



MICHAEL F. EASLEY, GOVERNOR  
William G. Ross Jr., SECRETARY  
Dexter R. Matthews, DIRECTOR

**UNDERGROUND STORAGE TANK SECTION**

March 1, 2007

**TO: Environmental Consultants and Service Providers  
UST Responsible Parties  
All UST Section Staff**

**FROM: George Matthis, Jr., Head  
Trust Fund Branch**

**SUBJECT: Interim Reasonable Rate Document Changes to Coincide with the New  
Guidelines for Site Checks, Tank Closure, and Initial Response and  
Abatement.**

With the release of the new *Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement* the following information is being provided to describe the corresponding changes in the 2003 Reasonable Rate Document. Please update your 2003 Reasonable Rate Document. These amendments go into effect on March 1, 2007, the effective date of the new *Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement*. If a specific task code has been modified then that task code is listed below and a new interim rate, if applicable, is listed after the updated Scope of Work (SOW).

**Note:** The Leaking Underground Petroleum Trust Fund is a voluntary program, and reimbursement from the Fund is governed under an additional set of rules and regulations than just the assessment and remedial rules 2L and 2N. In order to ensure eligibility for reimbursement from the Fund, you and/or your consultant must also comply with the rules and regulations as outlined in 2P and the Reasonable Rate Document. Any apparent conflict between these rules must be rectified prior to work being conducted if reimbursement is to be sought.

**Reimbursement Issues by Guideline Section:**

**Section 4.0 UST Site Check Guidelines for Regulated UST Systems:**

Historically, site checks have not been reimbursed by the Trust Fund. A site check is considered by the Trust Fund to be an operating expense. If the information gathered in the site check can be used to offset assessment activities at a later stage, then the Trust Fund will consider the activities for reimbursement. No site check activities will be reimbursed at sites in which a release is currently under investigation, closed to a standard other than unrestricted use, or the

DIVISION OF WASTE MANAGEMENT/UST SECTION  
1637 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-1637  
PHONE: 919-733-8486 \ FAX: 919-733-9413  
INTERNET: <http://www.wastenot.enr.state.nc.us>

UST System was knowingly placed into previously contaminated soils. If the site check does indicate that a release has occurred, the soil and/or groundwater assessment work that indicated that a release has occurred is to be incorporated into the required work outlined in the *UST Section Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement*. **The applicable portion of these initial activities may be reimbursed under the relevant tasks at the time the subsequent assessment activities are claimed.** Duplicative work will not be reimbursed (i.e. If a monitoring well is installed as part of the site check and the well indicates a groundwater impact, then this well will be considered to be a Limited Site Assessment well. Payment will not be made for additional wells in the same source area.)

**Section 5.0 UST Closure (and Change-in-Service) Guidelines for Regulated UST Systems:**

Section 5.1 Pre-Closure Actions: Not reimbursable.

Section 5.2 Cleaning, Removal, and Disposal of USTs and Associated Piping and Dispensers: Not reimbursable.

Section 5.3 Regulated UST Closure (and Change-in-Service) Assessment Requirements: Reimbursable to the extent that these activities have not been completed as part of site check activities.

Section 5.4 Reporting of Regulated UST Closure Assessment Results: As described in Section 6 of the 2003 Reasonable Rate Document.

Section 5.5 Non-Regulated Petroleum UST Closure Assessment Requirements: As described in Task Codes 2.500 and 2.510 and 2.520.

**Section 6.0 Initial Response and Abatement Actions Following UST Release:**

Section 6.1 Initial response Actions”

6.1.A 24-Hour Release Report: Not individually reimbursable. Costs for this notification are covered in the Site Check, Tank Closure or Initial Abatement Action Report.

6.1.B Action to Prevent Further Release: Not reimbursable for the leak directly from the UST system. This is considered to be a repair of the UST system. Activities associated with prevention of migration of the release is considered free product abatement such as absorbent booms, etc. to prevent product from flowing into a ditch, down a storm drain, or onto a pervious surface?

