

Georgia Department of Natural Resources

Environmental Protection Division
Underground Storage Tank Management Program
4244 International Parkway, Suite 104, Atlanta, Georgia 30354
Noel Holcomb, Commissioner
Carol A. Couch, Ph.D., Director
404/362-2687

GUIDANCE DOCUMENT

GEORGIA UNDERGROUND STORAGE TANK (GUST) TRUST FUND

REIMBURSABLE AND NON-REIMBURSABLE COSTS

Under Rule 391-3-15-.13 of the Georgia Rules for Underground Storage Tank Management (GUST Rules), the GUST Trust Fund will provide, to participating owners and operators, coverage for corrective action necessitated by releases from petroleum product USTs. An UST owner or operator conducting corrective action, either through a hired contractor or through the State Contractor, is entitled to reimbursement of reasonable costs from the GUST Trust Fund, in accordance with provisions of the GUST Act and the GUST Rules.

Activities and related costs that are reimbursable and non-reimbursable include, **but are not limited to**, the items listed below.

REIMBURSABLE COSTS

Costs reimbursable from the GUST Trust Fund include actual reasonable costs, as determined by EPD, for the following reasonable tasks associated with release response and corrective action tasks, per 40 CFR Part 280, Subpart F, associated with releases from regulated petroleum USTs:

- Petroleum product removal from leaking UST systems, i.e., emptying the tank to prevent further release;

- Free product removal from surface waters, or from groundwater;

- Handling of petroleum saturated backfill;

- Investigation and assessment of contamination from UST system;

- Preparation of a Corrective Action Plan (CAP)-Part A or B

 - First revision if required by EPD, and

 - Amendment to an approved CAP, if required by EPD;

- Corrective action tasks for soil and groundwater cleanup, as proposed in CAP-Part B, including:

 - Removal and treatment of contaminated soils, or disposal at an EPD permitted treatment/disposal facility;

 - Backfill of excavated areas to original grade;

 - Installation, operation, maintenance and repair, and decommissioning of long-term remediation equipment;

 - Environmental monitoring; and

 - Restoration or replacement of a public or private potable water supply;

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Labor and fringe benefit costs for companies or government agencies using their own personnel to conduct release response and corrective action activities; and

Other tasks approved by EPD as necessary for proper site investigation, corrective action planning, and corrective action activities.

Note: Costs for corrective action tasks initiated and/or completed prior to CAP approval by EPD may not be 100% reimbursable. This limitation does not apply to release response tasks outlined in sections 280.61 through 280.65 of 40 CFR Part 280.

NON-REIMBURSABLE COSTS

Costs not reimbursable from the GUST Trust Fund, as determined by EPD, include the following:

Value of lost product;

Release response and corrective action for any pollutant other than petroleum or petroleum products from an UST;

Release response and corrective action associated with petroleum USTs exempt or excluded from 40 CFR Part 280;

Precision tank and line testing and/or site check intended for release confirmation, per 40 CFR Part 280, Subpart E;

Tasks initiated and/or completed prior to release confirmation, such as environmental audits or other activities associated with real estate transactions;

Installation and decommissioning of monitoring wells not required for corrective action, as determined by EPD;

Removal of petroleum USTs, **unless** approved by EPD as necessary to remediate contaminated soils or groundwater and/or remove free product;

Corrective action that extends substantially beyond the target cleanup objectives of GUST Rule 391-3-15-.09(2);

Landfilling of more than 500 cubic yards of petroleum contaminated soil, unless justified by a detailed cost analysis of feasible alternatives;

Rush charges for laboratory testing or other services, unless determined by EPD as necessary;

Repairing, retrofitting or replacing a petroleum UST system;

Razing of buildings, removal of footings and foundations, or other demolition of structures, and/or restoration of same;

Loss of trees, shrubs, or signs on the owner's property;

Replacement of paved areas or other property improvements, except as necessary to install remediation systems;

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Damages or repairs to buildings, sewer lines, water lines, electrical lines, phone lines, etc.;

Payments demanded by adjoining property owners for access to conduct site investigation and other cleanup tasks;

Markups of subcontractor costs by more than 15%;

Tasks not identified or adequately justified in a CAP approved by EPD;

Loss of interest on funds applied to a cleanup;

Loss of business, revenue or income during business shutdown;

Fees for attorneys, accountants, and reimbursement claim consultants;

Supervisory costs for companies or government agencies using their own personnel to conduct release response and corrective action activities;

Per diem costs that exceed State limits established for lodging and meals; and

Travel costs that exceed established State limits.