



# 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, September 24, 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. Request for Information Draft – Review for Loss Portfolio Transfers
  - B. UST Fund/DNR Closure Strategy
  - C. DNR Update
5. Approval of Program Billings
6. Monthly Activity Report and Financials Reviewed
7. Attorney General's Report
8. Claim Payment Approval
9. Contracts Entered Into Since August 27, 2009 Board Meeting
10. Other Issues as Presented
11. Correspondence and Attachments *Oct 29th*

## **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

August 27, 2009

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

Angela Burke-Boston, sitting in for Chairperson Susan Voss, called the Iowa UST Board meeting to order at 10:02 A.M. A quorum was present. Roll call was taken with the following Board members present:

Doug Beech  
Patricia Boddy (for Richard Leopold)  
Nancy Lincoln  
Jeff Robinson  
Stephen Larson (for Mike Fitzgerald)

Also present were:

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

Mr. Scheidel notified the Board that a new member had been appointed by the Governor to replace Jim Holcomb. Mr. Scheidel stated that his name is Eric Johnson, and he is an attorney from Waterloo. He noted that Mr. Johnson was unable to attend today's meeting.

### APPROVAL OF PRIOR BOARD MINUTES

The minutes from the July 16, 2009 Board meeting were reviewed. Mr. Larson moved to approve the minutes, and Ms. Lincoln seconded the motion, and by a vote of 4-0, the minutes were approved.

### CLOSED SESSION

Ms. Burke-Boston noted there were no matters dealing with litigation for discussion in closed

session pursuant to Iowa Code Chapter 21. No closed session convened.

### **PUBLIC COMMENT**

Tom Norris of Petroleum Marketers Management Insurance Company (PMMIC) addressed the Board to make Board members aware that PMMIC was interested in another loss portfolio transfer (LPT) opportunity with the Board for a transfer of claims to PMMIC. He offered that a LPT would be an effective tool for the Board to use to close out Board liabilities. He reminded the Board that it had the authority to enter into a LPT in statute, and PMMIC insured approximately 250 sites which also had open UST Fund claims. He noted that the outstanding reserves on those 250 sites equaled approximately \$12.0m. He reminded the Board that PMMIC was a steady company with its policyholders as owners. He stated that PMMIC was willing to provide the Board with technical and potential costs for a new subset of claims, granting that the proposal would be kept confidential.

Mr. Scheidel reviewed with the Board that it had entered into a previous LPT with PMMIC for 10 UST Fund sites, and the Board had determined that it would have been impracticable to request bids on that transfer, due to the unique circumstance of actual shared liability at those sites. He noted that more shared-liability sites existed now. Additionally, last spring the Board had drafted a request for information (RFI) to issue to find other interested parties for similar transfers, however the RFI was not released due to legislative changes that necessitated the immediate payoff and defeasance of bonds, reducing UST Fund balances by more than \$33.7m. Mr. Scheidel also stated that the Board had discussed, drafted, and approved an agreement with PMMIC to transfer the liabilities of UST Fund sites on a one-by-one basis, as these shared-liability sites were identified and assessed. He noted that agreement was pending a response from PMMIC.

The Board discussed the LPT option. Ms. Burke-Boston suggested that Mr. Scheidel re-distribute the RFI for the Board members to review. Mr. Scheidel noted that the value of a new LPT for the referenced 250 sites, for example, would effectively bifurcate the liabilities into old vs. new. Because the new legislation and rules regarding no further action (NFA) claims would allow the Board to respond to old releases at sites previously issued a NFA classification, and PMMIC would have the duty to their clients to respond to new releases. He noted the transfer agreement could potentially include language that indemnifies the Board for any liabilities at the transferred site; however the Board would maintain its duty to the Department of Natural Resources (DNR) pursuant to the NFA 28E agreement.

Mr. Larson requested a cost analysis for a LPT showing the cost benefits of entering into one. Mr. Beech stated that the field of 250 sites should be narrowed according to UST Fund claimants who would be willing to allow for the transfer, so that a more accurate subset of claims could be identified before delving into a cost comparison.

Mr. Scheidel agreed to bring the draft RFI to the Board for review and further discussion.

## **BOARD ISSUES**

### **A. FY 2010 Budget - Revision**

Mr. Scheidel presented the Board with a revised budget for the 2010 fiscal year. He noted the previously approved budget had included duplicate listings of NFA certificate site claims and plume study costs. The overall difference in the remaining balance of all UST Funds was \$300,000 on the revised budget. Mr. Larson submitted a motion to approve the revised budget, and Ms. Lincoln seconded the motion, which was approved by a vote of 4-0.

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

Tim Hall of the DNR authored a memo and discussed his project with the Board. Ms. Burke-Boston inquired if the memo were an official DNR document. Mr. Hall explained that purpose of the memo was to be a "jumping off point" for discussion about how to make the UST system work better. Wayne Geiselman of the DNR also explained that last spring the DNR had attempted to realize statutory change that would allow UST tag fees collected by the DNR to remain with the DNR, rather than transferring 77% of those fees collected to the UST Fund, only to have the same amount of funding returned to the DNR via a 28E agreement with the Board. He said that early on in the process, the legislators let him know that such a change in statute was unlikely. He stated that legislators also had expressed curiosity about the status of the tanks program and its ability to clean up old leaking underground storage tank (LUST) sites by 2016. Mr. Geiselman explained that Mr. Hall's memo was an attempt to aid the parties involved to forge a path in that effort.

Mr. Hall explained that the memo was inspired by his attempt to understand the Board's Projected Cash Flows, as presented each year at the Strategic Planning Session. He stated that after having served on the UST Fund Board as a designee for the Deputy Director during Fiscal Year 2009, he had considered a series of ideas, upon which he based this memo. Mr. Hall began a Power Point presentation listing the discussion points of the memo and asking questions of the parties involved in the pursuit to close LUST sites.

Mr. Hall made note of the projected fund balances, as reported to be approximately \$55.0m by 2018, after Board expenses were paid, and he stated that based on such information a lack of funds should not be the problem. He challenged all to consider what was the problem, as the rate of closure of LUST sites had not met everyone's expectations to date. He explained that the memo was developed after interviewing several individuals involved in this effort, including DNR staff, Board members, Administrator's staff, Petroleum Marketers and Convenience Stores of Iowa (PMCI) staff, tank owners, PMMIC staff, and groundwater professionals. The idea being that the revelation of perceptions from all parties involved could promote discussion regarding those items that seem to hold up the process. Problems discussed included the idea that everyone wanted to control the process, the system was fraught with distrust, and the idea that there was a lack of common long-term vision, among many others.

*In English phrase*

Mr. Hall's memo and presentation listed suggestions on how to bridge the gaps between the involved parties, including the "articulation of a common vision" for the UST program,

definition of roles within the program, obtaining a “commitment” from each “to honor their roles”, and to “establish a feedback mechanism” for accountability.

After the presentation, Mr. Scheidel inquired about the representation of site owners who no longer operated tanks or owners of pre-regulation sites, as PMCI staff would not represent the interests of site owners who do not operated tanks. Mr. Hall stated he did not have the opportunity to meet with anyone in that category. Mr. Scheidel noted those individuals well make up two-thirds of open UST Fund claim sites, and possibly three-fourths of open LUST sites. In addition, Mr. Scheidel said that new claims filed by innocent landowners would also not be represented by PMCI. A discussion regarding UST Fund eligibility ensued, and Mr. Hall inquired who could step in when a claimant’s eligibility was denied for not meeting the statutory requirements. Mr. Hall suggested that a push for statutory change could allow for more sites to become Fund eligible sites and therefore to be addressed.

Mr. Scheidel stated that the Board had to decide if its mission set by the Legislature was to clean up all LUST sites or rather only the sites that were intended for clean up as distinguished by the statutes of the UST Program; indicating that the Program was conceived with a finite mission in mind, as evidenced by the sunset date for funding.

Mr. Beech offered that perhaps a compromise to close low risk sites would move more sites toward closure, as well as, approval of more expensive corrections at complicated sites; however a lot of times those expensive corrections don’t result in closure. He suggested the Board find a broader solution to close a larger number of sites.

Mr. Steward suggested that a possible goal might be to prioritize sites by concentrating the focus on cleaning up Fund-eligible sites first, and then shift to non-eligible LUST sites as time allows. Mr. Geiselman suggested the DNR make assurances toward better enforcement on site owners who delay progress, and toward better cooperation overall.

Mr. Larson suggested that to move forward it might make sense to assemble a working group of stakeholders and legislators to coordinate direction for the Program. Such a coalition would allow for any statutory changes to gain legislative support early on during Session. Mr. Beech agreed saying he felt it was better to come to a consensus among stakeholders before meeting with legislators to gain their support.

Mr. Robinson pointed out the length of time it had taken to get the Program to its current state, and remarked at how it seems like more should be closed over the span of 20 years. Mr. Scheidel reported that out of approximately 1,400 LUST sites still open at the DNR, approximately 1,000 had Fund-eligible claims. Approximately one-quarter of Fund-eligible claim sites were insured by PMMIC; therefore after considering those with other financial responsibility (FR) mechanisms, approximately two-thirds of all Fund-eligible sites had no operating tanks. Mr. Beech inquired that if the goal is to close claims, and the stakeholders were charged with getting “there,” then how should “there” be defined? He opined that “there” should involve the Board’s obligatory 1,000 claim sites rather than the DNR’s 1,400 LUST sites. Ms. Lincoln concurred saying that Fund-eligible site claimants had been compliant with the rules and regulations, and they should be the Board’s first priority.

Ms. Boddy agreed that prioritizing sites might be a better solution than eliminating one group of sites altogether. Mr. Scheidel noted that the Board currently had an agreement with the DNR for closure contract sites, which were not eligible for UST funding and were cleaned up by Board-contracted groundwater professionals for tank pull and assessment expenses.

Mr. Scheidel posed the question to the Board if eligible sites should be remediated and closed first, then ineligible sites could be addressed, or if both eligible and ineligible sites should be handled concurrently. Mr. Hall offered that if funding were left over to pay for ineligible sites, why not use it? Mr. Scheidel inquired about the timing, and whether the Board should invest in clean up of ineligible sites now or later. Ms. Boddy suggested the Board carve out a "safe amount" of money to be used on ineligible sites. Mr. Scheidel stated that to an extent that was currently carried out under the closure contract agreement.

Not to completion

Ms. Lincoln reminded the Board that many site owners, who cooperated with the Program rules and DNR regulations to remediate and close their UST Fund claims, should have the security of knowing that funding would still be available if their claims needed to be reopened. She felt that NFA claims funding should be secured for those eligible, cooperative site owners before using up funding on ineligible, non-compliant sites.

Mr. Beech stated the first meeting of stakeholders might be between the Fund and the DNR to define what "there" should be. He said the second meeting could be expanded into a committee of stakeholders to better define the path to get "there." A third meeting of a larger group could gather information from stakeholders to identify barriers.

Ms. Burke-Boston inquired about post-Risk Based Corrective Action (RBCA) meetings, and how the plan set in those meetings for individual sites gets interrupted. Mr. Scheidel responded that those meetings result in Memoranda of Agreement, which often times get derailed due to changes in site conditions. He noted that many site owners who do not operate tanks can be a hurdle for moving forward, as they are not the responsible parties for the contamination at their sites.

Mr. Norris of PMMIC also reminded the Board that at some point it will be out of the picture and private carriers would be the primary financier of LUST remediation in the distant future. The stakeholders' future outlook for the UST Program should take into account the role of private insurers. Ms. Boddy agreed that a broader representation of the stakeholders should kick off these defining discussions. Mr. Hall agreed. Ms. Boddy stated that the use of a facilitator ought be considered, as well.

Mr. Larson requested that the Administrator present a plan of action at the September Board meeting, with recommendations on its structure, use of a facilitator, and any other considerations. Ms. Boddy asked Mr. Hall to donate time to the early development of the process also.

