

# Instructions for Completing the State Lead Transfer Application Form

## Acronyms/Terms

**Assignee** Person or entity representing a Responsible Party. For example, a Corrective Action Specialist (CAS)—remediation consultant or contractor—could be an assignee.

**CAPM** Corrective Action Project Manager

**CAS** Corrective Action Specialist

**cfm** cubic feet per minute

**gpm** gallons per minute

**LPST** leaking petroleum storage tank

**Maker** Person or entity entering into a legal agreement with the TCEQ. For example, the person that signs Attachment 1 – Source Property Access Agreement, is referred to as “the Maker” in that document.

**O&M** operation and maintenance

**P&ID** piping and instrumentation diagram

**PST** petroleum storage tank

**RP** Responsible Party

**TCEQ** Texas Commission on Environmental Quality

## General Instructions

### What is the purpose of the State Lead Transfer Application form?

The state’s Petroleum Storage Tank (PST) reimbursement program is being phased out. As part of the phase-out or ‘sunset’, certain reimbursement-eligible LPST sites that cannot complete corrective action by August 30, 2011, will be allowed to transfer into TCEQ’s State Lead Program. The State Lead Transfer Application form has been prepared for this purpose. More information on the PST reimbursement program phase-out or “sunset” is available at: [www.tceq.state.tx.us/remediation/pst\\_rp/mailout905.html](http://www.tceq.state.tx.us/remediation/pst_rp/mailout905.html).

### Which LPST sites are eligible to transfer into State Lead?

The LPST sites eligible for transfer into State Lead are those which:

- were reported to the agency on or before December 22, 1998;
- were deemed eligible for the PST reimbursement program extension by TCEQ, using criteria set by the 79th Texas Legislature, 2005;
- have continued to submit annual (at a minimum) progress reports since September 1, 2005;
- are unable to complete corrective action by August 30, 2011; and
- have filed a completed State Lead Transfer Application form, with attachments, to the TCEQ no later than July 1, 2011.

### **Where do I send the completed form?**

Completed forms can be sent to the TCEQ via:

- U.S. mail: TCEQ, Mail Code (MC) 137, P.O. Box 13087, Austin, TX 78711
- Overnight mail: TCEQ, Mail Code (MC) 137, 12100 Park 35 Circle, Austin, TX 78753
- Fax: 512/239-2216
- E-mail: pstrpr@tceq.state.tx.us

### **Is there a deadline for submitting the form?**

Yes. The deadline for submitting the form to the TCEQ is July 1, 2011.

### **How will cleanup proceed at my LPST site, once it's transferred to State Lead?**

Once a site is transferred into State Lead, the following will apply:

- The TCEQ will be in control of the remediation methods and work schedule.
- The RP and landowner (if different than the RP) will be provided prior notice of the work schedule.
- Sites will be worked in order of environmental priority.
- Funding availability will determine how quickly a site is addressed.
- Issues such as pending property transactions will not be used to determine the priority of corrective action and site closure.

### **Will TCEQ pursue cost recovery for cleaning up my LPST site?**

No, cost recovery will not be pursued against LPST sites that transfer into State Lead under this application.

### **What will happen with third party liability issues?**

Transferring into the PST State-Lead Program does not provide relief for, or otherwise affect, any third-party liability issues a site may have.

### **How will the overall PST Program be affected by the reimbursement program sunset?**

The overall PST Program will not be affected. The program will continue to regulate underground and aboveground storage tanks and oversee the cleanup of any releases.

**Can we receive any reimbursement for completing the State Lead Transfer Application form?**

Yes, some of the costs incurred for completing the application and attachments may be eligible for reimbursement. Eligible costs are outlined in Table 1 below.

**Table 1 - Reimbursement Eligibility for Completing the State Lead Transfer Application Form**

| Remediation system present? <sup>a</sup> |    | RP owns affected property? |    | State Lead Transfer Application Form |   |                            | Activity eligible for reimbursement? |    |     |
|--|----|----------------------------|----|--------------------------------------|---|----------------------------|--------------------------------------|----|-----|
| Yes                                      | No | Yes                        | No | Cover Page                           | Attachment 1 Source Property Access <sup>b, d</sup> Agreement | Attachment 2a or 2bc, e, f | Yes                                  | No | N/A |
|  | ✓  | ✓                          |    | ✓                                    |   |                            |                                      | ✓  |     |
|  | ✓  |                            |    |                                      | ✓   |                            |                                      | ✓  |     |
|  | ✓  |                            | ✓  | ✓                                    |   | ✓                          |                                      |    | ✓   |
|  | ✓  |                            |    | ✓                                    |   |                            | ✓                                    |    |     |
| ✓  |    | ✓                          |    | ✓                                    |   |                            |                                      | ✓  |     |
| ✓  |    |                            | ✓  | ✓                                    |   |                            |                                      | ✓  |     |
|  |    |                            |    |                                      | ✓   |                            |                                      |    | ✓   |
|  |    |                            |    |                                      |   | ✓                          |                                      |    | ✓   |

