



# **PROCEDURES FOR REIMBURSEMENT FROM THE PETROLEUM CLEANUP FUND**

**VERMONT STATE AGENCY OF NATURAL RESOURCES  
WASTE MANAGEMENT DIVISION**

**EFFECTIVE: FEBRUARY 1999**



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## **INTRODUCTION**

The purpose of this document is to provide guidance for owners and operators of petroleum storage tanks for the submittal of claims against the Petroleum Cleanup Fund (PCF). Included in this document is a description of the coverage the PCF provides and the parties who are eligible to receive this coverage. This document is established pursuant to 3 V.S.A. § 835 of the Administrative Procedures Act, and replaces the preceding PCF reimbursement policy dated September 8, 1995.

An important component of receiving a full and prompt payment from the PCF is knowing what information is required when submitting a claim and what costs are eligible for reimbursement. This document provides information that will help to clarify these issues.

## **FUND COVERAGE AND ELIGIBILITY**

The Petroleum Cleanup Fund, established under the authority of 10 V.S.A. Chapter 59, §1941, was created to pay, subject to available funding, for certain uninsured costs for the cleanup and restoration of contaminated soil and groundwater caused by releases of petroleum from aboveground storage tanks (ASTs) and underground storage tanks (USTs) and for compensation of third party claims for injury and damage caused by such a release.

If you are an AST or UST owner or permittee, including farm and residential tanks, and have paid an annual tank assessment and tank permit fee (when applicable), you are eligible for reimbursement from the PCF. The AST or UST owner or permittee must pay for the removal or repair of the failed tank or system, and for the applicable deductible amount ; subsequently, the PCF will reimburse the UST owner or permittee for all eligible cleanup costs up to \$1 million for USTs and up to \$25,000 for ASTs. Landowners, future site owners and municipalities may also be eligible for reimbursement from the PCF at properties where a petroleum release has occurred if these parties are willing to assume responsibility for managing the investigation and cleanup. The PCF will also reimburse for all allowable third party claims. The PCF may be used to reimburse landowners for the cost of the removal and cleanup of abandoned USTs if the conditions of 10 V.S.A. § 1926 are met. In addition, the PCF may provide a loan or grant of up to \$500 for the removal of any farm or residential heating oil UST for owners with a cumulative federal adjusted gross income of \$50,000 or less.

The PCF does not reimburse the owner or permittee for cleanup costs which are covered by other insurance, and may not reimburse for work which was not pre-approved, as specified in this document, by the Department of Environmental Conservation (DEC), Sites Management Section (SMS) or work which is not in conformance with the SMS document titled, "Site Investigation Guidance." AST or UST owners or permittees that are in significant violation of his or her permit or rules, or have not paid the required permit and tank assessment fees, if applicable, may be subject to cost recovery for an amount up to the costs for the entire cleanup (10 V.S.A. § 1941(f)). See Attachment A for a definition of significant violation.

### **Coverage**

For the following USTs, the PCF provides coverage for uninsured costs up to \$990,000 for corrective action, subject to a first \$10,000 spending requirement per occurrence, and coverage up to \$1 million for third party damage and bodily injury:

- all category one USTs ;

- all farm and residential motor fuel USTs with capacities over 1,100 gallons;
- all nonfarm and nonresidential fuel oil storage USTs used for on-premise heating with capacities over 1,100 gallons.

For the following USTs, the PCF provides coverage for uninsured costs up to \$999,750 for corrective action per occurrence, subject to a first \$250 spending requirement per occurrence, and coverage up to \$1 million for third party property damage and bodily injury:

- any size farm and residential fuel oil storage tank used for on-premise heating;
- all farm and residential motor fuel tanks with capacities of equal to or less than 1,100 gallons;
- all nonfarm and nonresidential fuel oil storage tanks used for on-premise heating with capacities of equal to or less than 1,100 gallons.

For an AST, the PCF provides coverage for uninsured costs up to \$25,000 for corrective action and third party property damage and bodily injury per occurrence. ASTs used for commercial purposes are subject to a first \$1,000 spending requirement per occurrence before receiving any PCF reimbursement and ASTs used for farm or residential uses are subject to a first \$250 spending requirement per occurrence. There is a \$250,000 limit per year for PCF coverage on all expenditures statewide for ASTs.

