



## Questions & Answers: ARRA State of Nevada Orphaned/ Abandoned UST Program

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Q: What is the objective of this program?

A: The objective of this investigation is two-fold: 1) to review available resources in an effort to locate and build an inventory of orphaned and/or abandoned USTs within the State of Nevada that were never properly assessed and/or closed at the time they were taken out of use; and 2) potentially address sites identified with the highest priority, depending upon available funds.

Q: What is the difference between an abandoned and orphaned tank?

A: For the purposes of creating an inventory of tanks, we are making the following distinction:

Per Nevada Administrative Code (NAC) 459.994, an abandoned tank is defined as follows:

- a. A storage tank that is not maintained and whose owner or operator has not provided NDEP with a written statement of their intention to close the storage tank; or
- b. A storage tank that is not in service and does not comply with 40 CFR (Code of Federal Regulations) 280.70 or 280.71 (regulations outlining temporary closure and permanent closure).

An orphaned tank is defined as a tank with no current registered owner. The current land owner has no knowledge of the tanks presence and the current owner never utilized the tank (per State Board to Review Claims Resolution No. 96-002).

Q: What type of tank is considered a priority with this project?

A: Orphaned UST sites will be given priority over abandoned UST sites in this investigation, primarily to avoid creating a liability situation for an existing property owner. If a discovered UST is classified as "orphaned", then the current property owner will not be liable for addressing an environmental liability, if one is found to be associated with that UST. Under this condition, funding is potentially available through this ARRA program to address such an environmental liability. However, if a discovered UST is classified as "abandoned", then there is potential for the environmental liability to be directed to the current property owner, especially if the owner has the financial wherewithal to address the liability. The objective of this program is to locate and address USTs that were never properly closed, but it is not to create environmental liabilities for unsuspecting property owners.

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Q: Are Federal-owned properties, such as BLM, included in this project?

A: We will not be actively searching Federal Land for these regulated tanks. However, NDEP does have authority to regulate registered tanks on Federal property.

Q: Are Tribal-owned properties included in this project?

A: Tribal-owned properties are not included in this project because NDEP does not have the authority to regulate Tribal-owned UST systems.

Q: Are State-owned properties, such as NDOT, included in this project?

A: Yes, State-owned properties are included in this project.

Q: Are City/County-owned properties included in this project?

A: Yes, City and County-owned properties are included in this project.

Q: What is the minimum size tank eligible for this program?

A: The minimum size motor fuel tank is 110 gallons (per 40 CFR 280).

Q: What incentive is there for a property owner to cooperate when they are looking to sell the property and do not want the stigma of a LUST attached to the sale?

A: The owner is responsible to disclose USTs (registered, abandoned, or orphaned) located on their property during a sale to a potential buyer. There is no incentive if an UST located on the property is abandoned and not reported to the State. If the UST is orphaned, the property owner is not the responsible party. However, the presence of an orphaned tank still must be disclosed to the potential buyer. If the UST system is eligible (can pass tank tightness test) and petroleum hydrocarbons are present, the Nevada Petroleum Fund may be able to reimburse a portion of those assessment and cleanup costs required by NDEP.

Additionally, in order to maintain liability protection for themselves, a potential buyer would need to perform due diligence through a site environmental assessment. By cooperating with the current effort, the property owner will be able to make more informed decisions about property management in the future.

Q: Once this UST list is created, will NDEP come back and make us pay for removal and cleanup?

A: It is possible that if the UST is abandoned and presents an imminent hazard/threat to human health or the environment, NDEP will consider taking additional action.

Q: Will we be eligible for Petroleum Fund coverage?

A: The UST must pass a tank tightness test and an application submitted to NDEP for evaluation. If the UST qualifies, the Petroleum Fund will reimburse a portion of required assessment and cleanup activities. The Fund does not reimburse for UST removal activities unless it can be shown that these activities are a necessary part of the assessment and remediation required by the implementing agency.

Q: If the UST does not pass the tank tightness test and is not eligible for Petroleum Fund coverage is there other funding available?

A: It is possible that assessment and cleanup activities could be funded/reimbursed by the State Brownfields program.