6.1.C Identification and Mitigation of Hazards from Exposure to Pollutants: This activity is covered under the Site Check, Tank Closure or Initial Abatement Action Report.

6.1.D Identification and Mitigation of Fire, Explosion and Vapor Hazards: This activity is covered under the Site Check, Tank Closure or Initial Abatement Action Report as well as free product activities.

**Section 6.2 Initial Abatement Actions:**

6.2.A Completion of Investigation to confirm presence of Environmental Contamination and Determine Source of Release: This is covered under the Site Check.

6.2.B Investigation and Recovery of Free Product: This is covered under Section 2.0 of the RRD.

6.2.C Continued Mitigation and Monitoring of Fire, Explosion and Vapor Hazards: Covered under Section 2.0 of the RRD and is to be conducted only as part of free product recovery.

6.2.D Remediation of Hazards Posed by Exposed Contaminated Soil: This activity is covered under Task Code 2.415 in the RRD.

6.2.E Submittal of 20-Day Report: This activity is covered under Task Code 6.010 in the 2003 RRD.

6.2.F Excavation of Contaminated Soil: This activity is covered under Task Codes 2.400, 2.410, and 2.415.

**Section 7.0 Initial Abatement – Excavation of Contaminated Soil Following UST Release:**

Section 7.1 Excavation of Contaminated Soil from Regulated Petroleum UST Releases:

7.1.A Requirements for Excavation: The required sampling methods are listed under Task Code 4.090.

7.1.B Limitations to Excavation: no more than 5 feet laterally from the tanks, piping, or dispensers and no deeper than 17 feet below land surface. The total site volume should not exceed 800 cubic yards without prior written permission from the UST incident manager.

7.1.C Sampling during and at Completion of Excavation: This activity is covered under Task Code 4.090.

7.1.D Post-Excavation reporting and Actions: This activity is covered under Task Code 6.015.

7.1.E Installation of new or replacement UST Systems in former UST System locations: Not reimbursable. Removal of contaminated soil for this purpose is not reimbursable.

Section 7.2 Excavation of Contaminated Soil from Non-Regulated Petroleum UST Releases:

Non-regulated USTs greater than or equal to 1100 gallons are treated as commercial USTs. Excavations from Non-regulated USTs less than 1100 gallons are limited to 38.5 cubic yards with the prior written approval of the UST incident manager.

Section 7.3 Excavation of Contaminated Soil from regulated, Non-Petroleum UST Releases: Not reimbursable.

Section 7.4 Disposal of Contaminated Soil and Groundwater from Excavations: Only the contaminated soil and groundwater that is required to be removed from the pit during initial abatement excavation and back filling activities are eligible for reimbursement. Additional excavation or de-watering for the purpose of installing a new tank system is not a reimbursable expense.

### **Section 8.0 Reporting Requirements:**

The specific task codes for each report can be found in Section 6.0 of the RRD.

### **Section 9.0 Sampling Guidelines:**

Approved sampling methods are listed under Task Code 4.090 in the RRD, and the sampling requirements for reimbursement are listed under Section 4.0. Specific lump sum task code in which sampling is required include the sampling requirements.

### **Specific Tasks Affected by the Guidelines:**

#### **2.400**

**Cost for Excavating Soil and Stockpiling during UST Closure:** SOW will include all necessary labor, equipment and materials to excavate and properly stockpile contaminated soil during UST closure. SOW includes submittal of the invoice. Price is cost up to maximum rate.

*Please Note: Stockpile sampling should be performed at the conclusion of the UST closure. If the stockpile samples indicate that the soils that were excavated would have been allowed to remain in situ, then reimbursement for soil excavation, purchase of new back fill, and disposal will not be allowed for those soils meeting the in situ standards.*

*Please Note: If contaminated soil cannot be weighed because it is being treated or disposed onsite, see Task Code 2.413*

#### **2.410**

**Cost for Back-filling a Tank Pit During UST Closure:** This task includes all necessary labor, equipment and materials to properly backfill a tank pit as a result of a UST removal and over-excavation. Cost includes back-filling the tank pit with clean fill, using a like or equal material. This SOW also includes necessary compaction where required. SOW includes submittal of the invoice. Price is cost up to the maximum rate. This cost is not considered to be site restoration and is not to be listed as such.