### Change in Ownership

In determining who is responsible for responding to leaks from an AST or UST where there has been a change(s) of ownership, the SMS will consider the following: current owner of the AST or UST at the occurrence of a release, last owner to have used the AST or UST, last owner who had knowledge of the existence of the AST or UST, the current landowner, and a past landowner (if different from past tank owner). **For sites where there is a change of ownership after the occurrence of a release, PCF coverage can be transferred to a new owner.**

### Soils

The PCF can be used to reimburse some or all of the costs related to the transportation, treatment and disposal of petroleum contaminated soils when new USTs are installed, and as a site remedial effort. **During the installation of new USTs, costs related to the treatment and disposal of only 80 cubic yards of soil will be eligible for reimbursement unless the cleanup of the soils is required by the SMS and a cleanup plan has been approved in writing by the SMS prior to the excavation.** Excavation costs for soils removed for new UST installations are not eligible for PCF reimbursement since these costs would have occurred regardless of whether the soils were contaminated. The requirements for obtaining reimbursement are outlined in this document, and should be fully understood before undertaking a soil removal activity. Failure to follow these requirements may jeopardize reimbursement of these costs.

## Inability to pay determinations

The PCF may be used to pay the first \$10,000 of cleanup costs for owners and permittees of UST(s) when they are determined to be financially unable to conduct a cleanup as directed by the SMS. The SMS must be informed by the UST owners or permittees in writing of their inability to pay. The SMS will require that an owner or permittee complete an application for deferment, which must include financial information to support the application. This information may include copies of personal, and, if applicable, business tax returns, a list of personal or business assets and other financial information. The SMS will make a determination of the owner's or permittee's ability to pay. In making this determination, the SMS may request additional financial information from the owner and permittee. If it is determined that an owner or permittee can not pay the first \$10,000, then the SMS may either defer the \$10,000 spending requirement to a future date or establish a mutually accepted pay back plan. The failure of an owner or permittee to provide proof of financial status, if requested by the SMS, may result in a determination that the owner or permittee is financially capable of funding the first \$10,000. If an owner or permittee fails to make regular payments to the PCF after a mutually agreed upon payback plan has been established, the DEC will pursue legal methods of cost recovery such as the attachment of assets and the use of judgement liens.

## **REMEDATION**

### **COSTS ELIGIBLE FOR REIMBURSEMENT**

1. The reasonable costs of the removal, treatment and disposal of petroleum contaminated soils caused by a release from an AST or UST which were removed as part of a cleanup plan pre-approved in writing by the SMS (unless such action meets the conditions of number 3 below).
2. The reasonable costs of the transportation, treatment and disposal of up to 80 cubic yards, or 120 tons, of petroleum contaminated soils removed for the installation of new USTs. This does not apply to soil which is removed as a remedial measure without SMS written approval when there are no new USTs installed (unless such action meets the conditions of number 3 below).
3. The reasonable costs of the removal, transportation, treatment and disposal of up to 80 cubic yards, or 120 tons, of petroleum contaminated soil that was excavated during an UST removal or AST release, when such action can be shown to remove the full extent of the contamination. This 80 cubic yards, or 120 tons, are not eligible for reimbursement if an additional 80 yards are claimed as defined in #2 above. This action can be accomplished without DEC approval provided that field and laboratory results from soil samples collected directly below the excavated soil area are submitted to the SMS and document that the contamination was limited to the amount which was removed from the ground. Evidence must be provided which shows that all the contamination was removed from the ground, and that there is no impact or threat of impact to groundwater.
4. The costs of owners' or permittees' on-site employees during the initial emergency response/removal action, according to the following schedule:
  - A. Company management personnel - \$40.00/hr
  - B. Specialized technicians/laborers - company published service call rate

