

INITIAL ABATEMENT FOR HEATING OIL TANK CLEANUP ACTIVITIES

April 2016

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In March 2016, the Board to Review Claims adopted a Task Table that provides cost control measures for initial abatement of contaminated soils immediately following the removal of a heating oil storage tank when the excavation equipment is readily available onsite. The Task Table applies only if the Nevada Division of Environmental Protection (NDEP) assigns a case number as a result of a release from the tank requiring cleanup. When this situation occurs, the CEM should be in close communication with NDEP, following the report of the release to the Spill Reporting Hotline, to ensure a case number has been assigned.

The Initial Abatement Task Table provides for specific CEM hours, maximum allowable contractor costs, a maximum amount of soil that may be excavated and a \$2,000.00 tank removal stipend. It also addresses the necessary steps a CEM must take if additional excavation is needed beyond the stipulated amount.

The Initial Abatement Task Table provides a calculation for the maximum allowable non-CEM costs. It takes into consideration the amount of soil removed, the disposal cost per ton and applies a multiplier based upon the average contractor costs for Nevada heating oil cleanup projects over a three year period. The non-CEM costs do not include laboratory costs or the heating oil tank removal costs. A maximum soil removal weight of 48 tons is allowed under the authority of the Task Table. If excavation beyond 48 tons is needed, the CEM must contact NDEP. If the CEM believes the site can be closed by excavating a small amount beyond the allowable 48 tons, he/she may request written approval for a specific volume of additional excavation from the NDEP case officer. Any additional excavation approved by the NDEP case officer, as part of initial abatement, must be invoiced using the same formula for "Maximum Allowable Non-CEM Costs." If the regulatory case officer does not provide approval for the additional excavation, any further excavation is considered beyond the scope of initial abatement, and consequently, the CEM must contact the NDEP case officer to initiate required cost control measures established through a NTEP and three bid process, when the cost meets the three bid criteria.

Work beyond the scope of initial abatement must be conducted in accordance with a corrective action plan approved by the NDEP.