*Please Note: The contractor must supply an invoice showing the purchase of the fill material, and the invoice must reflect total tonnage of fill material.*

#### **2.413**

**Cost for NC Professional Surveyor:** This SOW covers the cost of a North Carolina registered professional surveyor used to measure all of the stockpiled soil or the final excavation for sites where the soils will be treated and disposed onsite. The surveyor's signed and sealed calculations must be included with the claim. The total volume (cubic yards) should be converted to tons by multiplying by 1.5 if excavation was surveyed or 1.25 if stockpile was surveyed. This conversion to tons is required for proper bid evaluation. The total tonnage must be documented in order to reimburse for costs associated with excavation during UST closure activities. A surveyor's calculations may not be used when contaminated soils are removed from the site for disposal. Only weight tickets that meet the requirements of the weights and measures law NCGS 81A-51(5) and are in accordance with Trust Fund policy memo dated August 1, 2006 titled, "Amendment to Reasonable Rate Document Policy Concerning Requirements for Determining the Weight of Soil Excavated or Disposed" can be provided as reimbursement documentation. SOW includes submittal of the surveyor's invoice. Price is cost.

*Please Note: If contaminated soil is weighed, no costs will be reimbursed for this task.*

*Please Note: If contaminated soil is loaded and hauled off site, it must be weighed and the weight must be substantiated with weigh tickets signed by a certified weighmaster!*

#### **2.415**

**Cost for Hauling/Treatment/Disposal of Contaminated Soil:** Manifests of disposal must be submitted to the Regional Office along with certified weight tickets. Provide the soil stockpile analytical results with the Secondary Form 2C. Please complete and attach Secondary Form 2C. SOW includes submittal of the invoice.

*Please Note: Only those contaminated soils that exceed the applicable site-specific standards are to be removed! Confirmation of contamination in excess of these standards is to be through the analysis of a composite soil stockpile sample that is to be taken in accordance with the UST Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement.*

***All weight tickets must be in accordance with the weights and measures law NCGS 81A-51(5) and in accordance with Trust Fund policy memo dated August 1, 2006 titled, "Amendment to Reasonable Rate Document Policy Concerning Requirements for Determining the Weight of Soil Excavated or Disposed"***

### **2.500**

**Non-Regulated UST Closure with Over-excavation:** This task is to be used whenever removing a non-regulated UST with a confirmed release. This task excludes all tank removal and disposal costs including tank fluids. The task includes excavation, backfill, and compaction, with oversight, of up to 57 tons of contaminated soils, labor for collecting up to seven soil samples (one pit bottom TPH, one composite soil stockpile TPH, and five Closure samples - MADEP EPH/VPH, 5035/8260 with IPE and MTBE, and 8270 as applicable), contaminated soil disposal, site restoration, a health & safety plan, a 20-Day Report, an Initial Abatement Action Report, utility clearance, site restoration, and consultant mileage with any per diems. Tank Closure Reports shall not be written for non-regulated tank removals and are not reimbursable. Closure is to be conducted in accordance with *the UST Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement* and this SOW.

After determining that a release has occurred, either by analyzing samples, OVA readings, observing free product or stained soil, and after removing the UST from the ground, then the responsible party or their agent must excavate in the area of the release a minimum of 125 cubic feet (4.63 cubic yards or 6.8 tons) of soils to qualify for this task code. If, after removal of the 6.8 tons of contaminated soils, obvious soil contamination remains, the responsible party or their agent shall continue to excavate those contaminated soils that do not require structural supporting of the foundation of the primary residence up to a maximum of 915 cubic feet (33.9 cubic yards or 50 tons).

After excavation, the consultant shall collect samples to be analyzed for MADEP EPH/VPH, EPA Methods 8270, 5035/8260 with IPE and MTBE in accordance with the *UST Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement*. All soil removed for disposal must be documented by certified weight tickets. If analytical results indicate the need to conduct a Limited Site Assessment, then the consultant may conduct a LSA Phase I only. Any additional work conducted after the LSA Phase I at low risk sites may not be reimbursable without prior approval of the Regional Office.