- C. Common laborers - hourly rate and fringe benefits
  - D. Emergency response materials - actual cost
5. Reasonable cleanup contractor and consultant costs associated with emergency response from petroleum UST or AST releases. An emergency is defined as a situation when a sensitive receptor (see definition in Attachment A) is directly impacted or imminently threatened by a hazardous material release requiring immediate response to contain or mitigate the release in order to minimize human health risks or environmental damage. Typically, the emergency phase of a response should not take longer than seven days. If an emergency response action requires more than seven days, a work plan and cost estimate must be approved by the SMS for activities after the seven days. However, the SMS has the option to waive this requirement if deemed necessary. Refer to Attachment E for guidance on what the SMS considers critical documentation necessary to justify the costs.
  6. The costs of owners' or permittees' on-site employees for routine monitoring, only if the following conditions are met:
    - A. All work performed is associated with onsite remediation, and
    - B. The monitoring is routine and does not control the ultimate decision making process for future site remediation and monitoring, and
    - C. The monitoring is not conducted as part of the regulatory compliance for release detection as per the Vermont Underground Storage Tank Regulations, and
    - D. The cost of this monitoring is significantly less than the industry rate for this work as established by the environmental consultant performing the cleanup, and
    - E. The work is performed according to a written plan/agreement between the responsible party and the consultant hired by the responsible party and this plan is pre-approved in writing by the SMS. The plan should address schedule, personnel, training, health and safety, sample Quality Assurance/Quality Control (QA/QC), and costs.
  7. The actual out of pocket costs for equipment owned by the responsible party and leased for use for remediation and cleanup at an owner or permittee's site. These costs might include interest, depreciation and operating costs. The interest rate shall be the lowest value of either the Water Resource discount rate published in the Federal Register or the commercially available rate at the time of purchase. The depreciation rate must be the IRS straight-line rate for the equipment class. The method chosen to determine the lease rate must be documented and approved by the DEC.
  8. All reasonable costs associated with the purchase of site remedial equipment that has been pre-approved in writing by the SMS. The SMS will not approve reimbursements for the purchase of new equipment until the party seeking reimbursement demonstrates that they have considered alternatives to purchasing the equipment such as the availability of state-owned equipment, equipment previously used at other sites where PCF reimbursements were used, and an analysis of the purchase versus the lease cost. Additionally, an agreement must be reached which identifies the ultimate fate of the equipment once it is no longer needed at the site where it was

purchased.

9. All reasonable costs, subject to eligibility criteria established in this document, associated with the remediation and environmental investigation or monitoring of leaking underground or aboveground storage tank sites, other than for UST leak detection.

#### COSTS NOT ELIGIBLE FOR REIMBURSEMENT

1. All costs that are covered under an insurance policy or plan irrespective of whether the owner or operator is liable for those costs and has released the insurer from liability to pay. This includes costs for which the insurance carrier denies coverage, yet those costs, in the judgement of the DEC, should have been covered under the insurance policy or plan.
2. All costs associated with confirming the presence of a suspected release as required under Subchapter 6 of the Vermont Underground Storage Tank Regulations, including the cost of tightness testing or a subsurface investigation to determine the integrity of the tanks and piping.
3. All costs associated with the repair, removal/excavation or closure of any AST or UST (See 10 V.S.A. Chapter 59, § 1926 for exceptions to this category). This includes the costs of removing product contained in the tank, excavation costs, disposal costs of tank bottoms and tank, costs to fill the tank in place, costs of the initial site assessment required by Section 8-605(2)(c) of UST Regulations, and the costs of repairing the facility as part of a capital improvement, such as replacing pavement.
4. All costs associated with the installation of release detection systems, including monitoring wells, installed for the purpose of leak detection.
5. All costs associated with the removal, treatment and disposal of petroleum contaminated soil in excess of 80 cubic yards, or 120 tons and, all costs associated with the removal of the soil, that is excavated during the installation of new UST(s).
6. All costs associated with the removal, treatment and disposal of petroleum contaminated soil that was removed as a remedial measure but was not pre-approved in writing by the DEC (unless the conditions of #3 on page 3 of this document are met).
7. All costs associated with the removal and treatment of petroleum contaminated groundwater that was not approved in a corrective action plan by the SMS.
8. Any cost in excess (>20%) of the average cost or "reasonable" cost associated with the work in question. "Reasonable" cost can be determined by one of the following methods:
  - A. Obtaining a minimum of three competitive work proposals and cost estimates. The estimates will need to be submitted to the SMS for review and approval to determine if the estimates are within prevailing industry rates.
  - B. The submittal of a work proposal and cost estimate for review and approval by the DEC. The DEC will compare the work proposal and cost estimate to past costs for similar work performed over the past three years of the PCF, as a means of determining reasonableness.

C. The costs for the work are in conformance with the attached Consultant Fee Schedules.

Note: The SMS will waive the requirement of obtaining and reviewing cost proposals during emergency situations, however the SMS expects the consultant or contractor will follow the guidance outlined in Attachment E.