Many members of the Board thanked Mr. Hall for his work within the scope of the memo and its presentation. Mr. Hall, in turn, thanked the Board for its cooperation. Mr. Scheidel confirmed

XOXO

that he would collect input from stakeholders and present recommendations to the Board on how to begin the process in September.

**C. FY 2010 Goals Discussion**

Mr. Scheidel reported to the Board that the following numerical goals were set at the annual meeting in July.

- 1) Net closure of 150 claims
- 2) 100 corrective action meetings held

He noted that the Board had agreed to hold its additional goal items until Mr. Hall could present his memo, and that preliminary goal discussions included leveraging a coordinated effort to close low risk sites, an ongoing evaluation of RBCA standards and regular joint review of reserves and DNR staff perception of activities reserved for individual sites. Additionally, he stated that Ms. Voss had suggested a joint meeting with legislators and DNR Director Leopold and other Board members to gain greater commitment to Board issues, including bond authority, program expansion to ineligible sites or aboveground storage tank sites, contraction for not spending large amounts of capital on relatively lower risks at individual sites, and capital relative to liabilities.

**D. DNR 28E Agreement Addendum for FY 2010 Funding**

Mr. Scheidel presented an addendum to the Board to extend the funding to DNR's UST Section through FY 2010. The agreement allowed for the Board to transfer the amount from UST tag fees collected and allocated to the Board during FY 2010, back to the DNR for operating costs of its UST Section. In addition, the DNR would work toward the completion of milestones set within the addendum including meetings to discuss low risk sites and possible actions to move them toward closure, surface water pathway discussions, and vapor pathway discussions.

Mr. Larson submitted a motion to approve the addendum and Mr. Beech seconded the motion. Approved 3-0 with Ms. Boddy abstaining from the discussion and vote.

*Ms. Boddy exited the meeting at 11:49 A.M. Mr. Hall replaced her on the Board for the remainder of the meeting.*

**E. Administrator Contract Renewal**

Mr. Steward presented the Board with a copy of the 4<sup>th</sup> extension of the Administrator's contract between the Board and Aon Risk Services. The term of the extension was January 1, 2010 – December 31, 2010. He noted the extension included a previously-negotiated rate increase of 5%. He also stated that he had distributed the draft to Board members earlier in the month, and he had received no comments. Mr. Beech submitted a motion to approve the 4<sup>th</sup> extension of the Administrator's contract with Aon Risk Services, and Ms. Lincoln seconded the motion, which was approved by a vote of 4-0.

*Motion by Pat to insert tentative appeared*  
*I thought these goals were said, too?*  
*tentative says*  
*Scott*

*WTF? what does this mean?*

Mr. Steward explained that a request for proposal would be drafted next spring for the Administrator's contract to be effective January 1, 2011. The resulting contract term would be renewable under a six-year limit to expire in December of 2016.

**F. DNR Update**

Elaine Douskey of the DNR reported that the LUST Section had received the \$2.6m in stimulus money to allow DNR to assign remediation at sites that were not eligible for Iowa UST Fund benefits or at sites that had no responsible party. She noted that if the Iowa DNR were to use the stimulus money effectively on LUST projects, then experience dictates that more federal funding for such projects would possibly follow in future years. Therefore, the DNR had issued a RFP for groundwater professional firms to bid for the project sites. She stated that no more than 25 companies had submitted a proposal, and there were 50 potential sites identified for work. DNR would select four companies for contracts.

Ms. Douskey noted that the Environmental Protection Agency (EPA) expected each state to spend 15% of the stimulus money by April 2010. She also discussed the possibility of using stimulus money to fill the gaps left by co-payment for innocent landowner sites to keep site clean up moving.

**PROGRAM BILLINGS**

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

1. Aon Risk Services .....\$127,219.00  
Consulting Services – September 2009 (\$70,639.00)  
Claims Processing Services – September 2009 (\$56,580.00)
2. Aon Risk Services .....\$727.77  
Iowa UST Annual Strategic Planning Session  
Honey Creek Resort – July 16, 2009
3. Stephen Larson .....\$68.64  
Mileage Reimbursement for Travel to Iowa UST Annual Meeting
4. Nancy Lincoln .....\$137.28  
Mileage Reimbursement for Travel to Iowa UST Annual Meeting
5. Iowa Department of Revenue .....\$1,566.14  
Environmental Protection Charge Collection  
April – June Fiscal Year 2009
6. Office of Auditor of State .....\$5,079.39  
Audit Services of FY08 – performed during FY09

On a motion by Mr. Hall and a second by Mr. Beech, all billings were approved by a vote of 2-0. Mr. Larson and Ms. Lincoln abstained from the vote.

### **MONTHLY ACTIVITY REPORT**

Mr. Scheidel noted that the July activity report and financial reports were provided for the Board members to review.

### **ATTORNEY GENERAL'S REPORT**

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

### **CLAIM AUTHORITY**

Mr. Gastineau presented the following claim authority requests:

#### **1. Site Registration 7910533 – James Martin Jr., Independence**

This non-granular bedrock site was classified high risk for the groundwater and soil leaching to groundwater ingestion pathways for four private drinking water wells. Public water was not available, therefore an excavation was proposed to be followed by monitoring. Previous authority to \$75,000 had been granted, and \$20,484.45 was incurred to date. Additional authority to \$150,000 was requested for implementation of the excavation and monitoring.

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

#### **2. Site Registration 8710742 – Ubben Oil Co., Hampton**

This was a second Board report for a site that was high risk. The remediation system had been shut down and had done its job. Post remediation evaluations were set to determine if contaminant concentrations would rebound or if free product would return. If not, the site might achieve no action required (NAR) within two years of monitoring. If contamination were to rebound, the system will be restarted. Previous authority to \$260,000 had been granted, and \$271,592.07 was incurred to date. Additional authority to \$310,000 was requested for monitoring and possibly to restart the system and continue free product recovery activities, if necessary.

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

#### **3. Site Registration 8609091 – Griffith Oil Corp, Princeton**

This was the second Board report for a non-granular bedrock site classified high risk for a non-drinking water well, a residential sewer, and the soil leaching to protected groundwater source pathway and classified low risk for the potential vapor pathways. A multi-phase remediation

system had operated for five years. The free product had disappeared and the groundwater concentrations had declined during this time. The system seemed to have reached a point of diminishing returns, and the groundwater concentrations were no longer declining; therefore it did not appear that site-specific target levels (SSTL's) would be reached without a re-design of the system. Another option was to offer a settlement to the owner of the non-drinking water well to close his well, document the city ordinance to clear the protected groundwater source (PGS) pathway, and complete post-remediation monitoring and soil re-sampling to possibly reclassify the site to low risk or NAR within two years. Mr. Gastineau expounded saying that whenever a system stops yielding results, an opportunity to re-evaluate the site conditions exists. He also stated that the DNR was asked if the city ordinance would effectively reclassify the PGS pathway, but he had not yet received a response. Previous authority to \$380,000 had been granted, and \$385,398.46 was incurred to date. Additional authority to \$455,000 was requested for monitoring, possible continued remediation and free product recovery, if necessary.

Ms. Lincoln inquired about the settlement option, and Mr. Scheidel responded saying that the Board may offer a settlement to offset the well owner's water bills, if he agreed to plug his non-drinking water well.

Ms. Lincoln submitted a motion to approve the claim authority requested, and Mr. Larson seconded the motion, which was approved by a vote of 4-0.

#### **4. CRPCA 0309-33 Bentley (Neola)**

The Ballard Service property was identified as a leaking underground storage tank (LUST) site in 2000. Following a Tier 2 assessment, the site was classified high risk due to proximity to basements and private wells. Due to funding issues, work ceased at that time. The Board authorized a settlement with the former landowner's estate to provide benefits for future work. In September 2003, this project was awarded to Barker Lemar Engineering Consultants to address contamination and to reduce the risks identified at the site. Due to the depth of the contamination and proximity to multiple private water wells, corrective action options were limited. Mr. Gastineau stated that a public water network would not be available in the community for a long time. Because groundwater was at 45 feet, Barker Lemar suggested an innovative technology, which was approved for use at the project site. During the pilot test, the selected technology was determined to be unfeasible, and a new method using the patented "Low-Perma In Well Technology" method was selected and tested. This method was determined to be acceptable, and a full system was installed in 2007. The system was currently operational, and it was expected to take several years to achieve SSTL's.

Due to the steps taken and time elapsed to evaluate the site, the state-regulated contract limit of 6 years was due to expire in December 2009. Mr. Gastineau presented a recommendation from the Administrator that the Board authorize the negotiation of a sole-source contract with Barker Lemar to continue work at the site. The basis of this request included the fact that Barker Lemar employees had developed a unique set of skills and experience during the implementation of the new system, so that they might be best equipped to maintain and enhance the system as needed. In addition, Mr. Gastineau explained that work at the site would likely stop once the contract with Barker Lemar expired.

He noted that the State regulations permitted a sole source contract under the conditions that the service provider was determined to be the only one qualified or eligible to perform the service, or the services involved work that was of a specialized nature that only a single source, by virtue of experience, expertise, etc., could most satisfactorily provide. He also stated that Barker Lemar's collaboration with the patent-holder and its employees experience with the technology qualified the firm for a sole-source, innovative technology contract with the Board. Mr. Steward explained that he and Mr. Gastineau had discussed this arrangement with the Department of Administrative Services regarding the contract, and all agreed on its format.

Mr. Hall submitted a motion to authorize the Administrator to negotiate a sole-source, innovative technology contract with Barker Lemar to continue the project in Bentley. Mr. Beech seconded the motion, which was approved by a vote of 4-0.

#### **CONTRACTS ENTERED INTO SINCE THE JULY 16, 2009 BOARD MEETING**

Mr. Scheidel noted that the Board had entered into a contract with GeoTek Engineering & Testing Services for the West Region of UST closure contract sites and a contract with Barker Lemar Engineering Consultants for the East Region of UST closure contract sites. Ms. Skalicky noted that the 28E agreement addendum with DNR facilitating the UST closure contracts was also executed within the past week.

#### **OTHER ISSUES**

Mr. Scheidel reported that the next meeting of the Board was set for Thursday, September 24, 2009 at 10 A.M. at the Iowa Insurance Division.

#### **CORRESPONDENCE AND ATTACHMENTS**

Ms. Burke-Boston asked if there was any further business, and there being none, Ms. Lincoln moved to adjourn, and Mr. Hall seconded the motion. By a vote of 4-0, the Board adjourned at 12:19 P.M.

Respectfully Submitted,



Scott M. Scheidel  
Administrator

## **Closed Session**

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

## **Public Comment**

## **Board Issues**

## **A. Request for Information Draft - LPT Review**

## LPT PROS AND CONS

The following are considerations affecting all three parties the UST Fund, (seller,) the claimant, and PMMIC (buyer) of a Loss Portfolio Transfer. These considerations are specific to the 13 claims that have been mentioned for the possible transfer at issue but would also apply in general for any such transaction:

### POTENTIAL ADVANATAGES FOR UST FUND (SELLER)

- Liabilities ended now (and claims closed) for a known amount, which eliminates uncertainty for future loss costs, future payout patterns, and interest rate risk.
- Every reduction in claim count allows incremental amount of additional time to be spent on each remaining open file. The claims in this transaction, in general, take more time than a similar claim with no split liability due to the shared decision making with PMMIC.
- Any money that is spent at sites after this transaction is being spent where it was intended (assessing and performing corrective action at eligible sites) as outlined by enabling legislation.
- Removes the possibility that the funds in the transfer could be redirected into other funding purposes through the Legislature.
- DNR regulation could change increasing the future cost of cleanups. By transferring the liability on these claims the Board eliminates that risk. An example would be DNR requires sites to address MtBE, which is now not a cost the Board incurs.

