

IEPA/BOL/01-003

2000

Annual Report Leaking Underground Storage Tank Program

Welcome

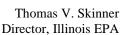
For the second straight year, the Leaking Underground Storage Tank (LUST) Program has issued more than 1,000 No Further Remediation Letters to tank owners and operators. This accomplishment signifies the cleanup of 1,769 acres in Illinois. The LUST Program has also paid \$47.1 million in Underground Storage Tank (UST) Fund reimbursement claims, a 31 percent increase from last year.

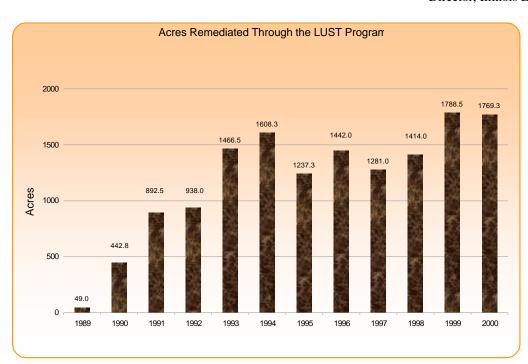
In November, the LUST Program became one of ten tank programs nationwide to receive a new federal pilot grant for USTFields (UST Brownfields) – a term used to describe abandoned or underused sites contaminated by petroleum underground storage tanks. We will be busy in 2001 implementing the grant and looking for other cleanup and redevelopment opportunities.

Information about every reported LUST site in Illinois – along with basic program materials such as forms, regulations, and guidance publications – can be found on our web site. I know many of you regularly search the technical database on the LUST home page. I am glad it's proving to be such a valuable and time-saving resource.

Accomplishments:

- 1011 No Further Remediation letters issued
- 1769.3 acres remediated
- \$47.1 million reimbursed to tank owners and operators





The LUST Section measures its progress and effectiveness by calculating acres remediated. Each of the last two years, the LUST Section has overseen the cleanup of more than 1750 acres, exceeding its goal of cleaning up 1700 acres per year from 2000 through 2005.



Our web site: http://www.epa.state.il.us/ land/lust/index.html

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Highlights

- 37 percent increase in number of sites reimbursed
- 31 percent increase in the amount of funds reimbursed
- Illinois chosen for UST Brownfields Pilot Project out of all U.S. EPA Region V States
- New on the Web:

Technical Forms

Budget/Billing Forms

Groundwater Ordinance Chart

Reimbursement data added to the LUST Database

Ability to download the LUST Database



Contractors remove an underground storage tank.

The *Leaking Underground Storage Tank Program* **2000 Annual Report** is produced by the Illinois Environmental Protection Agency, Thomas V. Skinner, Director.

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Underground Storage Tank Program

Illinois has entered into a cooperative agreement with U.S. EPA in which Illinois EPA and the Illinois Office of the State Fire Marshal (OSFM) administer a comprehensive underground storage tank (UST) program at the state level. Illinois EPA administers the remedial investigation and corrective action portion of the state program and reimbursements, while OSFM administers the preventative side of the program.

Illinois EPA Leaking Underground Storage Tank (LUST) Section staff review the technical adequacy of plans, reports and associated budgets. This includes the development of the appropriate remediation objectives for each site. Once the site has met its remediation objectives and program requirements, Illinois EPA issues a "No Further Remediation" letter for the LUST release.

LUST Section staff also perform site visits as needed. In addition, Illinois EPA staff review and process claims for reimbursement from the UST Fund (for investigation and remediation costs). In most cases, OSFM is already involved with a site when a release is reported to the Illinois Emergency Management Agency. OSFM regulates daily operation and maintenance of UST systems, including oversight for tank removals. In addition, OSFM determines an owner's or operator's eligibility to seek reimbursement from the UST Fund and the applicable deductible. OSFM may provide helpful information to the LUST Section when questions arise concerning suspected releases, potential threats to human health and the environment and site conditions upon tank removal.