9. Any cost in excess (>10%) of a preapproved estimate that has not been reapproved by the SMS prior to the completion of the work.
10. Markups on the performing subcontractors/contractors work which exceed 10 percent and any markups on materials and equipment.
11. The cost of purchasing equipment for a site by an owner/operator who wishes to retain the ownership of the equipment.
12. The costs of operating a remediation system that the DEC has determined is not cost-effective.
13. The total lease payment that exceeds 125% in the first year, and 25% in subsequent years, of the value of the equipment. This does not include the operation and maintenance costs needed for the equipment.
14. The costs of work performed without the SMS's written approval of a workplan or corrective action for non-emergency remedial work. The DEC will waive the requirement for preapproval of workplans if the work is for an initial site investigation or corrective action feasibility investigation, and is in compliance with the attached Consultant Fee Schedules. These costs must also be within prevailing industry rates.
15. Any cost associated with conducting a site assessment for the purpose of initiating a real estate transaction.
16. Any cost incurred for corrective action performed prior to January 1, 1987 for UST sites and before April 23, 1998 for AST sites.
17. Any cost incurred for contractor oversight by another contractor or by the responsible party.
18. Attorneys fees.
19. Interest charges and surcharges.
20. Owner/operator administrative costs.
21. Loss of business costs for first parties.
22. Penalties or fines imposed by the DEC or other governmental entity.
23. Submittals for reimbursements that are incomplete and/or provide insufficient documentation.
24. The reimbursement of invoices that are over one year old, once the spending requirement (deductible) has been met and have not been submitted to the SMS for review.

25. Any cost incurred and submitted for reimbursement where there is no supporting evidence that the work was completed, such as a summary report, monitoring data, etc. This shall include reports that are not filed within three months following the completion of the work (e.g. - date of monitoring well installation).
26. Any costs which represents a misuse of the PCF (e.g. - fraud, falsification of data, double-billing).
27. Any costs that are incurred when the PCF is determined by the SMS to be insufficiently capitalized to handle foreseeable claims. The priority of PCF outlays will be determined by the DEC based on the relative risk the site poses to public health and the environment, and will be subject to available funding.
28. Any cost associated with the cleanup of a non-petroleum waste.
29. Any cost payable to a property owner for granting access to conduct an investigation into the nature, degree and extent of contamination resulting from a petroleum release.
30. Any cost of investigating, remediating or monitoring a release that is caused by negligence (e.g. - fuel delivery overfill).
31. The cost of purchasing liability insurance for equipment or activities associated with the cleanup.

### **THIRD PARTY CLAIMS**

Please refer to the DEC document titled, "Policies and Procedures Manual for Third Party Claims Against the Petroleum Cleanup Fund" for a complete description and explanation of this issue.

### **REQUIREMENTS FOR SUBMITTING A CLAIM**

The following reimbursement procedure has been established to clarify and expedite requests for payment from the PCF. Submittal claims that do not follow the procedures outlined below will not be considered for reimbursement.

The DEC will authorize one of two types of payments. The owner and operator can pay all invoices and seek direct repayment, or the owner and operator can pass the invoices onto the DEC who will then issue a joint check made out to the owner/operator and the contractor. **The two-party check option is especially important in emergency response sites, where high costs can be incurred in a short time frame.**

#### **Reimbursement Procedure:**

1. Bills must be submitted for a period of time of no less than thirty (30) days, and not greater than 1 year. For each package of bills, the attached submittal form must be completed (Sections 1-4 of the Request for Reimbursement Form). A total of the expenses for each vendor should also be given. All submittal forms must be signed by the responsible party in order for the DEC to process the claim.

2. A copy of all invoices, including subcontractor's invoices, as well as a copy of all canceled checks must be attached. The invoices and checks should be compiled in the same order as they appear on the Submittal Form.
3. For submittals of work based on an SMS approved workplan, the invoice must include a cost summary estimate table as established in Section 5 of the Request for Reimbursement Form.
4. For sites where the owner or permittee incurs the first \$10,000 of eligible remedial expenses, these costs must be clearly documented, submitted and approved by the SMS prior to providing reimbursements.
5. For all equipment purchased using PCF Funds with value greater than \$500.00, submittals must include the title or bill of sale, and a separate page with a list of the equipment manufacturer's name, model and serial number. When the equipment is no longer needed at a site the equipment must either be transferred for use to an another site or be sold for a salvage value with the proceeds being returned to the PCF. A copy of the owner's manual may need to be supplied to the SMS upon request.
6. The name of the responsible party's insurance carrier and policy number together with a statement that there is no pollution liability insurance from the insurance carrier for each site **must** be included with the first submittal, before any claim will be processed. **A copy of the insurance policy must also be sent to the SMS** . All applicable sections relative to pollution coverage and third party impacts should be clearly underlined or highlighted. A contact person and telephone number from the insurance carrier should also be provided. The SMS will not process the claim if such information is not provided.

#### **DETERMINATION REGARDING CLAIMS SUBMITTED**

Determination regarding eligibility for reimbursement from the PCF shall be made in writing by the DEC site manager or section chief. Any claims which are found to be ineligible for reimbursement shall be individually addressed with an explanation as to why a particular expense may not be reimbursed. Claims will be returned to the responsible party if the SMS determines that the first \$10,000 spending requirement has not been met.

