



From Cradle to Grave

The Life Expectancy of a LUST Site

David Chambers

NDEQ Environmental Update, Lincoln NE

May 15, 2014



Summary of all petroleum sites as of March 1, 2014 Includes both LUST, LAST, and other releases

<i>pending classification</i>	34	
active investigations/remediations		478
total sites backlogged		1,048
<i>no investigation</i>	418	
<i>suspended</i>	106	
<i>on LTF Priority List</i>	524	
closed		5,556
TOTAL		7,082



A Blended Family

Sites with an RP are treated differently

- Go on a different list
- Have a deductible/copay if under State fund
- Available funding determines speed of work

Sites with no RP are considered orphan sites

- Have a separate list for easy access
- State contractors do work
- Available funding determines speed of work



Title 200 fund provides most money

- Can be used to reimburse RPs and also to contract for cleanup at orphan sites
- Revenue is a little more than \$11M a year
- NDEQ has spent \$132.5M on reimbursements
- NDEQ has spent about \$53M on orphan sites

EPA provides around \$800,000 a year

- Most is used for orphan site work



A New Site is Born

The Process

- Most release sites are reported when tanks are removed
- Several other sites come in during Phase I/II studies done during property transactions
- Spill number is created
- Site is backlogged unless urgent/emergency
- Assign score for priority ranking
- List of sites ranked by score on the NDEQ website, deq.ne.gov



Voluntary Sites Born out of Due Time

There is a mechanism by which some sites have work done before activation occurs

Voluntary Remedial Action (VRA) from 1996 law

- Do work prior to activation
- Must follow NDEQ guidance/regulation
- Keep documentation of work and costs
- Voluntarily submit to NDEQ or wait till activation
- NDEQ makes site decisions based on submitted work
- NDEQ pays eligible costs when site is activated



Activation Infancy

- When NDEQ has available funding, sites are activated in priority order
- NDEQ Project Manager is assigned and initiates site work with letter or task assignment
- Normally RBCA Tier I is first step required
- RP is told of Title 200 availability/requirements
 - Work must be approved in advance except for VRA
 - Cost estimates are required
- For orphan sites, task directive is issued



ReBeCca – Everyone's Favorite

RBCA

- RBCA started in 1999 from a 1996 law
- Tier II didn't start until 2002
- Very detailed requirements in guidance
 - Look-up tables for Tier I (RBSLs)
 - Site specific levels for Tier II
- Project Managers use information submitted to evaluate sites based on risk
- Over 60% of sites close after Tier I
- Over 70% of sites close after Tier II



Free Product – the Black Sheep

- Title 118 requires “cleanup of readily removable contaminants (e.g., free product)”
- Free product stalls RBCA investigations
- Tier I/II completed after product removed
- Defined in RBCA guidance as ≥ 0.01 feet
- Technological, risk, or economic analysis may be used to change cleanup requirements
- Changes are being considered



Before cleanup starts...

- If a site fails Tier II or free product is present, it needs cleanup
- It may have to wait till money is available
- If ready to clean up, Title 118 requires a 30-day public notice
- Proposed cleanup levels are sent to RP for comment



Cleanup could be needed for any RBCA pathway

- Surface soil exposure
- Groundwater ingestion
- Soil leaching into groundwater
- Groundwater inhalation
- Soil inhalation

Free product removal is always required

Usually post-cleanup monitoring is required



Closing Sites

- Once cleanup levels met, site closure begins
- Public Notice is issued if one was not needed for cleanup
- All wells must be abandoned (even for VRA)
- No Further Action letter is issued
- NDEQ changes status to closed
- Perpetual caveat: can always reopen investigation/cleanup if a problem arises



Getting Information

- If you need an NFA letter or some other information related to a site, it's available
- Some site facts are available on NDEQ's website, deq.ne.gov, under Maps and Data link
- Many of NDEQ site files are available from the Department website under the Request Public Records link
- Call Records Management at (402) 471-3557



Last Will and Testament

Who gets the money?

- 124 = Estimated future leaking tank sites
- \$113M = Estimated liability to clean up

How much money is there?

- \$2.9M = Fund balance on March 1, 2014
- \$11.3M = Fund revenue in 2013

Other uses

- \$25M



Contact Information

- David Chambers
 - (402) 471-4258
 - david.chambers@nebraska.gov
- NDEQ
 - deq.ne.gov
 - Main number: (402) 471-2186
 - Records Management: (402) 471-3557





Questions