Since there is a continued overlap between OSFM and Illinois EPA regulations, communication between the two agencies is crucial for effective implementation of the state program.

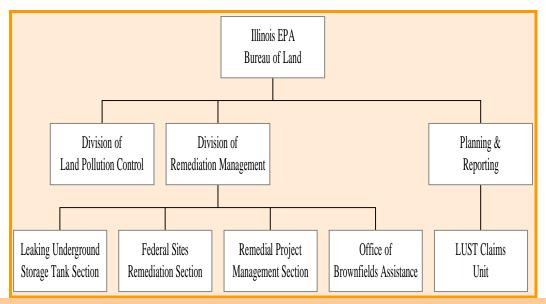
Relationship to Other Programs

Office of Brownfields Assistance: Through its grant and loan programs, the Office of Brownfields Assistance offers financial incentives to municipalities and private parties to clean up and redevelop abandoned properties with USTs. Technical support is also available upon request from staff called Brownfield Representatives, who guide potential grant and loan recipients through the brownfields cleanup and redevelopment process.

<u>Federal Facilities Program</u>: The Federal Facilities Program addresses leaking underground storage tanks that are found within its authority. Since the approach to remediation is often areawide, any site subject to 35 Ill. Adm. Code Part 731 or 732 may conduct remedial activities under the Federal Facilities Program provided the Leaking Underground Storage Tank Program requirements are satisfied.

<u>Site Remediation Program</u>: U.S. EPA has approved the use of the Site Remediation Program for leaking underground storage tanks sites subject to federal law. Therefore, any site subject to 35 Ill. Adm. Code Part 731 or 732 may elect to conduct remedial activities under the Site Remediation Program provided the Leaking Underground Storage Tank Program requirements are satisfied.

Organization



Located within the Illinois EPA's Bureau of Land, the LUST Section is one of three sections in the Bureau's Division of Remediation Management. There are thirty-seven project managers in the Section, grouped into five units. Each unit is headed by a manager who reports to the Section manager.

The LUST Section places a project manager on call each business day to answer questions about the LUST Program and LUST sites. The number to call is 1-217-782-6762 or toll free at 1-888-299-9533. The LUST Section's database is also available on Illinois EPA's Web site for information about the status of LUST sites.



Contractors remove soil in an underground storage tank excavation.

Statutory and Regulatory Authority

In 1984, Subtitle I of the federal Resource Conservation and Recovery Act called for the development and implementation of a regulatory program for 1) underground storage tanks (USTs) containing regulated substances and petroleum and 2) releases of these substances into the environment. In 1986, Congress amended Subtitle I to incorporate a federally funded underground storage tank program to address releases from petroleum underground storage tanks. In 1987, the Illinois General Assembly enacted a law developing a state program to meet the objectives of the proposed federal underground storage tank program.

Owners and operators who report a release from a hazardous substance underground storage tank must comply with the Part 731 regulations. Owners and operators who report a petroleum UST release before September 13, 1993 may continue to follow the Part 731 regulations (old law) or may choose to comply with Title XVI and the Part 732 regulations (new law) by informing the Illinois EPA in writing of their choice. Owners and operators who report a petroleum UST release on or after September 13, 1993 must comply with Title XVI and the Part 732 regulations. Owners and operators of leaking underground storage tanks are encouraged to use Tiered Approach to Corrective Action Objectives regardless of what regulation the release is

Statutory Authority

415 Illinois Compiled Statutes 5/57, more commonly known as Title XVI (Petroleum Underground Storage Tanks) of the Environmental Protection Act.

Regulatory Authority

35 Illinois Administrative Code:

- Part 731 Underground Storage Tanks
- Part 732 Petroleum Underground Storage Tanks
- Part 742 Tiered Approach to Corrective Action Objectives



Contractors load excavated soil to be hauled away.

Part 732 Amendment Highlights

- Incidents reported on or after the effective date of the subject amendments will likely be required to address methyl tertiary-butyl ether (MTBE) as an indicator contaminant.
- Provisions to allow for a Licensed Professional Geologist to certify specific work to the extent authorized by the Professional Geologist Licensing Act.
- Establishes the concept of "best efforts" in obtaining off-site access for purposes of performing corrective action on an adjoining property.