**APPEAL OF DISALLOWED COSTS**

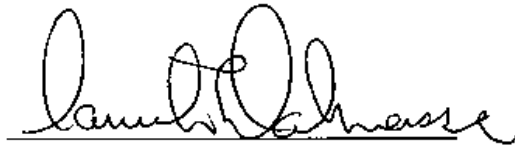
Appeals of the site manager's or section chief's determination of ineligible costs must be made in writing to the Director of the Waste Management Division within 60 days of that decision. The Director shall make a final determination regarding eligibility in writing. An appeal of the Director's decision must be made to the superior court of the county where the tanks are (were, if removed) located pursuant to 10 V.S.A. § 1933. This appeal must be made within 30 days of the Director's decision, and must be filed in writing.

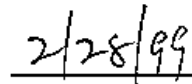
Approved by:

\_\_\_\_\_  
Canute Dalmasse , Commissioner  
Department of Environmental Conservation

\_\_\_\_\_  
Date

Approved by:

  
\_\_\_\_\_  
Canute Dalmasse , Commissioner  
Department of Environmental Conservation

  
\_\_\_\_\_  
Date

## Attachment A

### Applicable Definitions:

- A. "Aboveground storage tank" means any tank, other than an underground storage tank, used to store any of the following petroleum products: gasoline, diesel, kerosene, used oil or heating oil.
- A. "Category One Tank" or "Permitted Tank" means an underground storage tank, except for the following:
  - (a) Fuel oil storage tanks used for on-premises heating purposes;
  - (b) Farm or residential tanks used for storing motor fuel.
- B. "Emergency" is defined as a situation when a sensitive receptor\* is directly impacted or imminently threatened by a hazardous material release requiring immediate response to contain or mitigate the release in order to minimize human health risks or environmental damage.

\*Sensitive receptors include public and private water supplies, surface waters, wetlands, sensitive ecological areas, outdoor and indoor air, and enclosed spaces such as basements, sewers and utility corridors.
- C. "Occurrence" means the point in time that a release of petroleum from an underground storage tank is discovered or determined. The following interpretations are written to alleviate confusion over multiple releases or occurrences:
  - (a) If multiple releases are determined for a single owner or permittee, at the same facility, at the same time and the contaminant plumes are commingled, then a single occurrence and site is established, and will be subject to full PCF coverage after the first \$10,000 of eligible cleanup costs have been spent.
  - (b) Any new release at the facility will be treated as a new occurrence at the site, and will be subject to full PCF coverage after the first \$10,000 of eligible cleanup costs have been spent.
  - (c) If more than one owner has a simultaneous occurrence at a site as described in C(a) above, then the first \$10,000 of eligible and uninsured cost shall be shared by the responsible owners, and will be subject to full coverage and \$10,000 requirement provided under the PCF.
- D. "Permittee" means the owner or operator of an underground storage tank(s) who has been issued a permit under the provisions of the "Underground Storage Tank Regulations".
- E. A "significant violation" includes any one or more of the following:
  - (a) any violation of a statute or regulatory requirement which results in substantial harm to public health, safety or the environment or poses a threat of substantial

harm to the public health, safety or environment; or

(b) any of the following;

1. failure to conduct release detection monitoring in accordance with Vermont Underground Storage Tank Regulations (Vermont UST Regulations).
2. failure to report a suspected release under 10 VSA § 6617 or failure to report a suspected or confirmed release under Vermont UST Regulations.
3. failure to investigate and confirm a suspected release in accordance with Vermont UST Regulations.
4. failure to initiate corrective action of a release under Vermont UST Regulations.
5. failure to operate an UST system with compatible equipment for release detection, overfill protection or corrosion protection in accordance with Vermont UST Regulations.
6. failure to obtain a permit in accordance with 10 VSA § 1927 and Vermont UST Regulations.
7. failure to abate a release or threatened release, or fully perform a site investigation, removal action, or remedial action as required under 10 VSA § 6615 or as required by the terms of a permit, order, or assurance of discontinuance.

The above definition of significant violation is established solely for the purpose of bringing an action for cost recovery under 10 VSA § 1941 (f) which authorizes the Secretary to seek reimbursement to the Petroleum Cleanup Fund. This definition of significant violation is not intended to be used for the interpretation of the term "significant violation" which may appear under any other provisions of the Vermont statutes or regulations. Furthermore, the Secretary's determination that an alleged violation is or is not a significant violation under 10 VSA § 1941 (f) shall not preclude the Secretary from pursuing any enforcement remedy or penalty, nor shall it constitute a defense in enforcement proceedings.