### POTENTIAL DISADVANTAGES UST FUND (SELLER)

- Payout could exceed ultimate payments made or the payout schedule could be shorter than anticipated.
- DNR regulations could change decreasing the overall cost of cleanups. A decrease would likely mean that the amount PMMIC has to expend to reach closure would be reduced, resulting in excess profit. Examples that could have this result are the recalibration of the Tier 2 model, change in treatment of receptors (PWL) or alternatives such as well replacement being easier.
- By transferring an amount of money today, that would have been spent over time the Board is forgoing any income that would have received by holding that money for the term of the activities. This is accounted for by using a discount factor, but because the rate of return is fluid an increase in said rate would result in forgone excess income.

## POTENTIAL ADVANTAGES TO OWNER-OPERATOR (CLAIMANT)

- This sale proposed is to a company (PMMIC) that currently insures the site for ongoing operations, already has a claim open for the site for the claimant or the current operator of the site.
- Having one funding source to deal with simplifies the claims and decision making process for the claimants.
- Claimant eliminates the government involvement with funding.
- The quicker these claims are addressed the less likely third party claims (not covered by the UST Fund) could be brought against the claimant.

*Norris add  
Paid on Fund  
Removed.*

## POTENTIAL DISADVANTAGES TO OWNER-OPERATOR (CLAIMANT)

- Claimant loses the backing of the State of Iowa for their claim. UST Fund Claims are paid with taxing authority and after transfer any redress is lost. That portion of claim that was paid by PMMIC pre-transfer would still be covered by State Guaranty Fund, however former UST Fund portion would not have such backing.

*Loose benefits of future changes in rule (e.g. NFA responders tank pulls)*

## POTENTIAL ADVANTAGES TO BUYER (PMMIC)

- Corrective action could be performed more quickly and/or for amounts less than anticipated to provide a fair profit to PMMIC.
- DNR regulation could change decreasing the costs of cleanup, resulting in increased profits. Examples that could have this result are the recalibration of the Tier 2 model, change in treatment of receptors (PWL) or alternatives such as well replacement being easier.
- Ability to move more quickly on sites decreasing the risk of third party claims not covered by the UST Fund.
- Owners of the company (claimants in some instances) are assured that UST Fund money is expended where intended.
- Ease in administration of these complicated claims.
- Investment income on reserved fund amounts could rise if transfer made thereby decreasing overall cost of capital and ultimately the cleanups.

- PMMIC has some leverage on claimants due to the ongoing insurance relationship for their ongoing business concerns and may be able to get claimants to move along with activities where the UST Fund cannot.
- PMMIC is able to make consultant changes on sites with greater ease. As a private entity they are not required to maintain neutrality in the selection of consulting firms

#### POTENTIAL DISADVANTAGES TO BUYER (PMMIC)

- Investment income on reserved fund amounts could fall if transfer made thereby increasing overall cost of capital and ultimately the cleanups.
- DNR regulations could change increasing the potential cost of assessment and cleanups. An example would be DNR requires sites to address MtBE, which is not a cost contemplated in estimating closure of these sites.
- Assuming ongoing liability for a fixed cost subjects PMMIC to all of the risks of change. There is no ability to realize more money for these claims if total cost increase, other than reinsuring the potential increase or raising rates on future insureds.

REQUEST FOR INFORMATION  
ON A  
LOSS PORTFOLIO TRANSFER  
FOR THE  
STATE OF IOWA

ISSUED BY  
THE IOWA COMPREHENSIVE PETROLEUM  
UNDERGROUND STORAGE TANK FUND BOARD

*Chapter 22 addresses confidentiality  
of information submitted.*

## Table of Contents

### Section 1 - BACKGROUND AND OBJECTIVES

1.1	Background Information for the Project.....	1
1.2	Information Sought.....	1
1.3	Relevant Dates.....	1
1.4	Interested Parties' Questions about RFI.....	1
1.5	Submission of Response/Presentations.....	2
1.6	Format of Interested Party's Response to RFI.....	2
1.7	Cost to Interested Parties.....	2
1.8	Responses are Property of the Board.....	2
1.9	Review and Rejection of RFI Responses.....	3
1.10	Public Records and Requests for Confidentiality.....	3
1.11	Copyrights.....	4
1.12	Restrictions on Gifts and Activities.....	4
1.13	Disclaimer,,,,,.....	4
1.14	Sources of Information used by the Board.....	5
1.15	No Obligation to Issue Request for Proposal (RFP).....	5

### Section 2 – INTERESTED PARTY INFORMATION AND RESPONSES

2.1	Background on Current Claim Status.....	6
2.2	Board Criteria and Parameters.....	7
2.3	Interested Party References.....	8

Exhibit One –

Exhibit Two –

Exhibit Three –

Exhibit Four –

Exhibit Five –

## SECTION 1. BACKGROUND AND OBJECTIVES

### 1.1 Background Information for the Project

The Iowa Comprehensive Petroleum Underground Storage Tank Fund Board (Board) pays claims for assessment and corrective action to eligible claimants for historical petroleum releases from underground storage tanks. The Board and its funds were established as a temporary measure to address increased regulation from the United States Environmental Protection Agency and Iowa Department of Natural Resources.

One tool available to the Board to assist with reaching the end of its liabilities is a "loss portfolio transfer" for a portion or all of its claims. The Board was given statutory authority in 455G.6(17) and adopted rules in Iowa Administrative Code 591, Chapter 9 (Exhibit One).

This RFI is available online at <http://www.INSERT>

### 1.2 Information Sought

The purpose of this process is to provide the Board with information that would allow it to negotiate with or seek bids from parties that may be qualified and interested in a transfer of any of the Board's outstanding claims.

### 1.3 Relevant Dates

Event	Dates
Board Issues RFI	March XX, 2008
Vendor Questions about RFI due to Board (by e-mail)	March XX, 2008
Board Issues Answers to Vendor Questions	March XX, 2008
Vendor responses to RFI due to Board (by e-mail)	March XX, 2008
Scheduling of Presentations by Selected Vendors (if any)	April XX, 2008
Vendor Presentations to Board (if any)	April XX, 2008

### 1.4 Interested Parties' Questions about RFI

Interested parties that have questions concerning this RFI may submit questions to ??TREASURY??, by e-mail, no later than 4:00 p.m., Central Time, on March XX, 2008. The e-mail address is [scott\\_scheidel@ars.aon.com](mailto:scott_scheidel@ars.aon.com). Oral inquiries will not be accepted.

Questions received, and the answers that ??TREASURY?? provides, will be provided to interested parties that have requested to be included by e-mail during the question period.

□

## **1.5 Submission of Response/Vendor Presentations**

Any vendor wishing to submit a response to this RFI must do so by 4:00 p.m., Central Time, on March XX, 2008. Responses must be submitted by e-mail to [scott\\_scheidel@ars.aon.com](mailto:scott_scheidel@ars.aon.com) or received in person at Iowa UST Fund, 2700 Westown Pkwy, Suite 320, West Des Moines, IA 50266

After reviewing the responses, the Board may contact selected vendors during the week of April XX, 2008 to schedule presentations. Presentations are tentatively scheduled to take place April XX, 2008 and will be held at the Insurance Commissioners' Office in Des Moines, IA.

## **1.6 Format of Vendor's Response to RFI**

Responses should be based on the material contained in this RFI or any other relevant information the vendor thinks is appropriate, and should include the following information:

### **1.6.1 Interested Party Identifying Information, including**

- name and principal place of business.
- type of business entity, such as a corporation or partnership.
- vendor's place of incorporation, if applicable.
- At the respondent's discretion, provide an organization chart for the vendor. Include any parent, subsidiary and affiliate companies you feel may be relevant to this presentation.

1.6.2 Name, address, e-mail address, telephone number, and fax number of the representative to contact concerning this RFI.

1.6.3 A discussion of the vendor's interest in the assumption of any group of claims currently paid by the Board. The response should address, at a minimum, the criteria contained in Section 2.2. The response should include a discussion of the benefits for the program as a whole as well as the benefit to claimants either included in or excluded from the response.

## **1.7 Cost to Vendors**

The Board is not responsible for any costs incurred by a vendor related to the preparation or delivery of the response, any on-site inspection that may be required, or any other activities related to this RFI.

## **1.8 Responses Property of the Board**

All printed information used to demonstrate a vendor's product becomes the property of the Board. The Board will have the right to use ideas or adaptations of ideas that are presented in the responses.

## **1.9 Review and Rejection of RFI Responses**

1.9.1 The Board reserves the right to reject any and all responses, in whole and in part, received in response to this RFI at any time. Issuance of the RFI in no way constitutes a commitment by the Board to award any contract. This RFI process is for the Board's benefit and is intended to provide it with information to assist in the decision regarding potential loss portfolio transfers in the future. The RFI is not intended to be comprehensive and each vendor is responsible for determining all factors necessary for submission of a comprehensive response.

The RFI response will not be subject to an RFP type evaluation, but only to a review of suggested transfer mechanisms, cost (cost may be estimated by vendor; if it is an estimate, vendor shall state that it is an estimated or approximate cost), indemnification and release of liability offered, and ability to meet ongoing liabilities consistent with Board laws and regulations.

1.9.2 An RFI response may be rejected outright and not reviewed for any one (1) of the following reasons, therefore vendors are asked to make every effort to meet the RFI timelines and to include the requested information:

1.9.2.1 Failure of vendor to deliver the response by the due date and time.

1.9.2.2 Failure to include information requested in the RFI.

1.9.2.3 Failure to make a presentation to the Board.

## **1.10 Public Records and Requests for Confidentiality**

1.10.1 The release of information by the Board to the public is subject to Iowa Code Chapter 22 and other applicable provisions of law relating to the release of records in the possession of a State agency. Vendors are encouraged to familiarize themselves with these provisions prior to submitting a response to this request. All information submitted by a vendor may be treated as public information by Board unless the vendor properly requests that information be treated as confidential at the time of submitting the proposal.

1.10.2 Any requests for confidential treatment of information must be included in a cover letter with the vendor's response and must enumerate the specific grounds in Iowa Code Chapter 22 or other legal reasons which support treatment of the material as confidential and must indicate why disclosure is not in the best interests of the public. The request must also include the name, address and telephone number of the person authorized by the vendor to respond to any inquiries by Board concerning the confidential status of the materials.

1.10.3 Any documents submitted containing confidential information must be marked on the outside as containing confidential information, and each page upon which confidential information appears must be marked as containing confidential information. The confidential information must be clearly identifiable to the reader wherever it appears. All copies of the response submitted, as well as the original response, must be marked in this manner.

1.10.4 In addition to marking the material as confidential material where it appears, the vendor must submit one copy of the response from which the confidential information has been excised. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the document as possible. These pages must be submitted with the cover letter and will be made available for public inspection.

1.10.5 The vendor's failure to request confidential treatment of material in the response pursuant to this Section and the relevant laws and administrative rules will be deemed by Board as a waiver of any right to confidentiality which the vendor may have had.

## **1.11 Copyrights**

By submitting a response, the vendor agrees the Board may copy the response for purposes of facilitating the evaluation or to respond to requests for public records. The vendor represents that such copying will not violate any copyrights in the materials submitted.

## **1.12 Restrictions on Gifts and Activities**

Iowa Code chapter 68B contains laws which restrict gifts which may be given or received by state employees, and requires certain individuals to disclose information concerning their activities with state government. Vendors are responsible for determining the applicability of this chapter to their activities and for complying with these requirements. In addition, Iowa Code chapter 722.1 provides that it is a felony offense to bribe a public official.

## **1.13 Disclaimer**

1.13.1 This RFI is designed to provide vendors with the information necessary for the preparation of an appropriate response. It is not intended to be comprehensive, and each vendor is responsible for determining all factors necessary for submission of a comprehensive response.

1.13.2 The Board reserves the right to modify this RFI at any time.

1.13.3 By submitting a response, each vendor agrees that it will not bring any claim or have any cause of action against the Board or the State of Iowa, or any

employee or agent of the State, based on any misunderstanding concerning the information provided or concerning the Board's failure, negligent or otherwise, to provide the vendor with pertinent information as intended by this RFI.

#### **1.14 Sources of Information Used by the Board**

The Board reserves the right to contact vendors after the submission of responses for the purpose of clarification and to ensure mutual understanding.