Note: The proposed amendments were submitted to the Illinois Pollution Control Board in December 2000

Tank Owner and Operator Requirements

Owners and operators who report a new petroleum UST release on or after September 13, 1993 to the Illinois Emergency Management Agency (IEMA) must meet the requirements of 35 Illinois Administrative Code Part 732: Petroleum Underground Storage Tanks. Once notified of the release by IEMA, the LUST Section sends a packet of technical forms to assist owners and operators in complying with the reporting requirements. By law, LUST Section project managers have 120 days to review and approve, modify, or deny all plans, reports and budgets (except 20 and 45 Day Reports, for which there is no deadline for review). The following presents a chronological explanation of the required plans, reports and budgets and certifications.

20 Day Report: A one-page certification form provided in the technical forms packet. The owner and operator must certify that the listed items on the form are true, then submit the form to the LUST Section within 20 days of the reported release. This certification is to assure that all immediate threats to human health have been mitigated.

45 Day Report: Required to be submitted within 45 days of the reported release date, the 45 Day Report must contain information about the site and the nature of the release, including information gained during initial abatement measures.

Free Product Removal Report: When conditions at a site indicate the presence of free product (free product means petroleum not dissolved in water), the owner or operator is required to remove as much free product as possible and to submit a report within 45 days of the confirmation of the presence of free product. This report documents actions taken to remove free product and must be submitted for each occurrence of free product.

Site Classification Plan/Budget: A proposal for activities to classify a site in accordance with the Part 732 regulations into one of three categories: No Further Action, Low Priority or High Priority. If the owner or operator is seeking reimbursement of site

classification costs, an associated site classification budget must also be submitted to and approved by Illinois EPA.

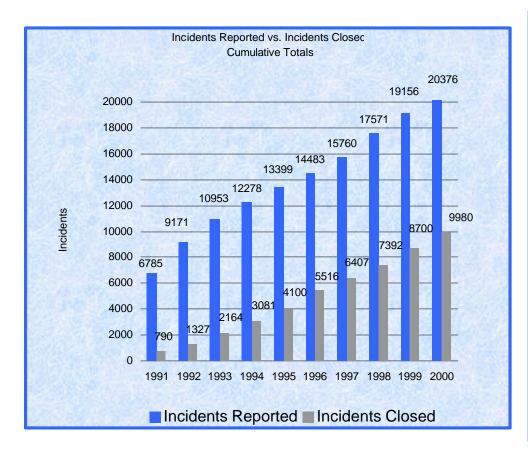
Site Classification Completion Report and Professional Engineer Certification: Upon completion of site classification activities, this report and a Professional Engineer Certification must be submitted for the site to be classified. Upon approval of a No Further Action classification, the owner and operator will receive a No Further Remediation (NFR) letter. For Low Priority and High Priority classifications, additional plans and reports are required.

Low Priority Groundwater Monitoring Plan/Budget or High Priority Corrective Action Plan/Budget: Depending on the site classification, the owner and operator must submit a plan for additional action. The Low Priority Groundwater Monitoring Plan will propose a plan to monitor the groundwater at the site for a period of three years. The High Priority Corrective Action Plan will propose some type of corrective action to remediate the site.

Groundwater Monitoring Report: For Low Priority sites, an annual report must be submitted documenting groundwater monitoring activities.

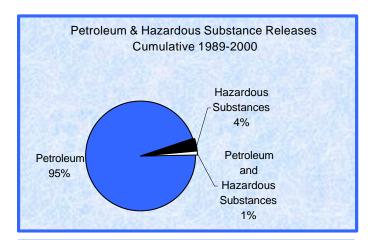
Corrective Action Completion Report and Professional Engineer Certification: This report describes the corrective action performed, contains sampling results and is accompanied by a Professional Engineer Certification. An owner and operator may request an NFR letter upon the completion of groundwater monitoring for a Low Priority classification, the completion of the required remediation for a High Priority classification or after completing remediation without site classification. If the owner or operator is seeking reimbursement of corrective action costs, an associated corrective action budget must also be submitted to and approved by Illinois EPA.