- F. "Site" means any AST or UST facility where a known or suspected release of petroleum has been discovered.
- G. "Underground storage tank" or "UST" means any one or combination of tanks, including underground pipes connected to it or them, which is or has been used to contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected to it or them, is 10 percent or more beneath the surface of the ground. Provided, however, that the following are excluded from the definition of "underground storage tank" established under this section:

- (a) septic tanks and manure storage tanks;
- (b) flow through process tanks permitted under chapter 47 of this title and tanks regulated by chapter 159 of this title;
- (c) stormwater or wastewater collection systems;
- (d) storage tanks situated in an underground area if the tank is upon or above the area floor;
- (e) pipeline facilities regulated by the federal Natural Gas Pipeline Safety Act (49 U.S.C. App. 2001 et seq.) or an intrastate pipeline regulated under state laws similar to the foregoing;
- (f) liquid petroleum gas storage tanks, used predominantly for the storage of propane, propylene, butane, and butylenes, regulated by the Vermont Fire Prevention and Building code.

**Attachment B**  
**Reimbursement Forms**

**Vermont Department of Environmental Conservation  
Petroleum Cleanup Fund  
Request for Reimbursement Form**

**Section 1. General Information:**

Facility	Owner/Operator
Site Name: _____	Name: _____
Dec Site #: _____	Contact: _____
Billing ID#: _____	Business Address: _____
Site Address: _____	_____
_____	_____
Telephone #: _____	Telephone #: _____

**Section 2. Responsible Party Reimbursement Request Checklist (Each statement must have a box checked):**

	YES	No	N/A
1. All costs submitted are associated only with petroleum USTs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. All costs submitted are associated only with petroleum ASTs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The completed invoice summary and cost summary are enclosed.	<input type="checkbox"/>	<input type="checkbox"/>	
4. A copy of all invoices, including subcontractors invoices, and a copy of canceled checks have been enclosed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. For all equipment purchased with value greater than \$500, submittals include the title or bill of sale, and a list of the equipment manufacturer's name, model and serial number.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. The deductible with proof of payment is documented	<input type="checkbox"/>	<input type="checkbox"/>	
7. All deliverables have already been submitted that relate to services associated with this reimbursement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. A copy of the insurance policy(s) for this site is enclosed or previously submitted.	<input type="checkbox"/>	<input type="checkbox"/>	

**Section 3. Declaration**

I declare under penalty of perjury that the representations made in this Request for Reimbursement are to the best of my knowledge true and correct. I agree to reimburse for any payments made to me based upon incorrect information.

\_\_\_\_\_  
Name of Owner/Operator Representative (printed)

\_\_\_\_\_  
Company Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Section 4. Invoice Summary

Invoice # & Date	Consultant/Contractor (include SS # / Fed ID#)	Check # (proof of payment)	Amount
1.			\$
2.			\$
3.			\$
4.			\$
5.			\$
6.			\$
7.			\$
8.			\$
9.			\$
10.			\$
11.			\$
12.			\$
13.			\$
14.			\$
15.			\$
16.			\$
17.			\$
18.			\$
19.			\$
20.			\$
21.			\$
Subtotal .....			\$
Minus PCF Deductible .....			- \$
Total Request for Reimbursement .....			\$

## Section 5. Cost Summary

BOB'S BTEX BARN, GREEN MOUNTAIN, VT SITE#86-6574

Tasks		Project Costs		% of Tasks Remaining	Invoice # 1001-1	Invoice # 1001-2
Proposed	Unanticipated	Estimated	Actual		7-31-98	8-31-98
Task 1: Full round of groundwater sampling	Also collected surface water samples	\$2,000.00	\$2,090.00	0	\$2,090.00	
Task 2: Survey of SVE & sparging points		\$725.00	\$725.00	0	\$725.00	
Task 3: Soil Vapor Extraction System						
a. Equipment Shed		\$2,200.00	\$2,500.00	0	\$2,500.00	
b. Sparge Compressor		\$7,354.00	\$7,054.00	0	\$7,054.00	
c. SVE blower and water knockout		\$8,450.00	\$8,325.00	0	\$8,325.00	
d. Piping, ponds and culvert		\$3,125.00	\$3,020.00	15	\$1,020.00	\$2,000.00
Task 4: Soil Vapor extraction Installation						
a. Installation of points	air rotary drilling needed	\$8,045.00		100		
b. Trenching	longer distance to shed	\$5,600.00	\$5,750.00	0		\$5,750.00
Totals: Project as of 8-31-98		\$37,499.00	\$29,464.00		\$21,714.00	\$7,750.00

\* Please note: This example provides a suggested format only. Cost summaries including similar information will also be accepted.