#### **1.15 No Obligation to Issue Request for Proposal (RFP)**

The issuance of this RFI does not obligate the Board any way to issue any RFP for a loss portfolio transfer as described in this RFI.

## SECTION 2. INTERESTED PARTY INFORMATION AND RESPONSES

### 2.1 Background on Current Claim Status:

The Board reimburses eligible claimants for their assessment and corrective action costs required pursuant to Iowa Department of Natural Resource laws and regulations. Historically, the Board has had over 5,900 claims for benefits. As of the end of Calendar year 2007 there were 1,220 open claims for benefits. Of those claims that remain open, roughly one third were at sites that still had tanks in operation, with the remaining two thirds at sites where tanks had been closed or removed.

The Board was established as a temporary measure to assist owners with releases that occurred at their sites prior to the date, October 26, 1990, by which they were required to obtain or prove Financial Responsibility to cover any potential release reported after October 26, 1990. As the number of open claims declines, the Board may consider a transfer of all or a portion of the remaining open claims as a method to terminate the program consistent with its temporary nature.

### 2.2 Board Criteria and Parameters

2.2.1 *Termination of Liability*--The Board's decision to pursue any transaction will, in large part, be to terminate future liability as it moves toward closure of the entire program. Any interested party must clearly address how this will be accomplished.

If the Board ultimately elects to enter into a loss portfolio transfer with an interested party, the Board may require the party to indemnify the Board from any and all future liabilities associated with the claims transferred, as well as require proof the indemnification obligation is funded through some mechanism the Board may draw upon in the event the party fails to meet this obligation (ie Bond, Letter of Credit). Additionally, the Board may seek assurances that any claimants included in any potential transfer unconditionally release the Board from future liability, and acknowledge their consent to the transfer of their claim.

2.2.2 *Minimum Evaluation Criteria*--The Board, in its rules, has published the minimum criteria it will consider when evaluating whether or not a transfer is in the best interest of the program. The minimum criteria include the following: (1) the overall effect on the cost to reach closure for the Board, (2) the qualifications of any potential transferee, (3) the impact entering into a transfer might have on the claims not included that would remain with the Board, and (4) the impact the transfer will have on the statutory rights of the claimants.

2.2.2.1 *Effect on Cost*—The Board continually monitors and adjusts reserves for all open claims. The cumulative sum of the reserves on the individual files serves as one estimate of the ultimate cost to closure of the program. The Board views closing claims at a cost less than the reserve number as being

in the best interest of the overall program. Extensive consideration in the evaluation of any potential transfer will be given to those estimates, the time value of making those payments, the savings proposed in any transfer and the fluctuation risk associated with either paying the claims over time or paying a lump sum to close them.

*2.2.2.2 Effect on Speed to Closure*—The Board views the prompt and efficient closure of sites as in the best interest of the overall program. Consideration will be given during the evaluation of any potential transfer to any improvements in speed to closure for claims. The Board's statutes provide that it is a reimbursement program; in other words, payment is made after costs are incurred. The ability to "pay on behalf of" claimants and move sites to closure through direct contracting is an example that may demonstrate the ability to promote prompt and efficient closure of sites, rather than waiting for claimants to act on their own initiative to incur costs.

*2.2.2.3 Transferee Qualifications*—If the Board elects to consider any potential transfers, the qualifications of the transferee will be of considerable importance. The ongoing financial viability of the transferee will be a primary consideration for the Board. For and Insurer, the Board's evaluation will include an examination of its rating by industry standards such as AM Best or Standard and Poor's. For an entity without an industry rating standard, the Board's evaluation will include an evaluation of its balance sheet for viability.

Experience with environmental claims will also play an important role in the Board's evaluation of any potential transferee. An understanding of the issues and practices in handling environmental claims may be evaluated through references, or demonstration of successful remedial efforts on past claim files.

The Iowa DNR has a unique set of Risk Based Corrective Action standards and guidance that establish the requirements to reach closure at sites, and ultimately, closure of the claims. The Board will consider the ability of any potential transferee to understand and utilize this information by either direct experience or through their use of experienced vendors.

*2.2.2.4 Impact on Remaining Claims*—If a proposed loss portfolio transfer includes only a portion of the Board's open claims, with the Board maintaining responsibility for the remaining open claims not included in the proposed transfer, the Board will evaluate its ability to meet the ongoing obligations it will maintain for the claims not transferred. Because the Board has statutorily-limited cash flows, and its has experienced diversion of its funds for other purposes in recent years, fund balances have been depleted to a level that may create concerns about its ability to meet ongoing financial

## B. UST Fund/DNR Closure Strategy

Summarized UST Strat. mtg + Tim's notes.

- \$75-100/site - for COWP to review for obstacles
- 20% of all high risk sites, review
- Pat commit DNR to look at them, to identify issues.

(\*ED - give Scott end of quarter list)

E.D. Report:

- ARRA - 8 proposals / decision Friday  
- EPC approval of contract 10/20

UST - O/O training finalized  
- Remover course → 10/9

### C. DNR Update

Nancy  
①

Software - Where is it at? timeframe?

- Is there a bypass to get  
model out vs. fix for under predictive  
plume.

Scott theoretically vs actually happening.

## **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

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TO:            UST Board Members  
FROM:        Scott Scheidel  
DATE:        September 18, 2009  
SUBJECT:     Summary of Bills for Payment

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#### \*NOTICE\*

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

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





**Iowa Comprehensive Petroleum**

Invoice No. 9500000076163

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-17-2009	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2009 - Jan-01-2010	Oct-01-2009	Renewal - Service Fee Service Fee	70,639.00
<b>Comments</b> Installment 10 of 12				
			<b>TOTAL INVOICE AMOUNT DUE</b>	<b>70,639.00</b>

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

Please see reverse side for statement regarding Aon compensation.

Page 1 of 1

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

Client Account No.	Invoice No.	Invoice Date	Currency	Amount Due
10756349	9500000076163	Aug-17-2009	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

## Iowa Comprehensive Petroleum

Invoice No. 9500000076164

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-17-2009	US DOLLAR	Scott Scheidel

Named Insured	Service Term	Trans. Eff. Date	Description	Amount
Iowa Comprehensive Petroleum	Jan-01-2009 - Jan-01-2010	Oct-01-2009	Renewal - Service Fee	
			Service Fee	0.00
			Consulting Expense	56,580.00
<b>TOTAL INVOICE AMOUNT DUE</b>				<b>56,580.00</b>

**Comments**  
Installment 10 of 12

**TO AVOID POTENTIAL DISRUPTION IN COVERAGE, PLEASE PAY IMMEDIATELY.**  
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Client Account No.	Invoice No.	Invoice Date	Currency	Amount Due
10756349	9500000076164	Aug-17-2009	US DOLLAR	56,580.00

Iowa Comprehensive Petroleum  
Underground Storage Tank Fund  
1 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

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

## **A. August Activity Report**

Iowa UST Fund  
Monthly Activities Report

August 2009

	Open Claims	Open & Closed	Open Claims	Open & Closed
Claims	July Ending	Monthly Net Changes	August Ending	Totals since Inception
<b>RETROACTIVE</b>				
number	61	0	61	444
reserve	\$2,841,712.74	(\$11,968.72)	\$2,829,744.02	\$2,829,744.02
paid	\$7,776,787.26	\$8,968.72	\$7,785,755.98	\$15,307,433.34
total	\$10,618,500.00	(\$3,000.00)	\$10,615,500.00	\$18,137,177.36
<b>REMEDIAL</b>				
number	765	(2)	763	4,440
reserve	\$37,779,610.44	(\$145,501.73)	\$37,634,108.71	\$37,634,108.71
paid	\$87,660,717.75	\$216,345.69	\$87,877,063.44	\$186,618,762.54
total	\$125,440,328.19	\$70,843.96	\$125,511,172.15	\$224,252,871.25
<b>INNOCENT LANDOWNER</b>				
number	215	2	217	1,063
reserve	\$7,786,216.63	\$220,426.58	\$8,006,643.21	\$8,006,643.21
paid	\$11,698,524.93	\$67,575.42	\$11,766,100.35	\$23,579,963.49
total	\$19,484,741.56	\$288,002.00	\$19,772,743.56	\$31,586,606.70
<b>GLOBAL OPT-IN</b>				
number	217	(5)	212	1,283
reserve	\$1,323,859.78	(\$16,736.76)	\$1,307,123.02	\$1,307,123.02
paid	\$1,660,333.04	(\$41,763.24)	\$1,618,569.80	\$9,122,153.44
total	\$2,984,192.82	(\$58,500.00)	\$2,925,692.82	\$10,429,276.46
<b>UNASSIGNED PROJECTS</b>				
number	17	0	17	186
reserve	\$175,532.00	(\$12,679.15)	\$162,852.85	\$162,852.85
paid	\$306,757.95	\$12,679.15	\$319,437.10	\$2,655,796.13
total	\$482,289.95	\$0.00	\$482,289.95	\$2,818,648.98

Corrective Action Meetings	
Scheduled:	104
Completed:	919
MOA's	456

<b>RT Claims</b>	<b>#</b>
New	0
Reopened	0
Closed	0
<b>RM Claims</b>	<b>#</b>
New	0
Reopened	2
Closed	4
<b>ILO Claims</b>	<b>#</b>
New	4
Reopened	1
Closed	3
<b>GS Claims</b>	<b>#</b>
New	1
Reopened	2
Closed	8
<b>PROJ Clms</b>	<b>#</b>
New	0
Reopened	0
Closed	0

Invoice Type Totals	August	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	23,185.41	34,136.59	\$50,260,710
Free Prod Recover	34,385.06	77,890.47	\$7,887,974
Monitoring	147,891.32	255,573.66	\$21,162,631
New UST Pull 2004	55,637.58	84,773.89	\$1,489,954
Operations/Maint	67,573.04	110,666.61	\$7,521,074
Over-excavation	73,607.70	164,758.09	\$22,938,383
Plastic Water Lines	0.00	1,965.34	\$1,617,683
Post RBCA Evals	0.00	633.75	\$139,986
RBCA	13,166.32	45,223.30	\$24,858,697
Remed Imp/Const.	66,486.14	192,569.24	\$23,223,682
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	24,522.87	31,843.37	\$5,051,497
Tank (UST) Upgrade	0.00	0.00	\$5,880,860
Tier III	1,369.00	8,800.90	\$1,158,534
Utilities	16,900.80	37,353.27	\$1,092,871
Well Closure	4,755.05	17,319.29	\$2,605,731
<b>Total Invoice Types</b>	<b>529,480.29</b>	<b>1,063,507.77</b>	<b>\$249,244,144</b>

Budgets Approved to Date		
August	4	\$112,407
Trailing 12 mos	41	\$2,076,275
Prev Trail 12 mos	32	\$1,751,090
Total Since Jan 2003	943	\$35,425,054

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

## **B. August Financial Report**

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

<b>047</b>	<b>ST REVENUE FUND (Bonding)</b>		
	<b>Balance of Fund, August 1, 2009</b>		\$0.00
	<b>Receipts:</b>		
	Tank Management Fees	\$0.00	
	Motor Vehicle Use Tax (IDOT - vehicle registration)	\$0.00	
	Intra State Fund Transfers Received	\$402,405.00	
	Interest Income	\$0.00	
	Interest Income - Capital Reserve Fund	\$0.00	
			\$402,405.00
	<b>Disbursements:</b>		
	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	\$0.00	
	Transfer to Remedial Non-Bonding Fund	\$0.00	
			\$0.00
	<b>Balance of Fund, August 31, 2009</b>		\$402,405.00