Statistics



There were 1218 incidents reported in the Year 2000, down from 1728 in the Year 1999. One explanation for this 30% decrease is that the influx of incidents, caused by Underground Storage Tank (UST) owner/operators removing their tanks in accordance with the 1998 deadline for tank upgrades, appears to be diminishing. Therefore, the number of incidents reported per year is coming closer to matching the number of No Further Remdiation (NFR) letters issued per year. This downward trend is encouraging in that it appears fewer UST releases are occurring throughout the state, allowing the LUST Section the opportunity to review more old sites.

The cumulative total of incidents closed includes those issued NFR letters, incidents transferred to other remediation programs and incidents determined to be not regulated by the LUST program.



Petroleum includes gasoline, diesel, used oil, etc. Hazardous substances include virgin (raw) chemicals such as benzene, methyl ethyl ketone, xylene and many others. The other category indicates releases with a combination of the two.



Workers drill a boring to collect soil samples.

Tiered Approach to Corrective Action Objectives

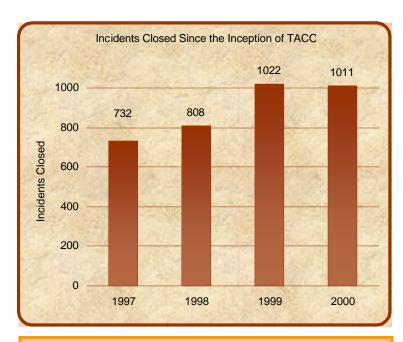
The primary goal of remediation is to manage contamination to prevent harm to human health and the environment. The Tiered Approach to Corrective Action Objectives (TACO) regulations in 35 Illinois Administrative Code Part 742 are designed to allow more flexibility in the development of remediation objectives by allowing the use of a risk-based, site-specific approach. These remediation objectives protect human health while taking into account site conditions and land use scenarios.

TACO has three tiers that are generally progressive in the amount of site information required. However, these tiers need not be used in succession. There are also options available in TACO for exposure pathway exclusion and background level determinations.

The first tier of TACO provides a series of "look-up" tables based upon land use, pathways of concern, groundwater classification and, in some cases, soil pH. Tier 2 provides the user with the equations that were used to develop the Tier 1 objectives and allows for the modification of certain input values based upon site-specific information. Because Tier 1 uses conservative default values, Tier 2 may generate objectives better suited to actual site conditions.

Tier 3 encompasses a wide variety of situations which cannot be addressed under either of the first two tiers. Such situations may include physical or mechanical restrictions on remediation, formal risk assessments, common-sense applications or alternative mathematical models for developing remediation objectives.

TACO applies to LUST sites proceeding under either 35 Illinois Administrative Code Part 731 or 732. Under Part 731, TACO is used to develop objectives for sites conducting remediation. Under Part 732, TACO is used by LUST sites classified as "High Priority," or sites not seeking reimbursement and pursuing remediation outside of the site classification system. Also, exposure pathway exclusion is available in TACO and has been incorporated as a third method of site classification within Part 732.



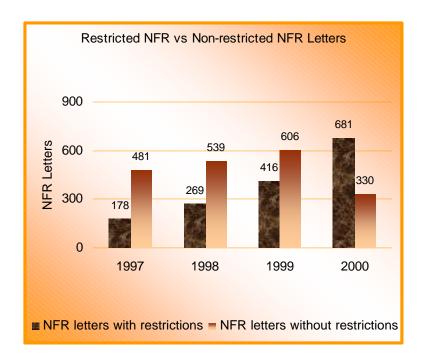
Since the inception of TACO in 1997, there has been a significant number of incidents receiving No Further Remediation (NFR) Letters.