**Attachment C: Consultant Fee Schedule  
Allowable Amounts for Petroleum Cleanup Fund Reimbursement**

<b>Costs of Initial Site Assessment (4-2" monitoring wells)</b>				
<b>Well Depth</b>	<b>Drilling Costs<sup>+</sup></b>	<b>Consultant Costs<sup>#</sup></b>	<b>Summary Report Costs</b>	<b>Maximum Total Costs<sup>*</sup></b>
20' Depth	\$2,600	\$2,200	\$1,200	\$6,000
40' Depth	\$3,800	\$3,200	\$1,200	\$8,200
60' Depth	\$5,000	\$4,200	\$1,200	\$10,400

+ - Using Hollow Stem Augers.

# - Includes all consultant costs except report writing.

\* - Does not include analytical costs.

<b>Analytical and Sampling Equipment Costs</b>		
<b>Method</b>	<b>Maximum Rate (\$/Sample)</b>	
	<b>Water</b>	<b>Soil</b>
EPA 8010	\$60.00	\$70.00
EPA 8015 (Modified for TPH)	\$60.00	\$70.00
EPA 8021B	\$60.00	\$70.00
EPA 8080	\$150.00	\$160.00
EPA 8100 (Modified for TPH)	\$65.00	\$75.00
EPA 8100 (PAHs)	\$160.00	\$180.00
EPA 8270	\$420.00	\$450.00
EPA 8260	\$160.00	\$180.00
Priority Metals	\$200.00	\$210.00
RCRA Metals	\$150.00	\$160.00
Immunoassay	\$25.00	\$25.00
TO-2 (Air)	\$200.00	
Sampling Equipment Charge	\$10.00/monitoring well	

**Attachment C**  
**Consultant Fee Schedule**  
**Allowable Amounts for Petroleum Cleanup Fund Reimbursement**

<b>Equipment Rental Charges</b>	
<b>Equipment</b>	<b>Maximum Rate (\$/Day)</b>
Combustible Gas Meter	\$25.00
Photoionization Detector (PID)	\$ 80.00
Flamionization Detector (FID)	\$ 100.00
Interface Probe	\$ 40.00
Data Logger	\$100.00
Vehicle Charge (car/truck)	\$ 0.35 / mile
1.5 Hp Regenerative Blower	\$100.00
2 Hp Air Compressor	\$25.00

<b>Personnel Labor Rates</b>	
<b>Personnel Title*</b>	<b>Maximum Rate (\$/Hour)</b>
Principal	135
Senior Scientist/Engineer	95
Project Scientist/Engineer/Manager	75
Staff Scientist/Engineer	65
Field Technician II	45
Field Technician I	35
Draftsperson II	55
Draftsperson I	45
Administrator	50
Secretary/Clerical	35

\* See Professional Services Definitions

## **Attachment C**

### **Professional Services Definitions**

#### **Principal**

Graduate science degree or engineering degree, plus at least 10 years experience in investigation and remediation of contamination in soil and groundwater. Administrative and/or professional head of organization. Directs professional staff. Charges a very limited number of hours per site, primarily for review of projects documents.

#### **Senior Scientist/Engineer**

Science or engineering degree and at least 8 years applicable experience. Professional registration when applicable. Senior technical leader. Develops technical and budgetary work plans. Duties include aquifer characterization, review of technical reports and corrective action plans. Supervises work activities of lower level professional staff. Generally performs limited field work. Performs design and investigation work in technically complex situations often requiring innovative applications.

#### **Project Scientist/Engineer/Manager**

Engineering, hydrology or related science degree and at least four years applicable experience. Identifies problems and develops investigative and remedial solutions to site situations. Consults with higher level professional staff. Prepares work plans, cost estimates and reports. Analyzes and interprets field data. May supervise lower level technical personnel during on-site drilling, sampling or remediation activities. Frequently communicates with state personnel and client.

#### **Staff Scientist/Engineer**

Engineering, geology, hydrology or related science degree and at least two years of experience. Implements field work for on site investigation and remediation activities including site characterization, drilling supervisor and monitoring well installation and sampling activities. Assists in report preparation.

#### **Field Technician II**

Science or engineering degree or 2 years experience. Supervises installation, maintenance and repair of investigative and remediation machinery and equipment. Conducts sampling and monitoring. Maintains remedial systems.

#### **Field Technician I**

No degree required. Performs assigned work and routine labor tasks. Assists in equipment installation and maintenance. Conducts sampling and monitoring. Assists with field supervision of subcontractors.