<b>0450</b>	<b>UST UNASSIGNED REVENUE FUND (Non-Bonding)</b>		
	<b>Balance of Fund, August 1, 2009</b>		\$2,789,539.01
	<b>Receipts:</b>		
	Request for Proposal Fees	\$0.00	
	Copying/Filing Fees	\$0.00	
	Fines & Penalties	\$0.00	
	Refund/Overpayment	\$0.00	
	Transfer From UST Revenue Fund	\$0.00	
	Intra State Fund Transfers Received	\$0.00	
	Compensation for Pooled Money Investments	\$0.00	
	Amort / Accretion	\$0.00	
	Buys/ Sells	\$0.00	
	Interest Income	\$2,175.41	
			\$2,175.41
	<b>Disbursements:</b>		
	UST Administrator's Fees	\$0.00	
	Attorney General's Fees	\$0.00	
	Attorney's Fees: Cost-Recovery Administration	\$0.00	
	Cost Recovery Expense (i.e. Lien Filing, Overpayment Refund)	\$0.00	
	Actuarial Fees	\$0.00	
	Auditor of the State Fees	\$5,079.39	
	Bond Trustee Fees - Bankers Trust	\$0.00	
	Claim Settlement	\$0.00	
	Custodial Fees - BONY	\$675.03	
	Department of Revenue EPC Collection Fees	\$1,566.14	

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

Environmental Protection Charge Refunds	\$1,053.19	
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	\$12,679.15	
Travel Expenses-UST Board Members	\$0.00	
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	\$96,250.00	
28E Agreement - DNR UST Section Funding - FY10	\$0.00	
Statutory Transfer to DNR - FY10	\$0.00	
Statutory Transfer to General Fund	\$0.00	\$117,302.90
<hr/>		
<b>Balance of Fund, August 31, 2009</b>		<u><u>\$2,674,411.52</u></u>

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

<b>Balance of Fund, August 1, 2009</b>		\$3,998,069.26
<b>Receipts:</b>		
Remedial Refunds	\$400.00	
Misc. Income (i.e. eligibility settlements)	\$0.00	
Interest Income	\$0.00	
Transfer Received from Revenue Fund	\$0.00	
		\$400.00
<b>Disbursements:</b>		
Retroactive Claims	\$8,968.72	
Remedial Claims	\$397,495.92	
Balance of Outdated Warrants	(\$1,125.00)	
		<u>\$405,339.64</u>
<b>Balance of Fund, August 31, 2009</b>		<u><u>\$3,593,129.62</u></u>

**0478 - UST MARKETABILITY FUND**

<b>Balance of Fund, August 1, 2009</b>		\$549,707.80
<b>Receipts:</b>		
Interest	\$12,029.64	
Use Tax	\$0.00	
		<u>\$12,029.64</u>
<b>Disbursements:</b>		
Intra State Fund Transfer	\$0.00	
		<u>\$0.00</u>
<b>Balance of Fund, August 31, 2009</b>		<u><u>\$561,737.44</u></u>

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

**0485 - JST INNOCENT LANDOWNERS FUND**

<b>Balance of Fund, August 1, 2009</b>		\$16,562,370.84
<b>Receipts:</b>		
Cost Recovery (i.e. lien settlements)	\$0.00	
ILO Refunds	\$0.00	
Transfer Received from Revenue Fund	\$0.00	
Miscellaneous Income	\$0.00	
		\$0.00
<b>Disbursements:</b>		
Other Contractual Services	\$0.00	
Global Settlement Claims	\$23,079.88	
Innocent Landowner Claims	\$91,355.91	
Balance of Outdated Warrants	(\$3,333.30)	
		\$111,102.49
<b>Balance of Fund, August 31, 2009</b>		<b>\$16,451,268.35</b>

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

<b>Balance of Fund, August 1, 2009</b>		\$273,405.79
<b>Receipts:</b>		
Interest Income	\$327.72	
		\$327.72
<b>Disbursements:</b>		
Intra State Fund Transfer	\$0.00	
Payments on Loan Losses	\$0.00	
		\$0.00
<b>Balance of Fund, August 31, 2009</b>		<b>\$273,733.51</b>

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

<b>Balance of Fund, August 31, 2009</b>		\$0.00
<b>Combined UST Capital Reserve Fund Balances, August 31, 2009</b>		<b>\$0.00</b>

<b>TOTAL FUND BALANCES, August 31, 2009</b>		<b>\$23,956,685.44</b>
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**FOOTNOTES:**

Note 1: Funds labeled "Bonding" were created as a result of the issuance of UST Revenue Bonds. Disbursements from these funds are restricted by the Revenue Bond indenture. All bond funds are \$0.00 8/31/08  
Funds labeled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

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

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

		FISCAL 2010 BUDGET
<b>0471 - UST REVENUE FUND (Bonding)</b>		
<b>Balance of Fund, July 1, 2009</b>	\$11,729,152.76	\$11,729,152.76
<b>Receipts:</b>		
Tank Management Fees	\$0.00	\$770,000.00
Motor Vehicle Use Tax	\$0.00	\$17,000,000.00
Intra State Fund Transfers Received	\$402,405.00	
Interest Income	\$0.00	
Interest Income - Capital Reserve Fund	\$0.00	
	\$402,405.00	\$17,770,000.00
<b>Disbursements:</b>		
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
<b>Balance of Fund, August 31, 2009</b>	\$402,405.00	\$770,000.00
<b>0450 - UST UNASSIGNED REVENUE FUND (Non-Bonding)</b>		
<b>Balance of Fund, July 1, 2009</b>	\$3,074,133.22	\$3,074,133.22
<b>Receipts:</b>		
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	\$3,759.03	\$700,000.00
	\$3,759.03	\$5,040,000.00
<b>Disbursements:</b>		
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	\$5,079.39	\$5,000.00
Bond Trustee's Fees - Bankers Trust	\$0.00	\$3,000.00
Claim Settlement	\$0.00	\$0.00
Custodial Fees - BONY	\$675.03	
Department of Revenue EPC Collection Fees	\$1,566.14	\$6,000.00
Environmental Protection Charge Refunds	\$3,585.11	
Innovative Technology	\$0.00	

**IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND  
STATEMENT OF FUND BALANCES  
FISCAL YEAR TO DATE ENDING AUGUST 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	\$21,055.65	\$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	\$96,250.00	\$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
	\$403,480.73	\$3,819,739.00
<b>Balance of Fund, August 31, 2009</b>	<b>\$2,674,411.52</b>	<b>\$4,294,394.22</b>
<b>0208 - UST REMEDIAL NON-BONDING FUND</b>		
<b>Balance of Fund, July 1, 2009</b>	\$178,085.07	\$178,085.07
<b>Receipts:</b>		
Remedial Refunds	\$400.00	\$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
	\$4,250,400.00	\$12,750,000.00
<b>Disbursements:</b>		
Retroactive Claims	\$50,682.03	\$1,000,000.00
Remedial Claims	\$785,798.42	\$5,000,000.00
Balance of Outdated Warrants	(\$1,125.00)	
	\$835,355.45	\$6,000,000.00
<b>Balance of Fund, August 31, 2009</b>	<b>\$3,593,129.62</b>	<b>\$6,928,085.07</b>
<b>0478 - UST MARKETABILITY FUND</b>		
<b>Balance of Fund, July 1, 2009</b>	\$541,968.25	\$541,968.25
<b>Receipts:</b>		
Interest	\$19,769.19	\$450,000.00
Use Tax	\$0.00	
	\$19,769.19	\$450,000.00
<b>Disbursements:</b>		
Intra State Fund Transfer	\$0.00	
	\$0.00	\$0.00
<b>Balance of Fund, August 31, 2009</b>	<b>\$561,737.44</b>	<b>\$991,968.25</b>

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

		FISCAL 2010 BUDGET
<b>0485 - UST INNOCENT LANDOWNERS FUND</b>		
<b>Balance of Fund, July 1, 2009</b>	\$9,180,653.23	\$9,180,653.23
<b>Receipts:</b>		
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	
	<u>\$7,479,152.76</u>	<u>\$11,729,152.76</u>
<b>Disbursements:</b>		
Other Contractual Services	\$0.00	
Global Settlement Claims	\$34,031.04	\$300,000.00
Innocent Landowner Claims	\$177,839.90	\$2,000,000.00
Balance of Outdated Warrants	(\$3,333.30)	
	<u>\$208,537.64</u>	<u>\$2,300,000.00</u>
<b>Balance of Fund, August 31, 2009</b>	<u>\$16,451,268.35</u>	<u>\$18,609,805.99</u>
<b>0238 - UST LOAN GUARANTEE FUND (Non-Bonding)</b>		
<b>Balance of Fund, July 1, 2009</b>	\$273,195.38	\$273,195.38
<b>Receipts:</b>		
Interest Income	\$538.13	\$20,000.00
	<u>\$538.13</u>	<u>\$20,000.00</u>
<b>Disbursements:</b>		
Payments on Loan Losses	\$0.00	
Transfer to Unassigned Revenue Fund	\$0.00	\$0.00
	<u>\$0.00</u>	<u>\$0.00</u>
<b>Balance of Fund, August 31, 2009</b>	<u>\$273,733.51</u>	<u>\$293,195.38</u>
<b>0614 - UST CAPITAL RESERVE FUNDS (Bonding)</b>		
<b>Combined UST Capital Reserve Fund Balances, August 31, 2009</b>	<u>\$0.00</u>	<u>\$0.00</u>
<b>TOTAL FUND BALANCES, August 31, 2009</b>	<u>\$23,956,685.44</u>	<u>\$31,887,448.91</u>

**FOOTNOTES:**

Note 1: Funds labeled "Bonding" were created as a result of the issuance of UST Revenue Bonds. Disbursements from these funds are restricted by the Revenue Bond indenture. All bond funds are \$0.00 8/31/08  
Funds labeled "Non-Bonding" are funds not restricted as to use by the Revenue Bond indenture.

## **Attorney General's Report**

**Claim Payment Approval**

	<u>Site #</u>	<u>Site Name</u>	<u>1st Bd Rpt</u>	<u>2nd Bd Rpt</u>	<u>3rd Bd Rpt</u>	<u>4th Bd Rpt</u>	<u>Paid to Date</u>	<u>Recommended Authority</u>	<u>Approved Authority</u>	<u>Pd Since Last Bd Report</u>	<u>WW Comments</u>
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	\$150,000		4 dww
5	8710742	Ubben Oil Co.	11/18/2004	8/14/2009			\$271,592	\$310,000	\$310,000	\$212,721	
6	8609091	Griffith Oil Corp	6/17/2003	8/20/2009			\$385,398	\$455,000	\$455,000	\$301,531	ndww
7	8606954	Agriland FS Inc.	9/18/2009				\$83,703	\$225,000			
8											

**IOWA UNDERGROUND STORAGE TANK PROGRAM  
 FIRST BOARD REPORT  
 SEPTEMBER 18, 2009  
 AGRILAND FS INC.  
 802 W NORTH ST.  
 MORAVIA  
 SITE REGISTRATION NUMBER: 8606954  
 LUST NUMBER: 9LTC15**

LO

**RISK CLASSIFICATION:**

HIGH

LOW

UNDETERMINED

**PRESENT CLAIM RESERVE:** \$ 175,000.00

**ELIGIBILITY:** The contamination was discovered during a site check on June 15, 1995, and reported to the Iowa Department of Natural Resources on June 15, 1995. The contamination was attributed to a pre October 26, 1990, release. This is an eligible innocent landowner claim.

**COST INCURRED TO DATE:**

1. Site check and site clean-up report	\$ 14,331.70
2. Site monitoring reports	20,400.22
3. Free product recovery	12,963.69
Post RBCA evaluation	1,000.00
5. Remediation implementation	<u>35,007.61</u>
<b>TOTAL COSTS INCURRED TO DATE:</b>	<b>\$ 83,703.22</b>

**PROJECTED COSTS:**

<input type="checkbox"/> Risked Based Corrective Action Tier I & II Report	<input type="checkbox"/> Tank Pull/Up-Grade.
<input checked="" type="checkbox"/> Site Monitoring Report (SMR)	<input checked="" type="checkbox"/> Free Product Recovery (FPR)
<input type="checkbox"/> Corrective Action Design Report (CADR)	<input checked="" type="checkbox"/> Implementation of 2 <sup>nd</sup> Injection of BIOX

**TOTAL PROJECTED COSTS:** \$ 85,000.00 to 200,000.00

**TOTAL AUTHORITY RECOMMENDED:**

**\$ 225,000.00**

**COMMENTS:** The site is high risk for the soil leaching to groundwater vapor and soil vapor pathways for three residential sources and low risk for the potential vapor pathways. The site has a history of free product, though the quantities have been minimal for the last couple of years. The first BIOX injection event completed in April of 2008 appears to have been fairly successful. The target levels are still exceeded, however, and the groundwater professional is recommending a second BIOX event.

