

Transitioning to BUSTR's New Corrective Action Rule

If you are currently conducting corrective action under the September 1, 1992 rule, you have until September 1, 2005 to complete corrective action at your release site under the '92 rules. If you are conducting corrective action under the March 1, 1999 rule, you have until March 1, 2006 to complete corrective action under the '99 rules. If corrective action is not completed by these dates, you must proceed with corrective action in accordance with the new BUSTR rule that became effective March 1, 2005.

BUSTR will permit an extension of time to complete corrective actions under a previous rule version if the extension is requested before the mandatory transition date, significant progress has been made, and a plan is in place to complete the project within a reasonable period of time.

Annual Free Product Recovery Evaluation and Cost Pre-Approval

Effective April 1, 2005 the Board will require that annual free product recovery costs must be submitted for pre-approval. An enclosed Annual Free Product Recovery (FPR) Evaluation and Cost Pre-Approval Form should be submitted, if required for your site, to the Board following the schedule below:

- 1. Where FPR was in place on or before April 1, 2004, the first evaluation should be submitted by July 1, 2005 and each successive year an annual evaluation should be submitted by the July 1 anniversary date.**
- 2. Where FPR was not in place until April 1, 2004, the first evaluation should be submitted within 90 days from the one-year anniversary date of when FPR first began. Each successive annual evaluation should be submitted within 90 days from the anniversary date of when FPR first began.**
- 3. Where FPR is incorporated under a RAP, the annual free product evaluation should be submitted in conjunction with the annual RAP cost pre-approval as required.**

Owners failing to obtain annual FPR pre-approval will be reimbursed at no more than 50% of the usual, customary, and reasonable costs of the least expensive alternative based upon the Board's experience.

Board/BUSTR Seminars in May

The Petroleum Board and BUSTR are jointly holding seminars in May to explain the implications of both agencies' rule changes. Registration applications have already been mailed. If you did not receive a registration form and would like to attend please call Ellen Nahs at 614-752-8963 or toll free at 1-800-224-4659 (Ohio only).

Cleveland Area

Holiday Inn Cleveland West
Westlake, OH
May 5, 2005

Cincinnati Area

Ramada Plaza Hotel & Conf. Center
Springdale, OH
May 12, 2005

Columbus Area

Marriott Columbus North
Columbus OH
May 26, 2005

BUSTR will present changes to their compliance rules, closure rule, and corrective action rule including new Tier 2 spreadsheets and a generic BUSTR ground water fate and transport model derived from the USEPA "Bioscreen" model. They will also explain changes to the rules regulating the shipment, treatment, and disposal of petroleum contaminated soils.

The Board will discuss in detail the changes referred to in this newsletter including the new annual free product recovery evaluation and cost pre-approval form. Claim filing deadlines will also be discussed in detail with handouts outlining the deadlines.