa.gov

Completed proposals must be received by Sept. 14, 2009 at 3:30 p.m. to be considered.

Electronic mail and faxed proposals will not be accepted; submit to the address below:

RFP: 2009LUSTka01

Iowa LUST ARRA Project

Karen Anderson, Program Planner

Iowa Department of Natural Resources

502 East Ninth St.

Des Moines, IA 50319-0034

TO BE OPENED BY ADDRESSEE ONLY

To review the complete Request for Proposals go towww.iowadnr.gov/land/ust/arra/lustarra.html.

The DNR UST section regulates underground storage tank systems used for storing regulated substances, primarily petroleum products and manages the assessment and cleanup activities at UST sites where petroleum releases are found.

All regulated tank systems must be registered with the state.

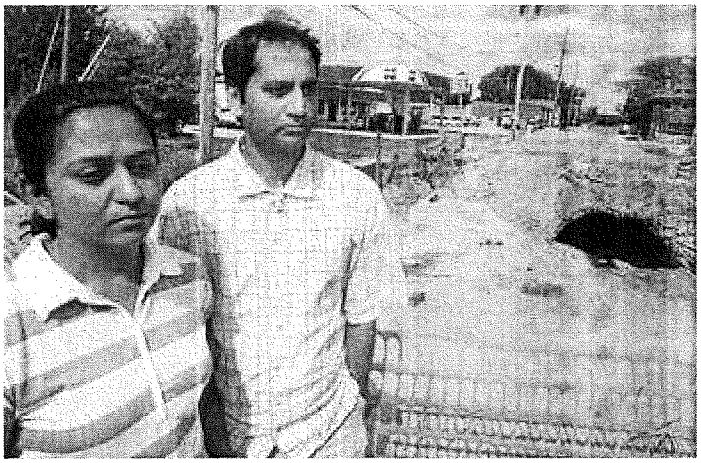
For more information on the DNR LUST program go towww.iowadnr.gov/land/ust/index.html, as more information is available there.

County:
Pottawattomie
45084-08-05_4001

Updated June 06. 2009 5:28PM

Station owners face flood, collapsed sewer, sign fight

By Rick Smith
The Gazette
rick.smith@gazettecommunications.com



(Cliff Jette/The Gazette)
Shital (left) and Purvish Patel stand in front of their Cenex gas station and convenience store on the corner of E Avenue and Fifth Street NW in Cedar Rapids. The store flooded, and the Patels spent a half-million dollars to restore it. They're ready to reopen, but E Avenue is closed in front of the store because a brick storm sewer (at right) collapsed. And they're fighting with the city over the size of a sign that goes in front of the business.

It's hard to know which confounds them the most, the little problem or the big one.

Purvish and Shital Patel have owned a convenience store at 502 E Ave. NW for six years, a store all but destroyed in the June 2008 flood.

Maybe you saw the news photos or video at the time of the flood, which popped the underground fuel tanks out of the ground and carried them several blocks away.

Now, a year and one-half-million-dollars in renovation later, the Patels thought they'd planned perfectly for the reopening of their store on May 1. The utilities are on, fuel is in the new underground tanks, security systems are in place and employees at the ready. And the bank is getting its mortgage payments.

But there the store sits, closed.

For some six weeks now, the Patels, both born in India, have been going around with City Hall over their business sign that long has stood on a pole out front along E Avenue NW.

They can replace the old sign where it always has been — the store had been a Clark station, and now will be a Cenex one — if the new sign is exactly the size it had been. But sign companies don't make signs that size now, so the Patels

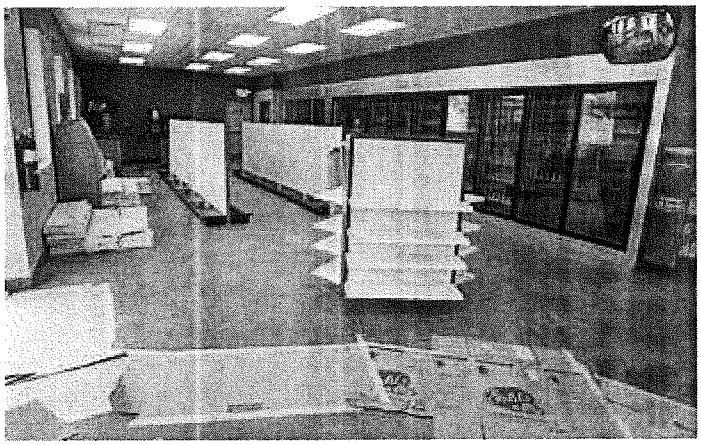
need to put a slightly smaller sign on the pole.

The city's code says such a change, though, means the Patels must comply with the city's current sign standards, which require pole signs to be farther from the street. Moving the sign closer to the store, though, would put it in the way of vehicles coming and going or would hide it so no one could see it.

On Monday, the Patels, with the help of former west-side City Council member Chuck Swore, head to the city's Board of Adjustment to see if they can secure a variance to clear up the sign issue.

"It's like a channel we have to go through and nobody knows the right answer," says Purvish Patel, 36, who moved with his family to the United States 30 years ago.

"They are not in our shoes," adds his wife, 35, who came to the United States 12 years ago after her marriage. "Our utilities, phones, security system are all on. We're now paying for all of that."



(Cliff Jette/The Gazette)
This is the rehabbed interior of Shital and Purvish Patel's Cenex gas station and convenience store in northwest Cedar Rapids.

The Patels say it took them until about January to decide that they actually were going to bring the store back to life. By then, Rockwell Collins had laid off Purvish Patel, a software engineer, making it a double whammy — the flood and the recession — for the family.

As they remodeled the store, they were well aware that the city had plans to replace the sanitary sewer out front as part of a larger sewer project. By May 1, though, that work was supposed to be done. And it would have been but for a new problem: The 110-year-old brick storm sewer next to the sanitary sewer pipe collapsed in front of the store.

There's a giant hole there now, E Avenue NW is closed at the spot, and the city's engineering staff is analyzing what to do next.

"That's the biggest issue. It's a nightmare for us," Shital Patel says.

Dave Elgin, the city's public works director, on Friday said on Friday last June's

flood likely played a role in weakening the storm sewer at the spot of the collapse on E Avenue NW that if all goes well, it's possible E Avenue NW could reopen within 30 to 60 days. But it could take longer with wet weather or if some complications arise, Elgin said.

Elgin said the city is currently discussing a possible grant to the Patels should the road complications continue to delay their store's opening.

Former council member Swore — now a flood-recovery advocate working through the Small Business Development Center at Kirkwood College — has been particularly fired up over the Patels' sign issue, and he says, "Who in their right mind wants to delay a business opening because of a smaller sign being installed?"

Swore also has been pushing the city to get the storm sewer matter fixed and E Avenue NW back open again.

Everything in the Patels' Cenex-brand convenience store is new, including coolers and shelving, which, for now, sit empty. A red striping on the walls at about the seven-and-a-half-foot level marks where last year's flood water reached.

"It's a land of dreams?" Purvish Patel says more as a question than a statement. "That's what we're trying to do."

His wife is still looking for clear answers.

"If they have the right answer, then we can plan ahead," Shital Patel says. "Now we cannot even plan for the summer. ... But what can we do? It's not in our hands."