#### **Draftsperson II**

2 years schooling and 5 years experience, or 8 years experience. Technically familiar with the basic engineering principles and construction methodologies. Works independently. Proficient with

AutoCad or other forms of computer aided design drafting.

**Draftsperson I**

2 years experience or 1 year related college and 1 year experience. Works directly under a registered engineer or scientist. Has some computer-aided drafting skills.

**Administrator**

No degree required. Tracks work plan costs, prepares and processes invoices, administers leasing and ordering of equipment, performs general administrative work for report and work plan preparation.

**Secretary/Clerical**

No degree required. Operates computer for word processing and spreadsheet entry. Assists technical and senior personnel with report production, correspondence preparation and data entry. Performs general office work.

**Attachment D**  
**Application for UST Replacement Grant**

<b>Vermont Department of Environmental Conservation</b> <b>Petroleum Cleanup Fund</b> <b>Application for UST Replacement Grant</b>
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<b>Section 1. General Information</b>	
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Name of Owner	
Owners Address	
Property Address (if different)	
Telephone #	
Social Security #	

<b>Section 2. Description of Property and Surrounding Area</b>	
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Age of tank	
Description of water supply (e.g. - on site well, municipal water)	
Approximate number of drinking water wells within 1/4 mile of property	
Distance to nearest surface water body (please include name of water body)	
Name of other sensitive receptors near site (e.g. - schools, daycare centers, ecological areas)	

<b>Section 3. Checklist of Additional Information Required for Grant</b>		
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1. Proof of ownership	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Affidavit identifying adjusted gross income of owner	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Cost estimate for tank closure, replacement or upgrade	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Schedule for the work	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## **Attachment E**

### **Guidance for PCF Reimbursement of Emergency Response Costs**

In most cases, site investigation and remedial activities related to releases are pre-approved. During an emergency response, pre-approval of costs is not realistic. However, the SMS must still evaluate whether the costs associated with the emergency response are reasonable before the PCF can reimburse. Below is guidance for cleanup contractors and consultants to follow during a response to an emergency. Following this guidance should minimize the potential for non-PCF reimbursable response costs, and will facilitate prompt reimbursement by the PCF.

1. An emergency is defined as a situation when a sensitive receptor is directly impacted or imminently threatened by a hazardous material release requiring immediate response to contain or mitigate the release in order to minimize human health risks or environmental damage. Once the immediate threat has been mitigated, the SMS considers the emergency response over. SMS approval of a work plan and cost estimate would then be required for subsequent work related to site characterization or remediation.
2. If an emergency response action requires more than seven days, a work plan and cost estimate must be approved by the SMS for activities after the seven days.
3. The contractor, consultant, or responsible party should frequently update the DEC spill responder or site manager assigned to an emergency response. The frequency of the update depends on the specific conditions of a emergency response and the direction given by the DEC spill responder or site manager.
4. Daily invoices with itemized breakdown of labor, equipment, materials, and subcontractors are required with the PCF reimbursement request. Receipts and invoices for material purchases and subcontractors must be included with the reimbursement request. Labor and equipment rates will be compared to rates at similar jobs.
5. Sufficient documentation is required to support the work that was completed. At a minimum, description of the response activities must be included on each daily invoice. However, the SMS may require supplemental information (such as the field log) if there are questions concerning costs.
- 6. A detailed field log should be kept by the cleanup contractor or consultant.** A log is helpful to ensure that there is adequate documentation of the emergency response and provides a means to evaluate the costs of the work completed. The log should include, at a minimum, the following information:
  - Documentation of arrival and departure time of all personnel and equipment during an emergency response. This includes when worked started and stopped during the day.
  - Clear description of the emergency
  - Weather conditions
  - Timed entries in the log to adequately describe activities to address the emergency. Entries

must be sufficient to describe activities of labor and equipment on the site.

- Sketch (s) showing locations of buildings, potential or known contaminant source areas, borings, test pits, sampling points, stockpile soils, and sensitive receptors (water supply wells).
- Listing of number and type of sample(s). Also, state the analysis or method that will be completed on the sample(s).
- Signature of logger at end of his/her entry for the day

Also, a copy of the log entries for the emergency response should be included as an attachment to the final report documenting the emergency response.

7. If possible, document work with photographs. This will help the Site Manager better understand the activities that took place during the emergency response.

8. After the immediate response to the emergency is over, a written report must be submitted that contains a description of all response actions and findings of these actions. A copy of the field log entries for the emergency response should be included with the report..

9. The two-party check option is recommended for reimbursement of emergency response sites. This will allow the responsible party to know what costs are considered reimbursable (or non-reimbursable) by the PCF before payment is made to the contractor or consultant.