**Interim Maximum Rate is \$9,445.00. Reimbursement will be reduced for each ton of contaminated soil not excavated, back filled and disposed. Failure to complete the basic excavation and sampling requirements of this task may result in denial of all costs for this and other subsequent tasks.**

### **2.510**

**Non-Regulated UST In-Place Closure:** If the UST Section authorizes a tank with a confirmed release to be closed in place because the tank can not be removed because it is wholly or partially located under the foundation of a primary residence, then closure shall be conducted in accordance with the *Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement*. Reimbursement will be allowed for four EPA Method 370 TPH samples, a health &

safety plan, a 20-Day Report, installation of up to a 25 foot monitoring well, one groundwater sample analyzed in accordance with Table 4, Row 2 of the *Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement* only. If the tank is not wholly or partially located under the foundation of the primary residence and a release is confirmed from the tank, then the responsible party or their agent must complete task 2.500 prior to conducting any further work. Tanks located under non-residential structures, such as driveways, sidewalks, decks, patios, carports, heat pumps, fences, sheds, walls, or other ornamental structures, etc., are not considered eligible for in place closure under this task. Initial Abatement Action Reports will not be reimbursed for this task. **Interim Maximum Rate is \$2,679.00.**

***Note: If a Limited Site Assessment Phase I needs to be conducted, only Task Code 1.020, Site Recon. & Receptor Survey will be allowed for reimbursement as this closure task includes the initial soil and ground water assessment activities. Task Code 2.600 may not be claimed.***

## 2.520

**Non-Regulated UST Closure w/ High Water Tables:** The SOW for this task is the same as that described in Task Code 2.500 with the exception of the exclusion of the pit bottom and pit closure samples, and a limit of soil removal to the initial 6.8 tons. If groundwater is encountered during the tank removal process or you are conducting a tank removal in one of the following counties, a permanent monitoring well must be installed during tank closure in accordance with the well construction regulations outlined in the North Carolina Administrative Code 2C, with a ground water sample collected in accordance with Section 5.3.D of the *Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement*. The affected counties are as follows:

Beaufort	Bertie	Brunswick
Camden	Carteret	Columbus
Craven	Chowan	Currituck
Dare	Duplin	Gates
Greene	Hyde	Jones
Lenoir	Martin	New Hanover
Onslow	Pamlico	Pasquotank
Pender	Perquimans	Tyrrell
Washington		

This task excludes all tank removal and disposal costs including tank fluids. The task includes excavation, backfill, and compaction, with oversight, of up to 6.8 tons of contaminated soils, labor for collecting up to five soil samples (one soil stockpile TPH and four closure samples - MADEP EPH/VPH, 5035/8260 with IPE and MTBE, and 8270) and one groundwater sample analyzed in accordance with Table 4, Row 2 of the *Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement*, contaminated soil disposal, site restoration, health & safety plan, 20-Day Report, a Initial Abatement Action Report, utility clearance, site restoration, -and consultant mileage and any per diems. SOW also includes a 15-foot hand augured monitoring well located within the tank basin. **Interim Maximum Rate is \$7,075.00. Failure to complete the basic excavation and sampling requirements of this task may result in denial of all costs for this and other subsequent tasks.**

**Note: If a Limited Site Assessment Phase I needs to be conducted, only Task Code 1.020, Site Recon. & Receptor Survey will be allowed for reimbursement as this closure task includes the initial soil and ground water assessment activities.. Task Code 2.600 may not be claimed.**

