



Department of
**Environment &
Conservation**

UST Closures with Enforcement Involvement

Two Types of Closures with Enforcement Involvement

1. Closure Order has gone final (Enforcement Closures)
2. Responsible Party (RP) has claimed financial inability
 - The RP has provided financial documentation required by the Division
 - After review, the Division has determined that the RP is financially unable to perform the required work
 - Settlement Agreement, if applicable, has been approved

Next Steps

Once the UST Technical Section (Tech Section) receives a memo transferring the case from the UST Enforcement Section (ENF Section) or a copy of the approved Settlement Agreement, the Tech Section...

- Requires the State Contractor to perform closure site reconnaissance and submit a Site Closure Plan (Permanent Closure Application).
- Division personnel required to be on site during reconnaissance at Enforcement Closures.

Site Reconnaissance



Next Steps

- Enforcement closures: Once a closure schedule has been determined, the Division sends out a Notice of Intent to Permanently Close Tanks (NOI) letter to the RP(s).
 - The Division will draft the NOI and ask the OGC attorney and/or the AG attorney to review, then mail the NOI via certified and regular mail.
 - The NOI notifies the RP(s) when the Division and its contractors will be on site to perform the closure activities.
 - The NOI informs the RP that the tanks will be held at the site until 4:00 p.m. Central Time on the day of the removal should they wish to take possession of them.
 - The NOI informs the RP(s) that they are responsible for notifying any occupants or lessee of the scheduled permanent closure activities and ensuring that there are no obstructions to the tank system (tanks, lines, and dispensers), including but not limited to, operable or inoperable vehicles, trailers, heavy equipment, furniture, dumpsters.

Obstructions



Obstructions



Next Steps

- After approval of the Site Closure Plan, the Division requires the State contractor to perform the permanent closure.
- The State contractor mobilizes to the site to perform permanent closure activities.
- Enforcement closure: Division personnel are required to be on site at the beginning of permanent closure activities.

Permanent Closure



Permanent Closure



Permanent Closure



Site Restoration



Problems encountered

The following are examples of problems encountered that the UST project manager may consult with OGC/AG's Office:

- RP showing an interest in performing the closure themselves
- Tanks not the size reported
- More tanks found than what was reported
- Removing semi-permanent obstructions (fences, signs, etc.)
- Adjacent property owners with property line disputes
- Active business on site complaining of limited access and/or lost revenue
- Property damage complaints
- Contamination above the applicable Initial Screening Levels encountered in the soil and/or groundwater and a release investigation is required

Cost Recovery

- Once the permanent closure is completed and all contractor invoices have been received, reviewed and approved, the Tech Section will submit an Enforcement Action Request for Cost Recovery with a memo summarizing the closure activities and a spreadsheet with a list of all the invoices and the total amount paid to the State contractor for the permanent closure, minus the funds the Division received for tank recycling.

Questions