**Notes:**

- a Whether the system is operating or not.
- b State Lead (not the RP) will obtain any necessary offsite access agreements; e.g., for offsite monitor wells, treatment equipment, underground utilities, etc.
- c Costs will be reimbursed for preparing either Attachment 2a or 2b, but not both (because if a system is present, only one of the two is required). Note that if either 2a or 2b is completed, Attachment 2c is also required. Attachment 2a is completed if the RP paid for the equipment and was reimbursed for it; Attachment 2b is completed if the remediation contractor paid for the equipment and was directly reimbursed for it.
- d Two hours of project manager time at \$85/hr is allowed for preparing the site access agreement.
- e Four hours of staff engineer time (\$70/hr) and one hour of project manager time (\$85/hr) is allowed for preparing either Attachment 2a (and 2c), or 2b (and 2c).
- f A one-time site visit to gather the detailed information required by Attachment 2c about the equipment is reimbursable at a Technician I rate (see Reimbursable Cost Specifications), except for systems operating under an approved Operation and Maintenance (O & M) plan. If an O & M plan is in place, the required information can be obtained during one of the routine weekly visits, and no extra reimbursement will be forthcoming.

# Page by Page Instructions

## Cover Page

**LPST Site Information.** Provide the LPST ID No., facility name, address, etc., and be sure and check the appropriate box(es) that show which corrective action phase the site is in.

**Responsible Party (RP) Information.** The RP may be the tank operator, tank owner, landowner, or other responsible party. If the RP is not the current landowner, please provide the name and contact information for the current landowner as this information is required for site access. Also indicate the main contact person for discussing the transfer of the site.

**Required Attachments.** All sites applying to transfer into State Lead must provide a signed Source Property Access Agreement (Attachment 1); i.e., an access agreement for the property where the release occurred. Once a site has been transferred, State Lead personnel/contractors will obtain any other site access agreements that may be necessary; e.g., for offsite monitoring wells, etc.

Sites that have remediation systems installed—whether operating or not—must attach either Attachment 2a or 2b, the Equipment Use Agreement. Attachment 2a is completed if RP paid for and was subsequently reimbursed for equipment costs. Attachment 2b is used if the contractor/assignee paid for and was subsequently reimbursed for the equipment costs. Whether 2a or 2b is completed, Attachment 2c (Remediation Equipment Inventory Form) must also be completed because it lists out all remediation equipment installed at the site.

**Signatures:** The cover page must be signed by a Registered Corrective Action Specialist (RCAS), and by the main contact for the RP.

## Attachment 1 – Source Property Access Agreement

This attachment, required of all RP's applying to transfer their LPST sites to State Lead, allows the TCEQ and its representatives (contractors, etc.) access to the property where the release occurred, so that assessment and cleanup can be conducted as necessary. It must be executed by “the Maker”; i.e., property owner, and a TCEQ representative. The exact street address of the subject property should be provided. Please avoid using terminology such as the “SW corner of Main and 5<sup>th</sup>”, or “8 miles south of Bryan on Hwy 20”.

## Attachment 2a – Equipment Use Agreement-RP

If remediation equipment is present, only one of Attachment 2a or 2b should be completed—not both. When signed, it allows the TCEQ and its representatives access to and use of the equipment so that cleanup can be completed. It is executed by “the Maker”, who in this case is the “...tank owner or operator, or other responsible party...” i.e., the RP. Attachment 2a is to be used when it is the RP who has paid for, and was subsequently reimbursed for, any remediation equipment installed at the site at the time of transfer. If either Attachment 2a or 2b is completed, Attachment 2c – Remediation System Equipment Inventory (see below) must also be filled out.

## **Attachment 2b – Equipment Use Agreement-Assignee/Contractor**

If remediation equipment is present at the time of transfer, only one of Attachment 2a or 2b should be completed—not both. When signed, it allows the TCEQ and its representatives access to and use of the equipment so that cleanup can be completed. It is executed by “the Maker”, who in this case is the current LPST remediation contractor acting on behalf of the RP. Attachment 2b is to be used when it is the remediation contractor who has paid for, and was subsequently reimbursed for, the installed remediation equipment. If Attachment 2b is completed, Attachment 2c - Remediation System Equipment Inventory (see below) must also be completed.

## **Attachment 2c – Remediation System Equipment Inventory**

This attachment is completed when either 2a or 2b is required; i.e., when remediation is present at the site to be transferred. It includes a list and detailed description of all equipment installed at the site, and also information about past operational history of the system. It also requests related information such as utility providers and permit types and numbers.