



**GEORGIA**  
DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

# UST Management Program Stakeholder Meeting





# AGENDA

Welcome & Introductions

Program Overview

- GUST Trust Fund
- Corrective Action
- Prevention (Inspection & Enforcement)

Break

Issue Discussion

Next Steps

Adjourn



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# GUST Trust Fund Overview



**Kelly Adams**

**UST Management Program**

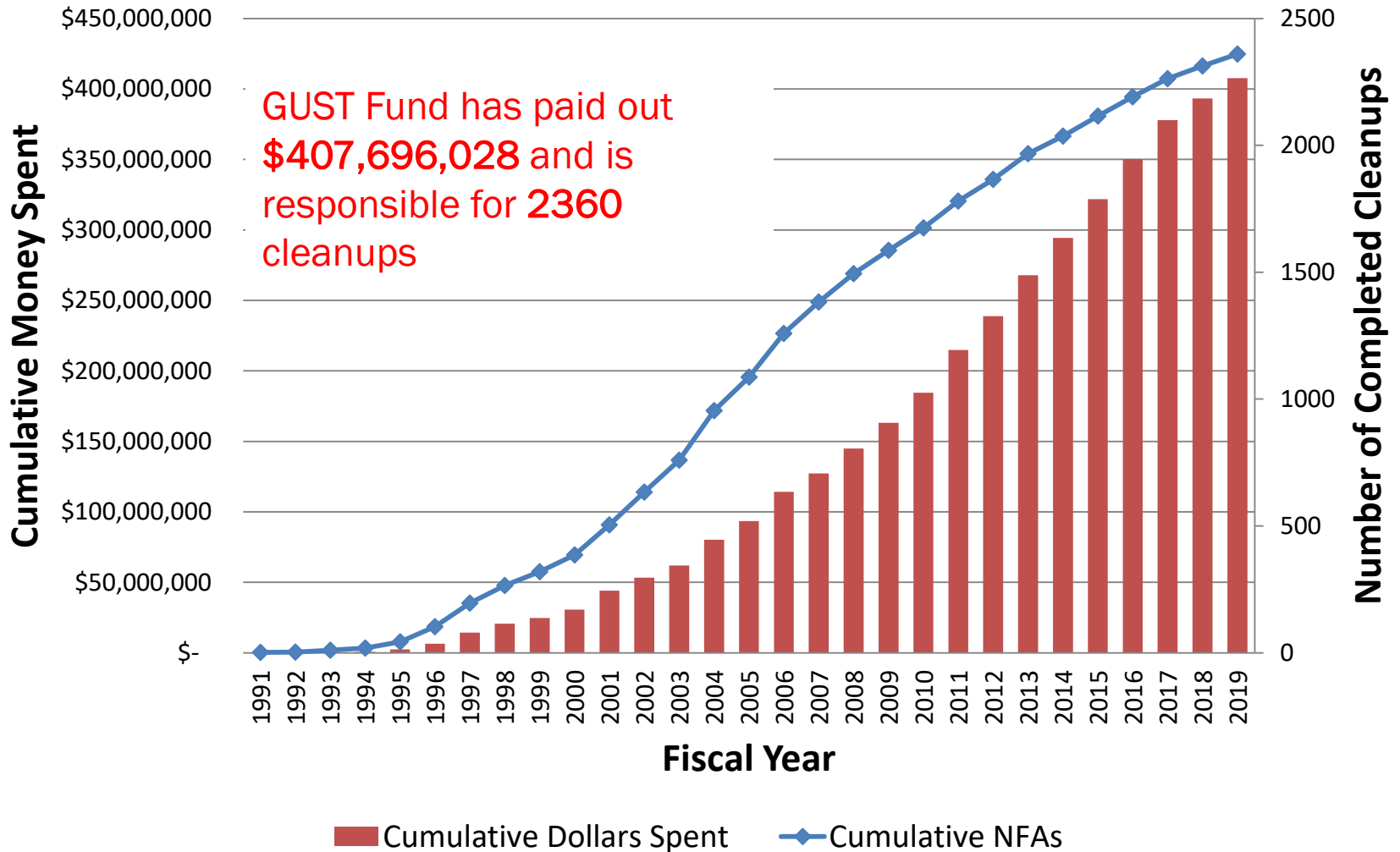


# FUND DESIGN

- Funded by an Environmental Assurance Fee (0.75 cent) collected and deposited by the jobber on a quarterly basis
- \$1 Million coverage per release (\$10K deductible)
- Up to 10% of previous years' GUST collection may be used to fund program operations (FY19 at 4%)
- There is a \$50,000,000 cap
- No sunset date