- approved

9LTC15 – Agriland FS, Moravia – LO

03/02/06: REC'D TIER 2 SMR SMR SOFTWARE PER E-MAIL. Bsg

06/22/06: REC'D GAB LETTER APPROVING SMR BUDGET BY SENECA. Bsg

09/07/06: Notified by email from Seneca that FP (gasoline) found in MW-2. In addition, letter sent with 2005 SMR indicates additional soil sampling to the north is appropriate. There is an ASS main and service line that have not been reported as receptors. GWP thinks GW concentrations increasing.

09/08/06: Sent FPRA and FPRR req'd letter. Assessment and 1st Recovery due 11/06/06. (green card dated 9/9/06)

09/18/06: GAB letter approving FPR budget.

11/02/06: PN notified by RP that PPMIC inspection found pinhole leak in bypass line on submersible pump. Repaired by replacing tube.

11/06/06: GAB approval of SMR budget.

02/16/07: GAB letter approving well repair budget (MW4). Reminder that the FP eligibility is still in question.

03/14/07: FPR report rec'd shows 0.00' in MW4.

04/16/07: REC'D SMR. SITE RECLASSIFICATION RECOMMENDED FROM LR TO HR. TIER 2 SMR SOFTWARE DISK. (NO MTBE WORKSHEET OR DISK REC'D). E-MAILED SUSAN FRETT & REQUESTED IT E-MAILED TO ME. bsg

04/25/07: REC'D MTBE PER E-MAIL. bsg

08/06/07: REC'D COPY OF LETTER FROM GAB TO MIKE COULTER APPROVING THE SITE MONITORING REPORT BUDGET BY SENECA. bsg

09/17/07: Rec'd copy of FO inspection report. Requirements: remove FP to maximum extent practicable and provide proof of acceptable corrosion protection for tank appurtenances in the STP manways or isolate equipment from soil and water.

09/28/07: Reclassified site to HR for SL2GWV and SV2ASSR.

Teleconf 11/29/07, Wksheet and SMR due 11/16/07. (green card dated 10/01/07)

10/11/07: Voice mail from Mike Coulter, RP. Bret Hafner will represent him for the teleconference on November 29. 641-672-2589.

10/17/07: PMMIC approval of CADR budget (\$1000).

10/22/07: REC'D COPY OF LETTER FROM PMMIC TO NEW ALLIANCE FS RE; PROPOSAL FROM SENECA FOR WORK REQUIRED BY IDNR DATED 10/15/07. bsg

10/22/07: REC'D COPY OF LETTER FROM GAB TO MIKE COULTER APPROVING THE POST RBCA EVALUATION BUDGET BY SENECA. bsg

10/30/07: REC'D SMR. HR: INTERIM. MTBE WORKSHEET. (DISK ERROR). E-MAILED SUSAN FRETT & REQUESTED TIER 2 SMR SOFTWARE & MTBE E-MAILED TO ME. bsg

10/30/07: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. bsg

11/15/07: Rec'd PT2Wkst by email.

11/26/07: REC'D POST TIER 2 SCR EVALUATION WORKSHEET. bsg

11/29/07: Teleconf. Will inject BIOX in Soil CA area. Funding will remain by IUSTF eventhough looks like new release, not sufficient historical dsl data to conclude.

11/30/07: Sent MOA.

12/06/07: REC'D COPY OF LETTER FROM TIMOTHY BUELOW, BARKER LEMAR TO PMMIC & UST FUND RE: FILE REVIEW AND OPINION. Barker finding was that Fund covers 100%. bsg

12/10/07: GWP questioned OA-2. Replied it is required.

12/18/07: REC'D SIGNATURE PAGE FOR MOA SIGNED BY BRETT HAFNER, RP. bsg  
02/20/08: Received letter (1/29/08) request to to terminate FP recovery/reporting. lo  
02/22/08: Date of letter approving end of FP recovery/reporting. Must monitor for 1 year. lo  
06/02/08: REC'D FROM SENECA CORRECTIVE ACTION IMPLEMENTATION REPORT. bsg  
09/26/08: Received call from CGWP, Susan, said she did not include post remediation soil sampling locations on the map in the Implementation Report submitted in May 2008. Questioned if placement was adequate. After discussion locations and boring depths, 6-7 borings will be adequate to investigate the soil corrective action area. Drilling depth will be done per Tier 1 guidance. Source resampling will also be done. Locations will be included on map when information is submitted. Most limiting receptors are sanitary sewer service and main lines. lo  
12/29/08: Date of letter, review of SMRs. lo  
01/30/09: REC'D SMR. HR: INTERIM. MTBE WORKSHEET. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED SUSAN FRETT & REQUESTED IT E-MAILED TO ME. bsg  
02/04/09: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. bsg  
02/11/09: Date of letter approving 2/09 SMR. Need to do additional soil delineation, revise soil and SL pathways and notifications. lo  
03/09/09: Date of GAB budget approval to Seneca for SMR. lo  
07/27/09: REC'D SMR. HR: INTERIM. MTBE WORKSHEET. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED SUSAN FRETT & REQUESTED IT E-MAILED TO ME. bsg  
07/28/09: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. bsg  
07/31/09: Date of letter approving SMR received 7/27/09-and-Date of letter approving cease FP inspection. This letter address ed the SMR-additional BIOX and request to cease FP inspection. lo  
08/24/09: REC'D FROM SENECA 2009 CORRECTIVE ACTION WORK PLAN. bsg

**IOWA UNDERGROUND STORAGE TANK PROGRAM  
 FIRST BOARD REPORT  
 SEPTEMBER 22, 2009  
 CITY OF WAUKON  
 520 W MAIN ST *RH*  
 WAUKON  
 SITE REGISTRATION NUMBER: 8602882  
 LUST NUMBER: 9LTO03**

**RISK CLASSIFICATION:**

HIGH            LOW            UNDETERMINED     

**PRESENT CLAIM RESERVE:**      \$ 175,000.00

**ELIGIBILITY:** This property was obtained by the City of Waukon by eminent domain. This is an eligible claim.

**COST INCURRED TO DATE:**

1. RBCA Tier II report	\$ 6,925.00
2. Over-excavation	<u>4,695.00</u>
TOTAL COSTS INCURRED TO DATE:	\$ 11,620.00

**PROJECTED COSTS:**

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

**TOTAL PROJECTED COSTS:**      \$ 140,000.00 to 300,000.00

**TOTAL AUTHORITY RECOMMENDED:**

\$ 230,000.00

**COMMENTS:** The RBCA assessment is not complete, but high soil contaminant levels have been discovered. This is a bedrock site and with Department rules will require corrective action. An excavation of approximately 500 cubic yards is expected to remove the worst soil contamination. Costs are high as the soil disposal options in northeast Iowa are limited.

*— Approved*

*(E.D. - ask Alex about disposal options)*

**9LTO03 – Former Vista, Waukon**

RH

FORMER LUST 7LTG25, NAR 2/16/2001; CONTRACTOR LIST OF SITES.

SITE LANGUISHED SINCE 2001 WHEN IT WAS TEMP CLOSED WITH FUEL IN TANKS. CITY TOOK OWNERSHIP, STATE LEAD LIST OF SITES PAID FOR REMOVAL IN MAY 2009. PERFORATIONS IN TANK 1. HIGH BENZENE IN TANK PIT. PIPING IS FRP WITH SLIGHT CONTAMINATION AT SE DISPENSER. MW BORING TO 22 FEET WHERE BEDROCK ENCOUNTERED, AND DID NOT PROCEED.

06/02/09: Send T1/T2 request letter.--rah

06/22/09: REC'D NOTICE BARKER LEMAR ENGINEERING WILL BE ASSUMING THE ROLE AS CGWP. bsg

Note: LETTER DOES NOT INDICATE CGP AT BARKER LEMAR, ENTERED JAWORSKI WITH BARKER LEMAR AS CGP IN THE DATABASE FOR NOW.--rah

**IOWA UNDERGROUND STORAGE TANK PROGRAM  
 SECOND BOARD REPORT  
 SEPTEMBER 21, 2009  
 MULGREW OIL CO  
 1701 J. F. KENNEDY RD RC  
 DUBUQUE  
 SITE REGISTRATION NUMBER: 8604780  
 LUST NUMBER: 8LTZ40**

RISK CLASSIFICATION:

HIGH

LOW

UNDETERMINED

PRESENT CLAIM RESERVE:

\$ 255,000.00

PREVIOUS BOARD APPROVAL:

\$ 200,000.00

Number and Date of each previous Board Report: 1st: October 11, 2006

PREVIOUS COSTS INCURRED:

\$ 66,575.62

COSTS INCURRED SINCE LAST BOARD APPROVAL:

- |                               |               |
|-------------------------------|---------------|
| 1. Site monitoring reports    | 18,433.00     |
| 2. Remediation implementation | 38,621.00     |
| 3. Over-excavation            | 3,632.65      |
| 4. Post-RBCA evaluation       | <u>315.00</u> |

TOTAL COSTS INCURRED TO DATE:

\$ 127,577.27

PROJECTED COSTS:

Risk Based Corrective  
Action Tier II Report

Tank Pull/Upgrade

Site Monitoring Reports  
(SMR)

Free Product Recovery  
(FPR)

Corrective Action Design Report  
(CADR)

Implementation of  
over-excavation

TOTAL PROJECTED COSTS:

\$ 100,000.00 to 250,000.00 +

ADDITIONAL AUTHORITY RECOMMENDED:

\$ 100,000.00

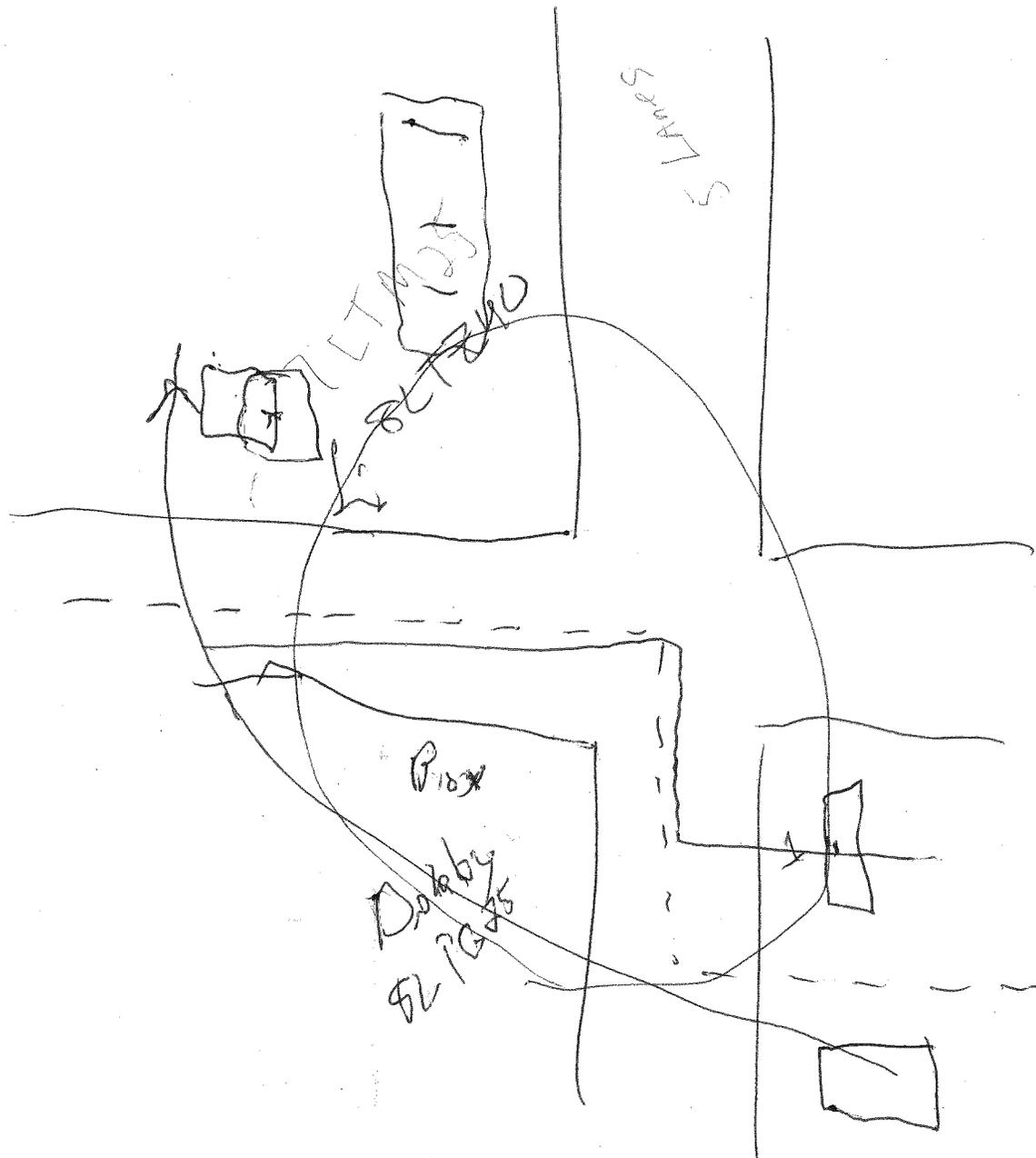
TOTAL AUTHORITY:\*

\$ 300,000.00

COMMENTS: The site is high risk for the groundwater vapor pathway for a residential sanitary sewer and for the soil leaching to protected groundwater source pathway. The tanks and product lines were removed in December of 2006. Based upon the closure sample results, the soil leaching to groundwater vapor and soil vapor pathways will become high risk once remodeling occurs. It is recommended that an over-excavation be completed at this time to remove the soil contamination.

*approved*

\*Previous approval + additional recommended



Handwritten signature or mark.

- Look at Sites w/ Canceled Mtgs.  
- Look for other NE - photo op.  
RC

**8LTZ40 - Mulgrew, Dubuque**

07/07/94: CRP SITE. SCR DUE 12/1/93. SCR REC'D 4/26/95, APPROVED 7/13/95.

07/13/95: CADR W/8LTG25 DUE APPROX 3/1/96 (RBCA), MON DUE 1/30/96.

01/03/96: REC'D INTERIM SMR, NEXT ONE DUE 7/30/96. 6/17/96: REC'D INTERIM SMR

05/12/97: T2 RPT (BEDROCK) DUE 11/14/97, CONS DUE 6/14/97, ISMR DUE 10/30/97.

07/22/97: REC'D SMR. 09/25/97: TIER 2 REPORT RECEIVED. LOW RISK PROPOSED.

12/06/97: TIER 2 COMPLETENESS REVIEW. ACCEPTED. LOW RISK. REC'D SMR: 11/2/98, 11/12/99.

03/08/01: REC'D TIER 2 REPORT & DISK. MTBE WORKSHEET & DISK. Is actually SMR, but concentrations changed enough to require rerunning as a Tier 2. rc.

12/03/01: REC'D SMR. 04/30/03: REC'D SMR. SMR TIER 2 DISK. MTBE WKST & DSK. Bsg - LR SMR.

NOTE: Source incr from 12,500 to 20,200.

03/26/04: REC'D SMR (really should be a Tier 2 as source has changed). SMR TIER 2 DISK. SITE RECLASSIFICATION TO HR. MTBE WORKSHEET & DISK. Bsg

03/29/04: GAB ltr. Site class has changed from LR to HR due to inc conc's, which may indicate ongoing or new release. Pls. advise if any known/susp. releases or other symptoms of leak observed.

02/01/05: In review of site, increasing concentrations. Field work request sent. Talked w/Sue miller

02/23/05: Acc 2004 SMR. Site reclassified HR. Rec'd 2/25. 1st CA Mtg=4/19/05. CGWP=3/03/05, post-T2 SCR=4/8/05. rc.

04/18/05: REC'D SMR. HR: INTERIM. MTBE WORKSHEET. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED SCOTT BEHREND'S & REQUESTED IT E-MAILED TO ME. Bsg

① 04/19/05: FIRST CORRECTIVE ACTION MEETING. rc.

04/20/05: REC'D SIGNED SMR. HR: INTERIM. TIER 2 SMR SOFTWARE DISK. MTBE WORKSHEET & DISK.

04/21/05: SENT MEMORANDUM OF AGREEMENT. GW SAMPLING TO BE CONDUCTED WITH RESULTS IN SMR SUBMITTED BY 10/30/05. rc.

② 12/02/05: JOINT CORRECTIVE ACTION MEETING W/8LTG25. BUDGET FOR PILOT TEST/CADR=12/14/05; GAB DECISION = 1/3/06; CADR = 03/06/06, 2ND CA MTG 3/13/06. 12/07/05: SNT MEETING MINUTES.

12/07/05: SNT LTR REQUESTING LEAK DETECTION RECORDS. RESPONSE = 01/07/06. rc.

12/16/05: GAB APPROVES CADR BUDGET BY MAXIM. 50/50 SPLIT IF AGREEABLE TO BOTH PARTIES. rc.

05/08/06: Emailed reminder to everyone re upcoming CA conference on 5/17. JHW

③ 05/17/06: CA MTG. AGREED TO DO FEASIBILITY STUDY. REPORT BY 8/1/06. rc.

05/31/06: SNT MTG MEMORANDUM. rc. 06/06/06: SNT REVISED MEMORANDUM. rc.

06/08/06: GAB APPROVES FEASIBILITY STUDY BUDGET BY MAXIM. COST OF FEASIBILITY STUDY WILL BE SPLIT 50-50 WITH HOLIDAY OIL (8LTG25). 07/25/06: Emailed reminder of upcoming CA conference. JHW

08/01/06: REC'D FROM MAXIM FEASIBILITY STUDY. (COMMINGLED W/8LTG25). Bsg

④ 08/08/06: THIRD CORRECTIVE ACTION MEETING. DISCUSSED FEASIBILITY STUDY OF CORRECTIVE ACTION ALTERNATIVES. AGREED TO PURSUE CHEMICAL OXIDATION W/INSTITUTIONAL CONTROLS.

CADR = 9/29/06. NEXT CA MTG = 10/06/06. rc.

08/15/06: SNT MEMO SUMMARIZING 8/8/06 CORRECTIVE ACTION MEETING. rc.

09/27/06: Emailed reminder of upcoming CA conference on 10/6 and CADR due by 9/29. JHW

④ 10/06/06: 4TH CORRECTIVE ACTION MEETING. rc.

10/16/06: SNT MEMORANDUM OF AGREEMENT. BIOX INJ = 11/6/06, IMPL RPT = 3/2/07, SMR 7/30/07.

10/21/06: 10/16/06 LTR RETURNED. MULGREW OIL ADDRESS HAS CHANGED. MULGREW OIL COMPANY, 10314 SILVERWOOD DRIVE, DUBUQUE, IA 52003-8477. rc.

10/23/06: REC'D SIGNATURE PAGE FOR MOA SIGNED BY GAYLEN HIESTERMAN, CGWP & PAT CHEW, RP. (COMMINGLED W/8LTG25). Bsg 10/24/06: REC'D SIGN PAGE FOR MOA SIGNED BY NEIL SEARCY, GAB.

10/26/06: UST FUND BOARD APPROVES ADDITIONAL AUTHORITY TO CHECK HR RECEPTOR AND REMEDIATE SITE IF NEC. 10/27/06: GAB approves BIOX injection/2 yrs monitoring budget by TetraTech.

12/28/06: REC'D SIGNATURE PAGE FOR MOA SIGNED BY JIM MULGREW, RP.

01/26/07: REC'D FROM GEOSOURCE, UST CLOSURE REPORT. NOTE HIGH SOIL AND GW CONCS. rc.

01/30/07: REC'D FROM TETRATECH, INC. BIOX INJECTION REPORT. (COMMINGLED W/8LTG25). bsg

03/28/07: REC'D SMR. HR: INTERIM. (NO TIER 2 SMR SOFTWARE DISK OR MTBE WORKSHEET & DISK REC'D). E-MAILED SCOTT BEHREND & REQUESTED IT E-MAILED TO ME. bsg

04/23/07: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. bsg

07/12/07: REC'D SITE MONITORING REPORT. HR: INTERIM. (NO TIER 2 SMR SOFTWARE DISK OR MTBE WORKSHEET & DISK REC'D). E-MAILED GAYLEN HIESTERMAN & REQUESTED IT E-MAILED TO ME. bsg

07/13/07: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. bsg

02/12/08: REC'D SMR. HR: INTERIM. COMMINGLED W/8LTG25. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED GAYLEN HIESTERMAN & REQUESTED IT E-MAILED TO ME. bsg

02/13/08: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. (COMMINGLED W/8LTG25). bsg

\*\*\*\*\*John Flynn would like to be included in future corrective action meetings. \*

04/24/08: REC'D SMR. HR: INTERIM. MTBE WORKSHEET. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED SCOTT BEHREND & REQUESTED IT E-MAILED TO ME. bsg

05/09/08: REC'D CALL FROM JEFF ZASADA, CITY OF DUBUQUE. CONCERNED OVER STATUS OF SOIL OE.

05/23/08: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. bsg

06/20/08: REC'D SMR. HR: INTERIM. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED GAYLEN HIESTERMAN & REQUESTED IT E-MAILED TO ME. COMMINGLED W/8LTG25. bsg

06/24/08: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. (COMMINGLED W/8LTG25). bsg

08/07/08: GAB approves soil plume definition budget by GeoSource. rc.

08/10/08: Scheduled 5th conference for 8/20/08, with corrective action recommendations by 8/11. Emailed everyone. JHW

08/18/08: Emailed reminder of conference on 8/20/08. JHW

08/20/08: Fifth Corrective Action Meeting. rc.

08/21/08: GAB approves soil vapor sampling budget by GeoSource. rc.

08/26/08: SNT MOA. Soil gas sampling results=9/24/08; OE=12/31/08; OE Report = 2/13/09. Jim Mulgrew's copy returned. Not corr. address. Stephen Wing copy of MOA returned. Not at that address.

09/11/08: REC'D SIGNATURE PAGE FOR MOA SIGNED BY PAT CHEW, RP. bsg

09/15/08: REC'D SIG PAGE FOR MOA SIGNED BY STEVE REINDERS. GAB. rc

10/16/08: Emailed CGP re status of soil gas sampling results, due 9/24/08. Reply: SG passed on south side of building. Vapor well on east side had water. Will keep trying. JHW.

02/11/09: REC'D SMR. HR: INTERIM. MTBE WORKSHEET. (NO TIER 2 SMR SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED SCOTT BEHREND & REQUESTED IT E-MAILED TO ME. bsg

02/20/09: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. bsg

07/14/09: REC'D SMR. HR: INTERIM. (COMMINGLED W/8LTG25). bsg

07/15/09: REC'D TIER 2 SMR SOFTWARE & MTBE PER E-MAIL. (COMMINGLED W/8LTG25). bsg

**IOWA UNDERGROUND STORAGE TANK PROGRAM**  
**FIRST BOARD REPORT**  
**SEPTEMBER 21, 2009** *RH*  
**SEVEN KIDS CORP**  
**212 7<sup>TH</sup> ST**  
**OELWEIN**  
**SITE REGISTRATION NUMBER: 8810972**  
**LUST NUMBER: 7LTV31**

**RISK CLASSIFICATION:**

HIGH

LOW

UNDETERMINED

**PRESENT CLAIM RESERVE:**                      \$ 250,000.00

**ELIGIBILITY:** The contamination was discovered on September 6, 1990, during a site check and was reported to the IDNR the same day. A timely claim was filed. This is an eligible remedial claim.