- Q: How much money is available from the Petroleum Fund and what is my deductible or co-pay?  
A: The Nevada Petroleum Fund allocates a maximum of one million dollars (\$1,000,000.00) per eligible tank release and implements a 10% co-pay for the claimant per release (i.e. owner responsible to pay for 10% of assessment and cleanup costs). The Fund requires a claimant to submit a reimbursement packet with eligible costs and backup. The Fund only reimburses eligible costs.
- Q: How much money is available from this program to pay for removal and cleanup?  
A: The primary objective of the program is to locate and build an inventory of orphaned and/or abandoned USTs within the State of Nevada. The available funds will be applied to the primary objective. However, if a tank is discovered that presents an imminent threat to public health or the environment, funds will be allocated to assess the tank.
- Q: If I tell you my neighbor has an abandoned UST will you take enforcement action?  
A: Only in extreme cases and if absolutely necessary to abate an imminent hazard/ threat to human health or the environment.
- Q: What are you going to do with this inventory list?  
A: Build a database of Sites/USTs across the State and generate a Site Priority List, which will be used to determine the order of priority for Sites to be addressed in the future.
- Q: If I tell you I know of an orphaned UST, but it is actually considered an abandoned UST, will you take enforcement action?  
A: No, the tank will be inventoried and subjected to a Site Scoring System and ranked.
- Q: What types of tanks are eligible for this program?  
A: Only tanks meeting the definition of underground storage tanks as defined by 40 CFR 280.12 and were utilized to store gasoline and/or diesel fuel. Heating oil tanks are not eligible for this program but assessment and remediation of these tanks may be eligible for funding through the State Petroleum Fund with a \$250.00 deductible.
- Q: Is there an ombudsman within NDEP to answer questions regarding this program?  
A: Not officially, all questions should be directed to Mr. Art Gravenstein with NDEP (his contact information is provided below).
- Q: If abandoned tank information is provided to BAI, does all the information have to be made public and/or submitted to NDEP?  
A: Yes, since this program is being paid for by public funds.
- Q: What assurance (disclosure statement) will municipalities or private citizens be provided that NDEP will not use this information for enforcement?  
A: None will be provided. However, if it is thought that an abandoned or orphaned UST system was taken out of service prior to December 22, 1988, and there is no evidence that the UST(s) leaked, NDEP will not require assessment.
- Q: How many orphaned tanks do you expect to find in Nevada?  
A: We do not have an estimate of the number of orphaned tanks in Nevada.

- Q: How can I bid on any cleanup work stemming from this project?
- A: The purpose of this project is to locate and inventory orphaned and/or abandoned USTs across Nevada. It is too early to determine the bidding process for cleanup. However, if construction/assessment/cleanup work is needed, all efforts will be made to hire local contractors.
- Q: As a property owner can I just be paid to remove the old tank on my property?
- A: NDEP does not reimburse or pay for the removal of USTs.
- Q: What qualifications do you need to have as a contractor to do tank removal work?
- A: A contractor must be licensed as a Certified Tank Handler through NDEP. If clean-up work is necessary the Contractor must be a Certified Environmental Manager.
- Q: What is the average cost of a tank removal?
- A: Depending on site conditions (i.e. concrete pad present, accessibility) tank removals can range from a few thousand dollars to tens of thousands of dollars. This cost typically does not include assessment of soil and ground water underlying the tank.
- Q: Spending this much money to look for old tanks in a bad economy sounds like a waste of taxpayer dollars to me. Why can't we use this money to pay for a new roof for the school instead?
- A: This money has been allocated by the current Federal Administration, Environmental Protection Agency, and NDEP to locate orphaned and/or abandoned USTs across Nevada. This money may only be used for the defined Scope of Work.
- Q: Is there an approved work plan for this project and can we obtain a copy?
- A: Yes, the approved work plan can be found at the following URL:  
<http://ndep.nv.gov/recovery/index.html>
- Q: Are gasoline or diesel USTs located on ranches or farms or residences included in this program?
- A: USTs located on ranches, farms, or residences with a capacity greater than 1,100 gallons used for storage of gasoline or diesel motor fuel are eligible.
- Q: Are heating oil USTs included in this program?
- A: USTs used for storing heating oil for consumptive use on the premises where stored are not eligible.
- Q: Are financial resources available to remove orphaned USTs and clean up possible releases of fuel?
- A: Once the inventory of orphaned USTs is created and ranked, NDEP will seek monies to assess the discovered tank sites. If it is determined that a site is an imminent hazard/threat to human health or the environment, NDEP may seek monies prior to the completion of the state-wide inventory. Funds will not be available to remove tanks, unless it is part of the assessment of the site.

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Q: Do you have contact information for persons implementing this project?

A: Yes, if you have additional questions or information regarding this project please contact the following:

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