# GUST FUND SUCCESS

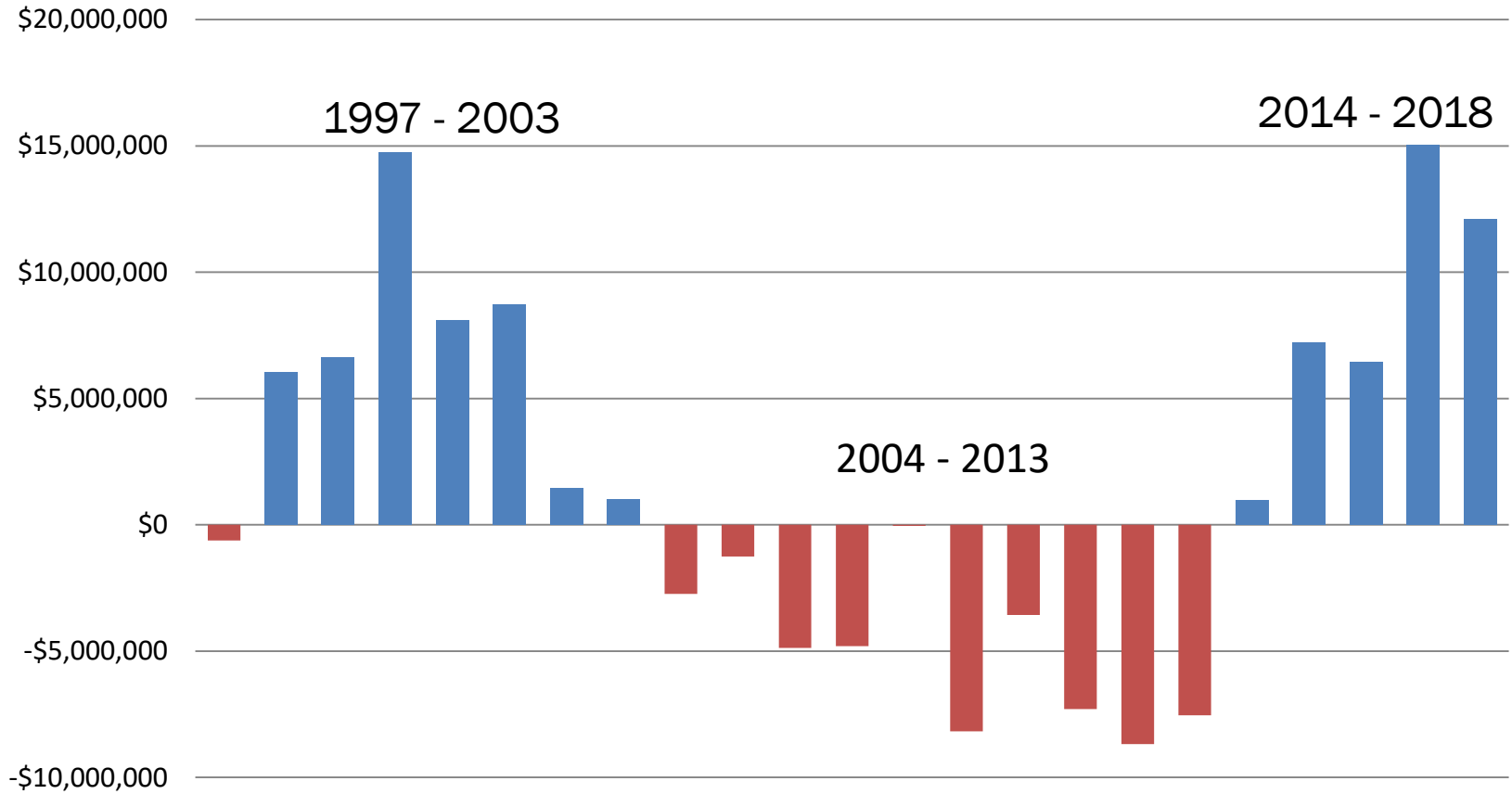






# STATE OF THE GUST FUND

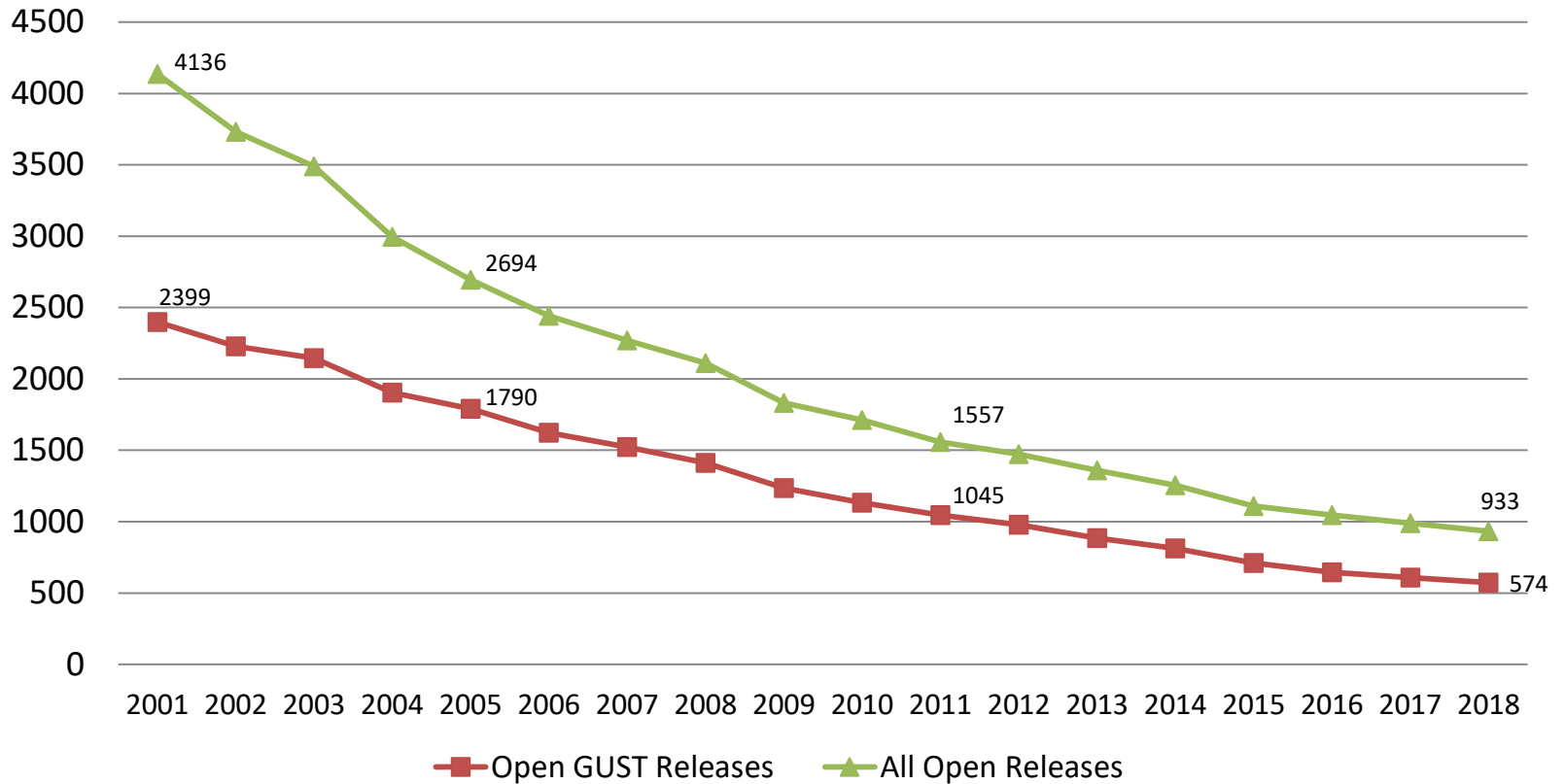
Fiscal Years 1996 - 2018





# STATE OF THE GUST FUND

## Open Cleanups FY01 - FY18





# STATE OF THE GUST FUND

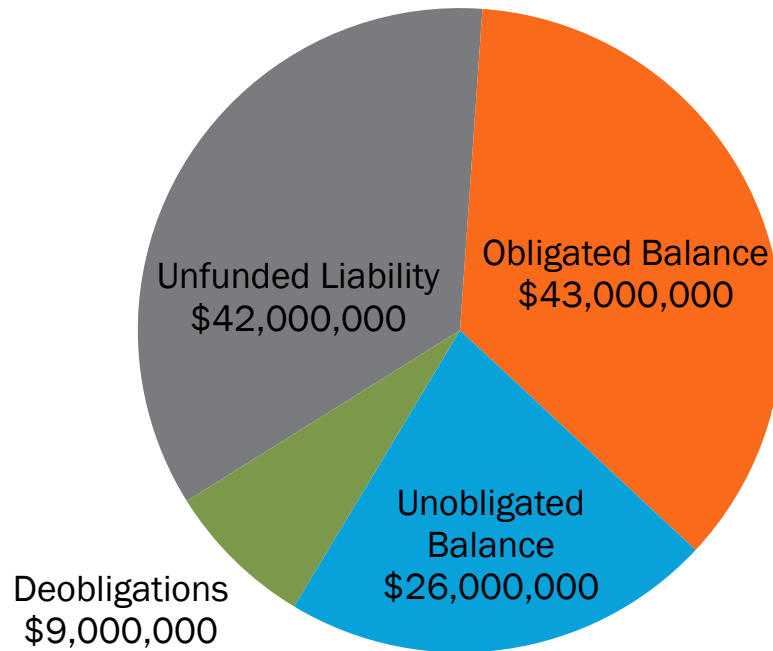
- No delays in funding of new releases since FY15
- Reimbursement turnaround times are currently lowest ever
- Approximately 35% of GUST eligible releases are closed before reaching the 10K deductible
- Success of Risk Based Corrective Action Model – cleanups are faster and cheaper





# CAN WE MANAGE OUR LIABILITY?

**Total Estimated Liability: \$120 million**





# STATE OF THE GUST FUND...THE TAKEAWAY

**We have adequate funding for...**

- **All new releases (highest priority)**
- **All ongoing cleanups, including expensive remediation projects**
- **Stalled cleanups over time**

**Therefore, we believe we can manage our cleanup liability**



# BUT THERE ARE CHALLENGES

- Old and inactive potential GUST cleanups
  - Uncertain liability
  - Uncertain risk
- Are we using the GUST TF equitably?
  - Fund used for positions that inspect non-GUST sites
  - GUST match used for federal inspector and cleanup grants
- Restarting stalled cleanups



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# **GUST Trust Fund – Questions/Comments?**





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# Corrective Action Overview



Jay Kemberling

UST Management Program





# WHAT WE DO

## Release Reporting, Investigation, and Confirmation

- Review Release Notifications
- Review Site Checks
- Review Phase II Assessments

## Corrective Action

- Review Corrective Action Plans
- Review Monitoring & Progress Reports

## UST System Closures

- Review Closure Activity Forms
- Review Closure Reports
- Closure Investigations

