

GUIDANCE ON ELIGIBLE COSTS DURING UST CLOSURE OR DNR-REQUIRED SITE ASSESSMENT AFTER EMPTYING A UST

There has been some confusion on what the PSTIF will pay for when one or more USTs are removed or closed in place, or when an owner/operator performs the site assessment now required by DNR after an UST is emptied and taken out of service. These projects may be undertaken without any prior confirmation that a release has occurred; yet some of the work involved during the project may involve “cleanup,” as defined in PSTIF rules. (Note: Many consultants collect a soil sample from a location where petroleum impact is likely to be found and use it to plan soil and/or water disposal, as well as to “confirm a release;” this guidance recognizes this common practice.)

This guidance is intended to help PSTIF-eligible owners/operators and their consultants understand what costs the PSTIF recognizes in these circumstances. ***This guidance is applicable only to these circumstances; it does not address every contingency, nor does it supersede or alter the law, regulations, or participation document issued by the PSTIF to owners/operators participating in the Fund.***

Per 10 CSR 100-2.010(8):

“Cleanup” consists of all actions necessary to investigate, contain, control, analyze, assess, treat, remediate or mitigate the risks of a petroleum release to achieve risk-based standards established by the Department of Natural Resources.

Costs for other activities cannot be recognized or reimbursed by the PSTIF.

For the purposes of this document, “target levels” means residential or non-residential RBTLs, (whichever is applicable), or – if they have been calculated – SSTLs. I.e., “Target levels” are the risk-based standards, (established by DNR under Section 319.109, RSMo), which must be met to achieve cleanup.

Please note: This guidance does *not* address the question of whether multiple releases have occurred; even if a release from a tank system was previously confirmed, the PSTIF reserves the right to conclude one or more subsequent releases have occurred and assess additional deductibles.

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DURING REMOVAL OF USTs AT SITES WHERE A RELEASE FROM THE USTs BEING REMOVED HAS PREVIOUSLY BEEN DOCUMENTED, AN ELIGIBLE CLAIM HAS BEEN MADE, AND A “NO FURTHER ACTION LETTER” HAS NOT BEEN ISSUED FOR THAT RELEASE:

<i>PSTIF will reimburse costs for:</i>	<i>PSTIF will not reimburse costs for:</i>
	Preparation/submittal of Closure Notice
Risk assessment. This includes consulting time to develop a site conceptual model and determine applicable RBTLs prior to closure.	
Removal of concrete or other surface, overburden, or backfill <i>which is necessary solely to access and remove soil impacted above target levels</i> ; and replacement of such surface material on a depreciated basis. [See 10 CSR 100-5.010(10)(L)]	Removal/replacement of concrete or other surface material, overburden, or backfill <i>which is done to access tanks/piping</i> . [See 10 CSR 100-5.010(10)(L)]
Time incurred by environmental consultant for onsite project management and collection/analysis of soil and water samples.	
Excavation, hauling, disposal of backfill and/or native soil impacted above applicable target levels; onsite adjuster has discretion to decide how much excavation of native soil to approve.	Excavation, handling, hauling, or disposal of backfill and/or native soil impacted below target levels, <u>unless</u> – (a) new USTs are being installed and regulatory requirements prevent reuse of the soil onsite, [See 10 CSR 100-5.010(10)(A) and (D)2]; or (b) impacted soil cannot be used onsite due to construction considerations. In these cases, PSTIF <u>will pay only excess costs incurred due to environmental regulatory requirements</u> – e.g., landfill tipping fees required to

	be paid because DNR will not allow disposal of soil elsewhere, hauling costs above what would be required if it were “clean fill,” etc.
Removal and discharge/disposal of water impacted above DTLs.	Removal and discharge/disposal of water impacted below DTLs.
Backfill to replace soil impacted above target levels. (Costs for “normal” fill will be paid; excess cost for “special” fill required around new tanks will not be paid.)	Backfill of tank void or used to replace soil removed for purposes other than cleanup.
Preparation of Closure Report.	
	Removal of tanks, piping; cleaning of tank(s), transportation and disposal of tanks/piping; demolition and removal of buildings, canopies, dispensers, etc. <i>[See 10 CSR 100-5.010(10)(B) and (C).]</i>

DURING REMOVAL OF USTs AT SITES WHERE NO RELEASE FROM THE USTs BEING REMOVED HAS PREVIOUSLY BEEN REPORTED TO THE PSTIF:

<i>PSTIF will reimburse costs for¹:</i>	<i>PSTIF will not reimburse costs for:</i>
	Preparation/submittal of Closure Notice
	Phase I or II Assessment or collection of soil, water, or vapor samples to “look for” a release. <i>[See 10 CSR 100-5.010(10)(E).]</i>
	Environmental consulting charges incurred prior to the tank removal project at which a release is discovered.
Removal of concrete or other surface, overburden, or backfill <i>which is necessary solely to access and remove soil impacted above target levels;</i> and replacement of such surface material on a depreciated basis. <i>[See 10 CSR 100-5.010(10)(L)]</i>	Removal/replacement of concrete or other surface material, overburden, or backfill <i>which is done to access tanks/piping.</i> <i>[See 10 CSR 100-5.010(10)(L)]</i>
Time incurred by environmental consultant for onsite project management and collection/analysis of soil and water samples <u>if</u> soil or water samples collected during tank removal are above DTLs. <i>Exception: The time and lab costs for collection of the initial sample used to document a release will not be recognized.</i>	Time incurred by environmental consultant for onsite project management and collection/analysis of soil and water samples <u>if</u> none of the soil or water samples collected during tank removal are above DTLs. ²
Excavation, hauling, disposal of backfill and/or native soil impacted above applicable target levels; onsite adjuster has discretion to pay for excavation of	Excavation, handling, hauling, or disposal of backfill and/or native soil impacted below target levels, <u>unless</u> –

¹ Assumes all other eligibility requirements are met.