**COST INCURRED TO DATE:**

1. Site check and site assessment report	\$ 27,281.14
2. RBCA Tier II report	10,494.00
4. Site monitoring reports	16,967.97
5. Post-RBCA evaluation	<u>1,000.00</u>
<b>TOTAL COSTS INCURRED TO DATE:</b>	<b>\$ 55,743.11</b>

**PROJECTED COSTS:**

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

**TOTAL PROJECTED COSTS:**    \$ 185,000.00 to 300,000.00+

**TOTAL AUTHORITY RECOMMENDED:**

**\$ 300,000.00**

**COMMENTS:** The site is high risk for the soil leaching to protected groundwater source and soil vapor to enclosed space pathways. An over-excavation is recommended to remove the bulk of the soil contamination. A small SVE system may be installed in the backfill to reduce residual contaminant levels.

*Approved.*

RH - 7LTV31 - Oelwein.

08/21/01: Reviewed & ACCEPTED T2 High Risk. CGP due 11/01/01. CADR due 12/21/01. se  
02/06/02: APO letter sent.  
09/26/02: SENT OD CADR LETTER. CADR = 10/10/02. (RETURNED UNDELIVERABLE)  
10/07/02: RESENT OD CADR TO NEW ADDRESS. CADR = 10/22/02. (GREEN CARD 10/10/02)  
01/31/03: \*\*NEAT Lab vapor site. Vapor analysis conducted when the lab was not certified.\*\*  
03/14/03: Most recent vapor samples in file were for 2001 rev. Tier 2. Vapor samples collected in 2000 while NEAT still certified. rah  
03/21/03: E-mail from Behrends. "Sampling completed - waiting chem."  
05/06/03: E-mail from CGWP. Sampling completed and source passed. SL is still high risk. Bedrock site. Not owned by RP. Excavation would likely remove high risk soil, but would close down Dairy Queen for 2-3 days. Not likely the DQ owner would agree. CADR to be completed by 7/25/03.  
01/23/04: REC'D SMR, MTBE & DISKETTE. (DID NOT ASK TO RECLASSIFY)  
01/29/04: Rej SMR, nongran bedrock site still HR for SVES, GWVES (failed soil gas @ soil source in 2000), and SL to PGWS. Request CADR or SMR to reclass in 90 days. Rah  
06/21/04: Send OD CADR or SMR to reclass letter. CADR due 30 days = 7/23/04. Rah  
09/20/04: New (Kaizen) process invitation letter sent to RP. Bsg  
02/22/05: REC'D SMR. BEDROCK: NON-GRANULAR. HR: INTERIM. TIER 2 SMR BEDROCK SOFTWARE DISK. MTBE WORKSHEET & DISK. bsg  
06/06/05: Send invite letter. CA mtg scheduled for 8/9/05. CGWP due 6/17/05. Worksheet 7/29/05.  
06/17/05: REC'D PHONE CALL FROM RICHARD BACKES, WILL PARTICIPATE IN CA MTG. SCHEDULED FOR 8/9/05 VIA TELEPHONE. PHONE #319-939-0544. Bsg  
08/09/05: CA mtg results in plan for soil source resampling/soil gas sampling in attempt to reclassify. If can't reclassify then OE plan, budget, schedule due with sampling results by 9/30/05. If can reclass, then 2005 SMR due by 10/30/05 must request reclassification. rah.  
08/11/05: GAB approves the SMR budget for GeoSource. Rah 08/15/05: Sent MOA.  
01/09/06: E-mail CGWP. What is status of reclass SMR? Rah  
01/10/06: Phone call from CGWP. Soil gas cannot reclass so will be digging. Concern though that flow sand/muck may limit the ability to effectively excavate. Will be putting recommendations in SMR which is nearly complete. Rah  
03/02/06: CGWP called. He is sending in SMR with sampling results today. Also noted that there may be problems with access for dig, questions now about whether City controls alley area. Rah  
03/06/06: REC'D SMR. VERSION 1.0. BEDROCK: NON-GRANULAR. HR: INTERIM. (NO TIER 2 SMR BEDROCK SOFTWARE DISK REC'D). E-MAILED SCOTT BEHREND'S & REQUESTED IT E-MAILED TO ME. Bsg  
03/08/06: REC'D TIER 2 SMR BEDROCK SOFTWARE PER E-MAIL. Bsg  
03/09/06: REC'D SMR. VERSION 1.0. BEDROCK: NON-GRANULAR. HR: INTERIM. bsg  
6/21/06: Acc 3/06 SMR with comment will revisit soil gas pending add sampling data. Site remains HR. Proceed with CA (OE) from 8/15/05 MOA. Budget and schedule for OE by 7/19/06, OE by 11/15/06, OE report by 12/30/06. Rah 8/22/07: GAB approves SMR budget by Geosource.--rah  
9/17/07: Spoke with CGP re: status of OE. Per CGP OE has not been performed because there are still outstanding access issues with the City and current property owner which would need to be resolved before OE can be performed. The access problems occurred because much of the proposed OE area is in City right-of-way. However, the area is paved and used as business parking for the current property owner (Dairy Queen). The City has not decided whether to allow access for the dig and if they do whether they would allow the area

to be repaved. If the entire area is not repaved, the current property owner would likely oppose excavation. Send out email to CGP and Fund scheduling a meeting for 1:30 p.m. on Wednesday, November 7, 2007, in Conference room 5W to discuss where we go from here. In the interim, the CGP has indicated that he will contact the City and property owner again to get their final decisions on the access issues. If the access issues cannot be resolved by upcoming meeting date, we will need to look at other corrective action options to OE. 9/20/07: Call from site owner Kirk Veeden(sp?) 319/290-5657. He wanted to know status of site as he may be trying to sell. Told him site was still high risk. We have given the CGP until scheduled 11/7/07 meeting to try and work out plan to dig to cleanup contamination. If not, CGP will need to come up with an alternative cleanup plan but alternative to dig would likely require longer cleanup time.--rah

10/29/07: Emailed reminder of conference on 11/7/07. JHW

11/6/07: Conference cancelled based on email from CGP, CGP states City ok with dig with the following conditions. 1) Any concrete removed will be replaced, no more - no less. 2) Since a 10" ductile iron water main runs through the excavation, we are to dig in a valve south of the excavation area so that this portion of the main can be isolated and no one will be out of water. 3) The section of the main in the excavation is to be removed and then replaced during the backfilling of the excavation. 4) I agreed to contact water supply and determine if an engineering firm will be required for the line removal and replacement. CGP will be contacting an excavator who is equipped to do the entire project that the City trusts. Contacted the county landfill and was given a cost of \$100/ton to dispose of the soil. Due to cost alone CGP doesn't think the landfill is an option and will either have to find an existing landfarm or permit one for soil disposal. The CGP has proposed and DNR has accepted the following schedule. 1) Meet the excavation contractor, locate a disposal site, and provide a budget for the OE to GAB by Feb.1, 2008. 2) Complete the required soil sampling for TCLP metals by March 30, 2008. 3) Complete the excavation in late April or early May depending on the weather and have the excavation report to the IDNR by June 15, 2008.

~~12/31/07: REC'D MOA SIGNATURE PAGE SIGNED BY JULIE EGLAND, RP. bsg~~

02/03/09: REC'D SMR. BEDROCK: NON-GRANULAR. HR: INTERIM. MTBE WORKSHEET. (NO T2 SMR BEDROCK SOFTWARE DISK OR MTBE DISK REC'D). E-MAILED SCOTT BEHRENS & REQUESTED IT E-MAILED TO ME. bsg

02/04/09: REC'D TIER 2 SMR BEDROCK SOFTWARE & MTBE PER E-MAIL. bsg

02/17/09: Sent Certified Letter to RP/emailed CGP. RP must contact the DNR within 14 days to provide a schedule for excavation or CADR with alternative. Green card dated 2/19/09 (14 days = 3/5/09)--rah

02/17/09: CGP responds via email: "Thanks for the heads up Ruth. We will be digging this spring. I will get you a schedule and it will be followed."--rah

03/12/09: CGP emails copy of OE schedule letter that has been sent to RP for signature. OE by 5/31/09, Report by 7/15/09 --rah

03/17/09: REC'D LTR FROM CGP GEOSOURCE (ALSO SIGNED BY DICK BACKES) PROVIDING SCHEDULE FOR THE EXCAVATION OF CONTAMINATED SOIL. COMPLETION OF OE - 5/31/09; EXCAVATION REPORT AND DOCUMENTATION - 7/15/09. bsg

04/30/09: CGP calls. Landfill has closed, working on identifying/permitting pcs landfarm. May not make 5/31/09 deadline for OE. Respond, make this a priority as CA is way overdue, keep DNR updated on progress-

07/28/09: Spoke with CGP. City would like to coordinate the OE with street work slated for August-September. Also, he is waiting on DNR approval of a landfarm permit. OE should now be done by 9/30/09.--rah

**IOWA UNDERGROUND STORAGE TANK PROGRAM  
 FIRST BOARD REPORT  
 SEPTEMBER 23, 2009  
 MRP PROPERTIES CO LLC/TOTAL PETRO INC  
 3804 HUBBELL AVE  
 DES MOINES  
 SITE REGISTRATION NUMBER: 8601925  
 LUST NUMBER: 7LTU83**

**RISK CLASSIFICATION:**

HIGH            LOW            UNDETERMINED     

**PRESENT CLAIM RESERVE:**      \$ 175,000.00

**ELIGIBILITY:** The contamination was discovered with an insurance site check and reported to the IDNR September 17, 1990. This is a timely filed eligible remedial claim.

**COST INCURRED TO DATE:**

1. Site check	\$ 6,072.50
2. Site clean-up report	22,649.56
3. Free product recovery	3,622.77
4. Site monitoring reports	18,844.52
5. Corrective action design report	2,350.00
6. Post RBCA evaluation	<u>1,000.00</u>
<b>TOTAL COSTS INCURRED TO DATE:</b>	<b>\$ 54,539.35</b>

**PROJECTED COSTS:**

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

**TOTAL PROJECTED COSTS:**      \$ 90,000.00 to 150,000.00

**TOTAL AUTHORITY RECOMMENDED:**

**\$ 200,000.00**

**COMMENTS:** The site is high risk for both soil and water vapor pathways. Soil gas attempts have failed. A tank pull with an over-excavation is proposed. We agree.

*4 - 10K tanks*

*Approved.*

**Contracts Entered Into  
Since August 27, 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

### Φ Φ Φ *MEMO* Φ Φ Φ

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**TO:** UST Board

**FROM:** Scott Scheidel

**DATE:** September 18, 2009

**RE:** Contracts Entered Into Since August 27, 2009

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Since the August 27, 2009 Board meeting, the Board has entered into the following renewal contracts:

- 1) CRPCA 0602-28 in Walnut with GeoTek Engineering & Testing Services
- 2) CRPCA 0406-38 in Rose Hill with Apex Companies, LLC.

## Other Issues as Presented

~~MFA~~ Re-opener RFP - Two contracts expected to be awarded.

## **Correspondence and Attachments**



120P

Herald  
Oakland, IA  
Circ. 916  
From Page:  
11  
8/12/2009  
45084



Proposals For Cleanup Projects Are Due to DNR by Aug. 19

## Underground Storage Program Signup Deadline Nears

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 to [www.iowadnr.gov/land/ust/arra/lustarra.html](http://www.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 to [www.iowadnr.gov/land/ust/index.html](http://www.iowadnr.gov/land/ust/index.html).

County:

Pottawattomie

45084-08-12\_11001