## **2.600**

**Non-Regulated Limited Site Assessment Phase I:** This task is not allowed at sites where Task Codes 2.510 and 2.520 have been conducted. This task includes all aspects of the Phase I Site Assessment; travel, reports (including the receptor survey and health and safety plan), drilling, site access and restoration, analytical and any other miscellaneous costs needed to complete the requirements for a Phase I as described in the *UST Guidelines for Assessment and Corrective Action*. Drilling is to be based upon the installation of a single monitoring well of 25 feet or less located within the source area. Analytical costs are to be based only on those soil and ground water samples required to be taken by the guidelines. When sampling down the borehole for the monitoring well located in the source area, do not sample in the backfill material or at the tank bed. The first sample should be collected five feet below the bottom of the tank bed depending on the depth to groundwater. Where it is necessary to install total well depths of greater than 25 feet, use the per-foot-drilling rate for Task Code 3.113 and analytical rates listed in Task Code 4.090 for the additional soil samples above the five included in this task code. Add only these costs to the total for Task Code 2.600 and CLEARLY indicate in the Project Summary and Secondary Forms where you have done so. Please complete and attach Secondary Form 2H.

## **2.610**

**Commercial Limited Site Assessment Phase II:** This task includes all aspects of the Phase II Site Assessment: travel, reports (including the receptor survey and health & safety plan), drilling, analytical and any other miscellaneous costs needed to complete the requirements for a Phase II as described in the *UST Guidelines for Assessment and Corrective Action*. Drilling is to be based upon the installation of three perimeter monitoring wells as described in the *UST Guidelines for Assessment and Corrective Action*. The application and location of these three additional wells is to be based upon the location and quantity of wells already present. Where multiple wells were installed during the initial site source area assessment activities, and a Phase II LSA is required, the initial wells should be incorporated into this task. If three or more wells are present onsite, allowing for the collection of potentiometric data, no additional ground water flow assessment wells will be reimbursed under this task. Analytical costs are to be based only on those samples required to be taken by the guidelines (See Task 2.600). The rate for this is to be based upon the completion of a LSA Phase I with analytical results indicating the necessity to conduct a Phase II investigation. Reimbursement will not be given for both a Phase I and a Phase II LSA task. Phase II investigations are not to be conducted at non-regulated sites. Total well footage in excess of 125 total feet and sampling should be handled as stated in Task 2.600. Please complete and attach Secondary Form 2H.

#### 4.020

**Cost for Stockpile (<200 cubic yards) Soil Sampling for Disposal:** SOW is to be completed during remedial soil removal. This task may not be claimed at the time of tank closure and soil removal conducted under Task Code 2.500 because it is included within the scope of work for that task. The SOW is for one person to perform all necessary sampling of the stockpiled soil in one day. This task is intended to be used for soil disposal/treatment certification under initial abatement soil removal activities. Composite sample protocol should be followed in accordance with the *UST Guidelines for Ex Situ Petroleum Contaminated Soil Remediation*. SOW includes all necessary field equipment and expendables to perform sampling of the stockpile including Method Code 370 TPH analytical costs. **Interim Maximum Rate is \$526.00 (Based upon 24-Hour lab turnaround). If 24-Hour turnaround time is not used, then the rate will be reduced at the time of claim review by the equivalent analytical cost.**

#### 6.015

**Initial Abatement Action Report:** Upon completion of initial abatement actions for petroleum UST releases, the responsible party must submit an Initial Abatement Action Report (IAAR), a newly created report which follows the 20-Day Report. The purpose is to report the initial investigation that resulted in the discovery of the release and the initial response and abatement actions.

The SOW includes the preparation of a report that systematically;

- 1) presents site history and characterization,
- 2) incorporates the requirements of the previous **Site Check Report** and/or a **UST Closure Report**-(these reports are no longer reimbursable),
- 3) incorporates the requirements of a **Free Product Investigation and Recovery Report**, presenting the results of all free product investigation and recovery actions performed to date,
- 4) reports any groundwater and surface water investigation performed to date,
- 5) summarizes all initial response and abatement actions,
- 6) Describes soil excavation and reports subsequent confirmation soil sample analytical data to demonstrate the extent to which the contaminated soil has been removed.