Part 742 Amendment Highlights

- Adoption of Environmental Land Use Control (ELUC) to impose land use limitations or requirements related to environmental contamination, replacing "restrictive covenants," "deed restrictions," and "negative easements."
- Arsenic background levels in both metropolitan and non-metropolitan background tables revised to 12.0 mg/kg.
- Addition of methyl tertiary-butyl ether (MTBE) soil and groundwater remediation objectives to Appendix B, Tables A and B.

Note: The ELUC and Arsenic portion of the amendments have an effective date of January 6, 2001. Refer to Adopted Rule R00-19(A) from the Illinois Pollution Control Board. MTBE has been deferred until the completion of the Part 732 amendment hearings. It is likely that the Part 732 and Part 742 amendments related to MTBE will be adopted by the Board at the same time.

No Further Remediation Letter Statistics



A Restricted NFR Letter contains institutional controls or engineered barriers to prevent potential exposure to remaining contaminants. An institutional control is a legal mechanism for imposing land use limitations, such as through a environmental land use control or local ordinance.

A Non-Restricted NFR Letter

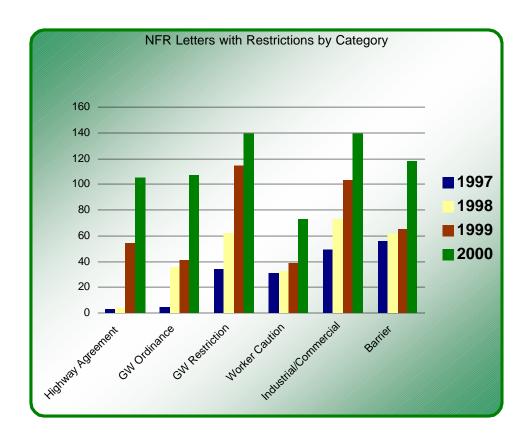
contains no site-specific restrictions (institutional controls or engineered barriers). The decision whether to impose restrictions or remove the remaining contamination is up to tank owners and operators.

The total number of NFR letters issued with restrictions has increased by nearly 380 percent since 1997. In 1997, 25 percent of NFR Letters were issued with restrictions, while 67 percent contained restrictions in 2000.



A contractor removes backfill to access the underground storage tank.

No Further Remediation Letter Statistics (cont'd)



These restrictions are used to prevent potential exposure to remaining contaminants and may be used in combination.

Highway Agreement: A highway authority agreement prohibits the use of groundwater and limits access to soil

contamination under a highway right-of-way.

GW Ordinance: A groundwater ordinance, adopted by local government, prohibits the installation

and use of potable water supply wells, usually within the entire community.

GW Restriction: A groundwater restriction prohibits the installation and use of potable water supply

wells, usually at the site. Restrictions may also include environmental land use controls for other properties that may have been impacted by the site release and would, therefore,

prohibit groundwater use off-site in place of a local ordinance.

Worker Caution: A worker caution requires a safety plan for the site to be implemented in the event

of any future excavation and construction activities that may occur within the

contaminated soil.

Industrial/ Commercial:

An industrial/commercial restriction prohibits residential use of the site.

Barrier: Engineered barriers block the exposure pathway and may include asphalt paving,

concrete, permanent structures or clean soil. An engineered barrier must be properly

maintained to prevent exposure to remaining contamination.

Underground Storage Tank Fund

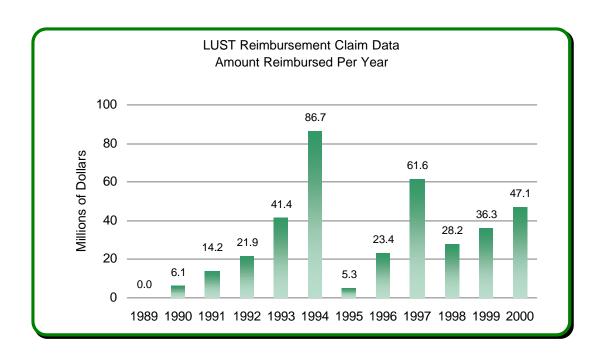
Federal regulations require petroleum underground storage tank owners and operators to demonstrate the financial ability to remediate tank releases and to pay for damages to third parties. Federal UST regulations allow, but do not require, states to establish publicly financed UST funds. Illinois chose to set up such a fund to help tank owners and operators pay for cleaning up leaks from petroleum underground storage tanks.