## Financial Review

- Review Trust Fund Applications
- Administer the State Contract
- Oversee GUST Reimbursement
- Review Subsequent Election Applications

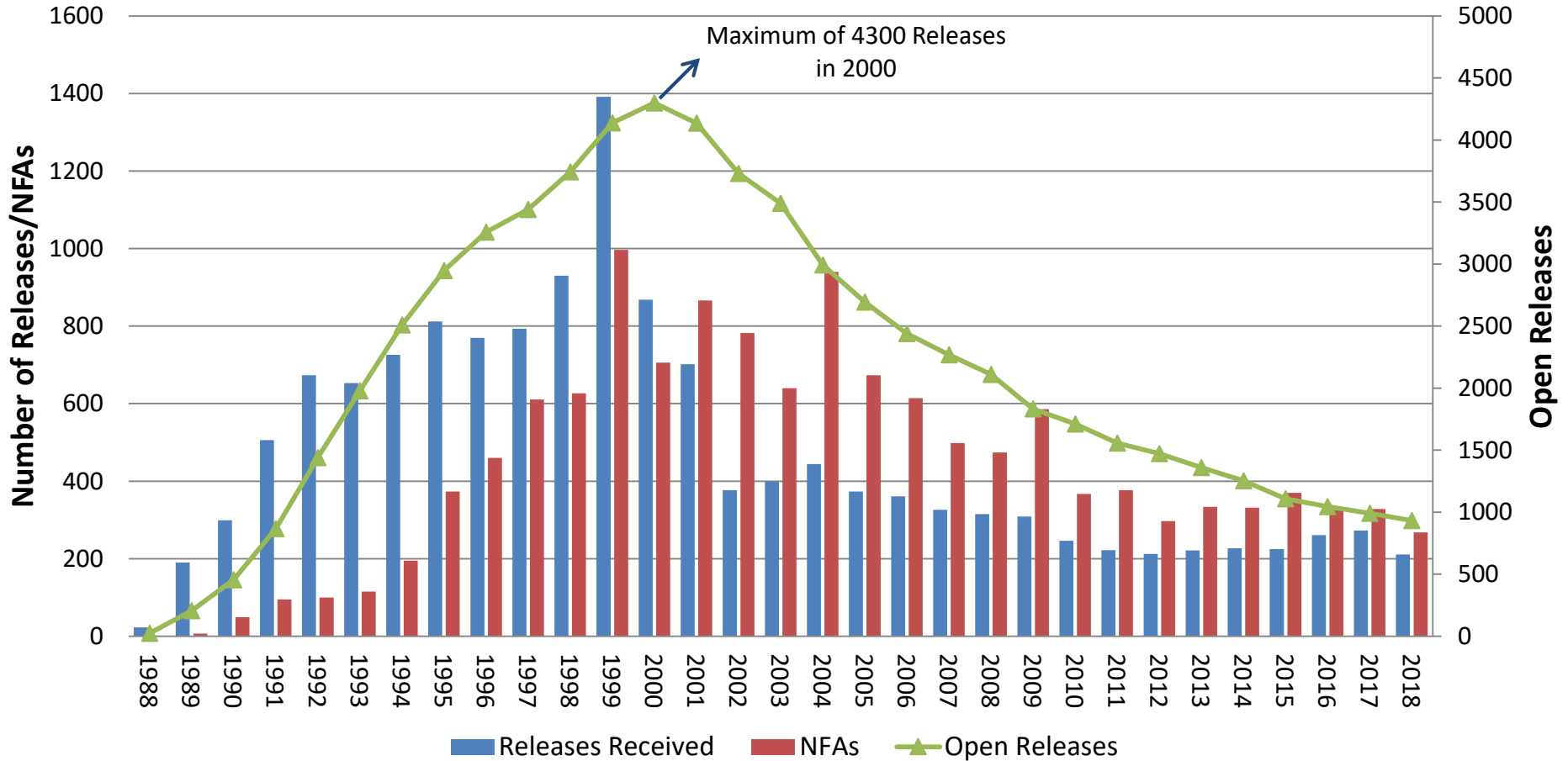
## Other

- Provide technical assistance
- Assist with routine and targeted inspections
- Identify and initiate enforcement cases



