

NEW RULE WORKSHOP HELD

Follow-Up Seminars Planned

On April 24, 2001, over 30 petroleum UST owners and consultants met to discuss the Bureau of Underground Storage Tank Regulations ([BUSTR](#)) March 31, 1999 corrective action rule. The meeting was convened by Board Chairman, Jim Rocco, and representatives of both [BUSTR](#) and the Board were in attendance.

The idea to hold a workshop arose from a concern that owners were not bringing their old rule release sites under the new 1999 corrective action rule in the numbers that were expected. This matter is of great interest to the Board because it is expected that costs to the Financial Assurance Fund can be reduced in many instances. The new rule provides a more cost-effective approach to corrective action by concentrating the investigation and remedial action on those chemical(s) of concern and exposure pathways that pose a risk to human health and the environment based on site-specific considerations. Reducing corrective action costs helps to keep annual tank fees affordable.

Owners with releases under the old rule are encouraged to be aware of the opportunities the new rule provides and to work with their consultants in evaluating its use on their sites.

The workshop focused on identifying any roadblocks that may exist and that prevent owners and consultants from moving to the new 1999 corrective action rule on those sites currently under the old corrective action rule. Technical issues were identified relating to a need for guidance on conducting Tier 2 evaluations, criteria for determining when to drill through bedrock or a confining layer, criteria for determining drinking water use and land use, and the use of deed restrictions. In addition, clarification was requested as to how the discovery of chemicals of concern under the new rule that were not regulated under the old rule, such as MTBE, would affect overall costs and Fund coverage.

Other matters discussed related to the administrative processes within [BUSTR](#) and the Board and how decision-making could be streamlined. Finally, a discussion was held concerning how the perceptions and experience of some owners and consultants may impede moving to the new rule. It was expressed that both agencies should actively communicate the new rule's provisions and its advantages to owners.

As a follow up to this discussion, the staffs of both agencies committed to review the issues raised, to identify solutions, and to present seminars to communicate the results of these efforts and to continue the dialogue on implementing the new rule. If you are interested in receiving a summary of the April workshop discussions, please contact Ellen Nahs at the Board.

As a first step in this process, [BUSTR](#) has finalized the [Technical Guidance Manual for the 1999 Closure and Corrective Action Rules](#). This document will address many of the issues raised during the workshop. A Tier 1/Tier 2 risk evaluation spreadsheet also has been developed which will help to standardize the reporting and reviewing processes. The Board is looking at issues raised during the workshop which might require amending rules.

The staffs of both agencies are working together to prepare for the seminars, and they are scheduled for the following dates and locations:

September 27, 2001
Cleveland Airport Marriott; 150th Street.

October 30, 2001
Cincinnati Clarion Hotel; Pfeiffer Road

December 4, 2001
Columbus Marriott North; Doubletree Avenue

The topics covered during the seminar will reflect the workshop discussions and will provide the opportunity to clarify other technical issues and policy considerations. A review of both the [Technical Guidance Manual](#) and the risk evaluation spreadsheet will be a part of the presentations. Sessions will be designed to encourage active communication between the participants and agency representatives.

Registration brochures will be mailed in August. You may also obtain one by contacting Ellen Nahs at the Board (Tele: 614-752-8963) (Fax: 614-752-8397). Because of the format of these seminars and the anticipated interactive discussions, attendance will be limited. It is recommended that you register early.