Since its inception in 1989 and through the end of 2000, the Fund has reimbursed 11,131 claims for a total of \$376 million. Illinois generates money for the fund through a \$.003 per gallon motor fuel tax and an \$.008 per gallon environmental impact fee. However, the motor fuel tax and environmental impact fee are due to expire in 2013 and 2003, respectively.

The LUST Claims Unit reviews costs submitted by eligible tank owners and operators seeking reimbursement from the UST Fund to determine if the costs are:

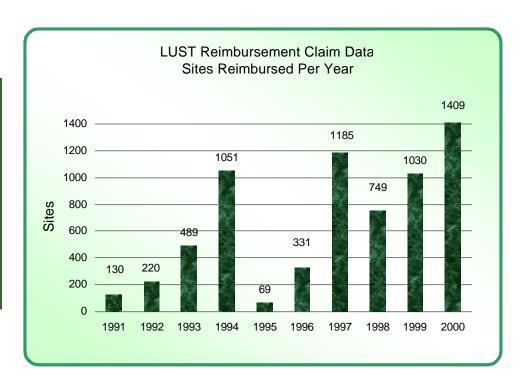
- 1. Associated with corrective action activities and materials or services provided or performed in conjunction with corrective action activities; and
- 2. Reasonable and do not exceed the minimum requirements of the Environmental Protection Act and the regulations.

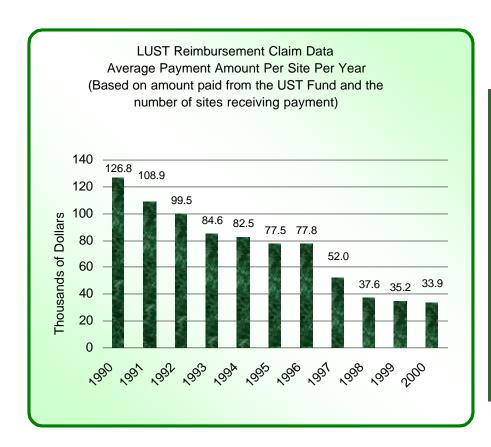
During 2000, the Illinois EPA received 2,132 LUST reimbursement claims worth \$59.8 million. The Illinois EPA paid 2,176 claims worth \$47.1 million. More claims were paid than were received because some of these claims were submitted in the previous year.



UST Fund Statistics

The increase in number of sites reimbursed in 1994 and 1997 corresponds to increases in UST Fund revenues from bond sales and passage of the Environmental Impact Fee. The rise in 1999 and 2000 compared to 1998 is in large part due to staff expansion of the LUST Claims Unit.





The dollar amounts represent the average payment made from the UST Fund per site for a given year. Owners and operators may receive payments for a given site in multiple years. Therefore, the average payment amounts shown do not represent the total average remediation cost per site.

The annual average cost of cleanup per site has been reduced nearly \$100,000 over the past 10 years. The decline in cost since 1997 is attributed in large part to the implementation of the Tiered Approach to Corrective Action Objectives (TACO).

UST Brownfields Pilot Proposal for Illinois

The State of Illinois is one of ten states selected nationwide to receive a \$100,000 UST Brownfields Pilot grant from U.S. EPA. Illinois EPA will use the \$100,000 pilot grant to remediate an abandoned underground storage tank property selected by the City of Chicago through its Abandoned Service Station Management Program.