# OPEN RELEASES OVER TIME

## Open Releases FY88 - FY18

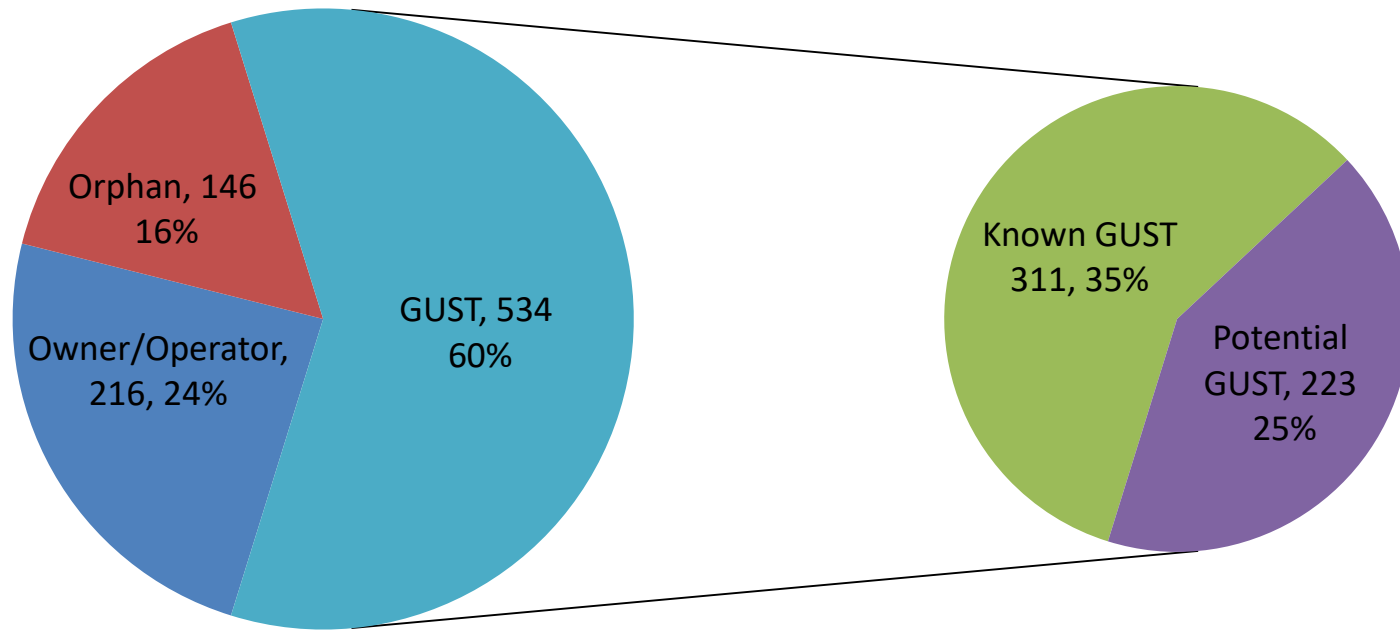






# ALL OPEN RELEASES BY FUNDING

## All Open Releases as of 12/24/18 Total: 896



**Owner-Operator:** Funded solely by tank owner or operator

**Orphan:** No fund source and no responsible party

**Potential GUST:** Participated in GUST but no application seeking coverage was received or application was deficient

**Known GUST:** Formally approved for GUST coverage



# SUCCESSSES

- We have one of the nation's smallest number of open releases when compared to the size of our tank population
- Reducing cleanup costs through greater use of risk based corrective action and an internal remediation review committee made up of all corrective action staff
- Streamlined GUST eligibility review process
- Moving more cleanups using enforcement and state contractors
- Using hazard ranking system to prioritize funding and assess potential risk



# CORRECTIVE ACTION CHALLENGES

- The Corrective Action Units are 2/3 funded by Federal Cleanup Grant and 1/3 encroachment on GUST TF
- Federal push for increased NFAs without additional funding
- Insufficient federal funding to address orphan cleanups
- Access issues and changes in tank ownership are hindering our efforts to move cleanups



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# Corrective Action – Questions/Comments?