*The responsible party must submit the Initial Abatement Action Report within 90 days following the date of discovery of the release to the appropriate regional office of the Corrective Action Branch of the UST Section (or to Permits and Inspections Branch, if the investigation was initiated by a UST inspector). The report format is presented in Appendix A, p. 60 of the Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement.*

**Interim Maximum Rate is \$1465.00. The application of this task will be based on the four check-boxes designated in the IAAR report format under Appendix A of the March 1, 2007, Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement. The first included report will be applied at a base rate of \$730, with each of the three accessory report subgroups adding an additional \$245 (i.e., one of the four boxes checked will equate to \$730, two boxes - \$975, and so on).**

### **6.021**

**Free Product Recovery Report (Initial Site Report):** Deleted. Incorporated into Task 6.015.

### **6.022**

**Free Product Recovery Report (Subsequent Reports after Initial Site Abatement Action Report):** This SOW includes the preparation of a report which provides information on product recovery activities over a maximum duration of 12 months (i.e. four reports in a 12-month period). Free product shall be defined as a measurable level (1/8" or more) that has accumulated on the groundwater table, as detected using an oil/water interface probe. Price is per report. If AFVR or enhanced vacuum recovery is used during the reporting period, the maximum rate is doubled (e.g., \$250 x 2 = \$500). Please complete and attach Secondary Form 2G.

### **6.030**

**UST Closure Report (UST-12):** Deleted. Used for clean closures only.

### **6.031**

**Limited Site Assessment Report (Phase I only):** Deleted. Included in the Lump Sum Task Code under Task 2.600.

### **6.032**

**Limited Site Assessment Report (Phase I and II):** Deleted. Included in the Lump Sum Task Code under Task 2.610.

### **6.033**

**Site Check Report:** Deleted. To be used only for clean site checks that do not indicate a release has occurred.

### **9.020**

**Cost for Disposal of Free Product and Contaminated Groundwater:** SOW includes submitting the final invoice from the vendor for the disposal of free product or contaminated groundwater collected as a result of skimming/product recovery, aquifer testing, and well development. This task may not be used for activities conducted as part of the Limited Site Assessment or Site Check phases. Along with the invoice, the consultant must submit a copy of the analytical results showing that the groundwater is contaminated, three written bids (if cost >\$2,000) and disposal manifests (complete and submit Secondary Form 2C if bidding is necessary). The STF will only reimburse the lowest bid. Price is cost.

### **9.060**

**Cost for Disposal of Drummed Soil (From Drilling):** SOW includes submitting the final invoice from the vendor for the disposal of drummed soil cuttings (contaminated only) generated by drilling activities. This task may not be used for activities conducted as part of the Limited Site Assessment or Site Check phases. Along with the invoice, the consultant must submit a copy of three written bids (if cost >\$2,000) and disposal manifests (complete and submit Secondary Form 2C if bidding is necessary). The STF will only reimburse the lowest bid. Price is cost.

The following change is to be added to the appeal instructions listed in the 2003 RRD and incorporates the appeal policy dated February 9, 2004 and October 22, 2004:

## **APPEALS**

When appealing reductions made to audited State Trust Fund claims, the following format and information is required. Appeals not adhering to this format will be returned.

1. The subject section of the appeal letter should look as follows:

SUBJECT:                   Site Name, Incident Number  
                                  Site Address, County  
                                  “Appeal to the Claim for \$” (original claim amount requested)  
                                  “Amount of Claim Being Appealed: \$”  
                                  (consultant to determine this amount)

2. A copy of the corresponding State Trust Fund audit letter must be attached.
3. Detailed justifications and associated appeal amounts must be noted per task reduction. These justifications should follow the point-by-point format of the audit letter.
4. Any required technical or accounting documentation (reports, bids, invoices, etc.) must be attached.
5. Appeals are not to be used to:
  - Add additional costs not in the original claim.
  - Add pre-approvals not in the original claim.
  - Correct errors or omissions or oversights in preparation of a claim.
6. Both the responsible party and the consultant must sign appeals.
7. Appeals must be submitted with 90 days of the date of the claim audit letter.

If any of the above items are necessary, then it is the responsibility of the responsible party and or their designate to contact the UST Section and pull their claim prior to processing. Once processed, a new claim will need to be submitted.

***Please Note: Reimbursement is not allowed for costs to prepare appeals to claim reductions.***