The City of Chicago is a brownfields showcase community as well as recipient of a U.S. EPA Brownfields Assessment Demonstration Pilot and a Brownfields Cleanup Revolving Loan Fund grant. The Chicago Department of Environment manages these brownfields activities in addition to administering the locally funded Abandoned Service Station Management Program. The city established this program in 1996 to address the hundreds of abandoned and former service stations located throughout the city; since then, the Chicago Department of Environment has cleaned up and secured more than 40 sites. Many more sites, however, have been identified and are in need of remediation.

Staff from Illinois EPA will manage the remediation of target sites chosen by Chicago and will work closely with the city to ensure that the cleanup is consistent with the proposed future use of the property.

The UST Brownfields pilot will elevate the level of partnership between Chicago, Illinois EPA and U.S.EPA and demonstrate to other major metropolitan areas the benefits of collaboration among local, state and federal governments.



The fenced property was chosen for the UST Brownfields Pilot grant.

LUST Brownfields

Brownfields are abandoned or underused industrial and commercial properties with actual or perceived contamination and an active potential for redevelopment. The most common brownfield properties are closed gas stations.

To boost cleanup and redevelopment opportunities for abandoned sites with underground storage tanks (USTs), Illinois EPA integrates its LUST and brownfields assistance programs. Besides offering risk-based remediation objectives, No Further Remediation letters and reimbursement of eligible remediation costs utilizing state UST Fund dollars, Illinois EPA provides considerable technical support to tank owners and operators and local governments interested in revitalizing old gas station properties. Municipalities are also eligible for up to \$120,000 each in state brownfields redevelopment grants to pay for site assessments and the development of remedial action plans.

Illinois EPA is working with the cities of Harvey and Farmington, using federal LUST Special Brownfields Project funds to pay for corrective action costs at two abandoned service stations. The properties in question currently present a safety hazard to local residents because the USTs remaining at the sites contain residual petroleum products. In addition, the parcel in Harvey lies within the boundaries of an area included as part of the city's comprehensive redevelopment plan, and the city views this parcel as a stepping stone to further economic development in the area.



Farmington property slated for redevelopment.

What's Available on the Web

The following information is available on the LUST Program home page on the Illinois EPA's web site.

Incident Database

It contains more than 20,000 records of reported releases from underground storage tanks in Illinois. Users can search the database by the six- or eight-digit Illinois Emergency and Management Agency incident number, the 10-digit Illinois EPA identification number, the site name, address, city, ZIP code, or any combination of these. The information entered does not have to be exact or complete, though users may want to enter as much information as possible to narrow a search.

The information available for every release from a database search includes: dates of correspondence received and generated by Illinois EPA; whether a No Further Remediation letter was issued by Illinois EPA; and the type of institutional controls or engineered barriers, if any, applied to the site. The database is updated once weekly.

New in 2000

Ability to download as a self-extracting Zip file in dbf format.

Ability to check the status of UST Fund eligibility and reimbursement requests for LUST incidents.

Publications

An Introduction to Leaking Underground Storage Tanks April 1998

The LUST Section expanded this booklet, first published in 1993, to include a new section on Tiered Approach to Corrective Action Objectives and more detailed information about tank owner and operator reporting requirements.

Guide to the Illinois Underground Storage Tank Fund

March 1998

The UST Fund Guide was written to help navigate tank owners and operators through the reimbursement process.

Frequently Asked Questions about LUSTs

This document answers questions about where the program requirements come from, the legal definition of an underground storage tank, whether your tank is regulated by Illinois EPA, liability issues, what activities are reimbursable and more.

Brownfields Properties with Underground Storage Tanks

September 1999

This booklet answers frequently asked questions about abandoned commercial properties with underground storage tanks, such as:

- What should I do if I am interested in redeveloping a property with underground storage tanks?
- Can the UST Fund be used for Brownfields cleanup and redevelopment?
- Can I buy a piece of property with leaking underground storage tanks?

> The LUST Program: 2000 Annual Report March 2001

The 2000 report summarizes the program's most significant activities. Annual reports for previous years are also available to download.