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# Prevention Program Overview



**Karlene Freeman**

**UST Management Program**





# WHAT WE DO

## Inspections

- Physical Site Inspections (Every 3 yrs)
- Stage I EVR Inspections (Metro Atlanta)
- Compliance Assistance/Education
- Compliance Records Review (3 yrs of records)
- Issue Notices of Violation (NOVs)
- Suspected Release Investigation
- Complaint Inspections

## Enforcement

- Consent Orders, Admin Orders
- Compliance Assistance/Education

## Tank Registration

- Annual Renewal
- New Facilities/Review of Install Docs
- UST System/Status Changes
- Ownership and Operator Changes
- Review/Updates to Financial Responsibility
- Approval of Operator Training Programs



# SUCCESSSES

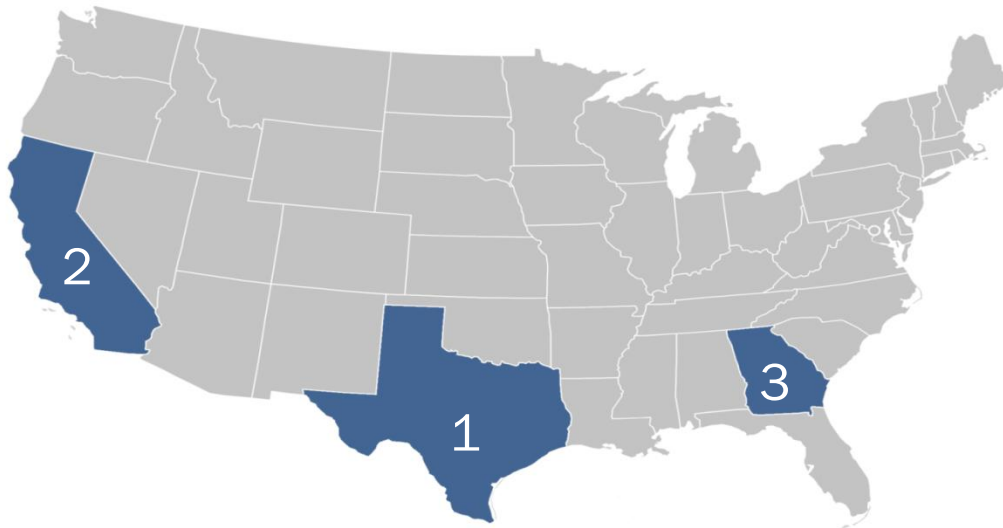
- Enforcement Unit created in 2016
  - Increased number of inspections
  - Increased follow-up and case closures
  - Increased enforcement consistency
- Enhanced Inspector Training Program
  - Increased inspector consistency
- In FY18:
  - 3,070 Inspections Conducted
    - ~ 50% were issued NOCs
    - ~ 50% were issued NOVs
  - 747 Consent Orders Issued





# PREVENTION PROGRAM CHALLENGES

- Program is funded by Prevention Grant, 2-Year Inspection Assistance Grant, GUST (25% match), and Civil Penalties
- Federal requirement to physically inspect each facility once every 3 years
  - ~10,000 UST facilities
  - Not meeting 3-year Grant Requirement; we need more inspectors
  - Federal Rule Implementation adds additional burden
- Funding uncertainty





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# Prevention Program – Questions/Comments?





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**Break**







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# Issue Discussion



Lon Revall

UST Management Program



# ISSUE DISCUSSION

- How do we Fully and Equitably fund the UST Program ?
- Stakeholder Issues/Priorities ?



# NEXT STEPS