² This applies during the UST closure; if MoDNR reviews the Closure Report, assigns an R number, and requires groundwater assessment, subsequent actual and reasonable costs to satisfy MoDNR’s requirements are eligible costs.

<p>native soil.</p>	<p>(a) new USTs are being installed and regulatory requirements prevent reuse of the soil onsite, [See 10 CSR 100-5.010(10)(A) and (D)2]; or</p> <p>(b) impacted soil cannot be used onsite due to construction considerations.</p> <p>In these cases, PSTIF <u>will pay only excess costs incurred due to environmental regulatory requirements</u> – e.g., landfill tipping fees required to be paid because DNR will not allow disposal of soil elsewhere, hauling costs above what would be required if it were “clean fill,” etc.</p>
<p>Removal and discharge/disposal of water impacted above DTLs.</p>	<p>Removal and discharge/disposal of water impacted below DTLs.</p>
<p>Clean fill material to replace soil impacted above target levels, (costs for “normal” fill will be paid; excess cost for “special” fill required around new tanks will not be paid); or to replace soil impacted above DTLs if it cannot be reused onsite.</p>	<p>Clean fill material to fill tank void, or to replace soil removed for purposes other than cleanup, except as noted (i.e., to replace soil impacted above DTLs that cannot be reused onsite.)</p>
<p>Preparation of Closure Report <u>if</u> soil or water above DTLs is documented.</p>	<p>Preparation of Closure Report <u>if</u> no soil or water above DTLs is encountered.</p>
	<p>Removal of tanks, piping; cleaning of tank(s), transportation and disposal of tanks/piping; demolition and removal of buildings, canopies, dispensers, etc. [See 10 CSR 100-5.010(10)(B) and (C).]</p>

DURING IN-PLACE CLOSURE OF USTs AT SITES WHERE A RELEASE FROM THE TANK(S) BEING CLOSED IN PLACE HAS PREVIOUSLY BEEN DOCUMENTED, AN ELIGIBLE CLAIM HAS BEEN MADE, AND A “NO FURTHER ACTION LETTER” HAS NOT BEEN ISSUED FOR THAT RELEASE:

<i>PSTIF will reimburse costs for:</i>	<i>PSTIF will not reimburse costs for:</i>
	Preparation/submittal of Closure Notice
Risk assessment. This includes consulting time to develop a site conceptual model and determine applicable RBTLs prior to closure.	
Time incurred by environmental consultant for onsite project management and collection/analysis of soil and water samples.	
Preparation of Closure Report.	

DURING IN-PLACE CLOSURE OF USTs AT SITES WHERE NO RELEASE FROM THE TANK(S) BEING CLOSED IN PLACE HAS PREVIOUSLY BEEN REPORTED TO THE PSTIF:

<i>PSTIF will reimburse costs for:</i>	<i>PSTIF will not reimburse costs for:</i>
	Preparation/submittal of Closure Notice
	Phase I/II Assessment or collection of soil, water, or vapor samples to “look for” a release. [See 10 CSR 100-5.010(10)(E).]
	Environmental consulting charges incurred prior to the in-place project during which a release is discovered.
Time incurred by environmental consultant for onsite project management and collection/analysis of soil and water samples, <u>if</u> soil or water samples collected during the in-place closure are above DTLs. <i>Exception: The time and lab costs for collection of the initial sample used to document a release will not be recognized.</i>	Time incurred by environmental consultant for onsite project management and collection/analysis of soil and water samples if none of the soil or water samples collected during the in-place closure are above DTLs. ³
Preparation of Closure Report, <u>if</u> soil or water above DTLs is documented.	Preparation of Closure Report <u>if</u> no soil or water above DTLs is documented.

³ This applies during the UST closure; if MoDNR reviews the Closure Report, assigns an R number, and requires groundwater assessment, subsequent actual and reasonable costs to satisfy MoDNR’s requirements are eligible costs.

WHEN A SITE ASSESSMENT (REQUIRED AFTER UST IS TAKEN OUT OF SERVICE, PER 10 CSR 26-2.060), IS DONE AT SITE WHERE A RELEASE FROM THE PARTICIPATING TANKS HAS PREVIOUSLY BEEN DOCUMENTED, AN ELIGIBLE CLAIM HAS BEEN MADE, AND A “NO FURTHER ACTION LETTER” HAS NOT BEEN ISSUED FOR THAT RELEASE:

<i>PSTIF will reimburse costs for:</i>	<i>PSTIF will not reimburse costs for:</i>
Risk assessment, collection of soil and water samples, if costs are pre-approved.	
Data analysis and reporting that is useful as part of ongoing cleanup, if costs are pre-approved.	Preparation of a separate report <i>not</i> required or useful as part of ongoing cleanup of a previously-confirmed release.

**WHEN A SITE ASSESSMENT (REQUIRED AFTER UST IS TAKEN OUT OF SERVICE,
PER 10 CSR 26-2.060) IS DONE AT SITE WHERE NO RELEASE FROM THE
PARTICIPATING TANKS HAS PREVIOUSLY BEEN REPORTED TO THE PSTIF:**

<i>PSTIF will reimburse costs for:</i>	<i>PSTIF will not reimburse costs for:</i>
	Phase I/II Assessment or collection of soil, water, or vapor samples to “look for” a release. [See 10 CSR 100-5.010(10)(E).]
Costs incurred after release is documented and claim is made to PSTIF.	