What's Available on the Web (cont'd)

Forms

- ➤ **Program forms** to assist owners and operators in complying with the reporting requirements. For a description of the forms, refer to *Tank Owner and Operator Requirements* in this report.
- ▶ Budget & Billing Forms to assist owners and operators seeking payment from the UST Fund. The reimbursement claim process differs according to whether the LUST site is considered "Old Law" (LUST releases reported before Sept. 13, 1993) or "New Law" (LUST releases reported after Sept. 13, 1993). More information about the reimbursement process is available at www. epa.state.il.us/land/lust/ust-fund.html.
- Transfer to Site Remediation Program An owner or operator of an UST may transfer a LUST incident to the Site Remediation Program for purposes of remediation and obtaining a No Further Remediation letter from Illinois EPA. A

fact sheet that summarizes the procedure for transferring a LUST incident and a form to execute the transfer can be viewed and downloaded. Note: Only the owner or operator of the UST can request the transfer of a LUST incident.

Regulations

35 Illinois Administrative Code:

- ➤ Part 731 Underground Storage Tanks
- Part 732 Petroleum Underground Storage Tanks
- Part 742 Tiered Approach to Corrective Action Objectives
 (available in Word and pdf formats)

Other links

- ➤ Office of the State Fire Marshal
- U.S. EPA Office of Underground Storage Tanks

Our web address is:

www.epa.state.il.us/land/lust/index.html

Outreach efforts provided by program staff throughout the year include:

- Participation in the Annual Illinois All Cities Brownfield Conference held in November, 2000 at Starved Rock State Park and June, 2000 at Pere Marquette State Park, where program staff assisted public officials with questions and concerns related to abandoned gas stations in their communities.
- Attendance at the regular meetings of the Consulting Engineers Council of Illinois where a LUST Section representative provides a status of the LUST Program and an update on changes to the regulations and responds to questions from the group.

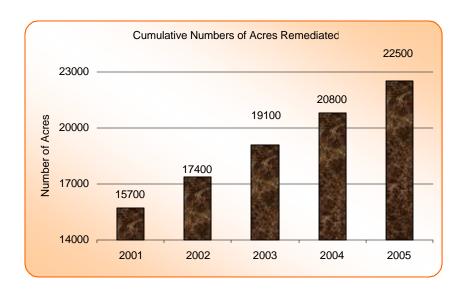


Soil borings are ready for field screening and sample collection.

Where to Go for More Information

For questions about reported Leaking Underground Storage Tank (LUST) releases, the review of plans, reports and budgets and LUST remediation and regulatory requirements:	Illinois Environmental Protection Agency Leaking Underground Storage Tank Section 1021 North Grand Avenue East Springfield, Illinois 62794-9276 Phone: 217-782-6762 Toll Free: 1-888-299-9533 Fax: 217-524-4193 Internet Address: www.epa.state.il.us/land/lust/index.html
For questions about reimbursement claims or billing questions:	LUST Claims Unit Phone: 217-782-6762
To obtain copies of records on specific LUST sites:	Illinois EPA Freedom of Information Act Unit Phone: 217-782-9878
To report environmental complaints (other than LUST questions):	Illinois EPA Field Office Headquarters Phone: 217-785-8604
For questions about tank installations, upgrades or removals; leak prevention or detection; aboveground storage tanks; complaints about suspected tank releases; financial responsibility requirements and eligibility and deductibility for the Underground Storage Tank Fund:	Office of the State Fire Marshal Division of Petroleum and Chemical Safety 1035 Stevenson Drive Springfield, Illinois 62703 Phone: 217-785-5878 Internet Address: www.state.il.us/osfm
To report releases from a LUST:	Illinois Emergency Management Agency Phone: 217-782-7860
To obtain copies of environmental regulations for the LUST Program and Tiered Approach to Corrective Action Objectives:	Illinois Pollution Control Board Phone: 217-524-8500

The Future



From 1989 through 2000, the LUST Section has cleaned up more than 14,000 acres in Illinois. The LUST Section's goal is to clean up 22,500 acres through 2005.

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