



0000-0000-0042-5969

Document Control Sheet

Box ID

12083

Control Sheet ID

0000-0000-0042-5969

Item Barcode

9200551231

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

March 2, 1993

099969 3/02/93
ACTN RQST

Dear Responsible Party:

The following are being provided with regard to corrective action activities at your site:

- 1) The LPST Action Request Form - This form is to be used to indicate your decision to initiate (or continue) corrective action at your site. If you have not yet done so, please complete and submit this form to the TWC Central Office within thirty (30) days from the date of this letter. **This form must be completed and submitted to the TWC regardless of whether or not you choose to conduct corrective action.**
- 2) *Groundwater Monitoring and Reporting* (PST 93-02) - If you choose to continue corrective action, groundwater monitoring programs must follow the guidelines set forth in this document.

We appreciate your cooperation in this matter. The TWC is committed to working with LPST owners and operators to protect human health and safety and the environment in Texas. Please note that all correspondence must include the LPST ID Number and should be submitted to both the TWC local district office and to the central office in Austin. Should you have any questions, please contact your case coordinator or the Responsible Party Remediation Section at (512) 908-2200.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald R. Pedde".

Ronald R. Pedde, P.E.
Acting Section Chief
Responsible Party Remediation Section
Petroleum Storage Tank Division

Enclosures

920055/23

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner



099969 12/28/92
CLARIFY1-6

TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

December 28, 1992

Re: Clarification -- Responsible Party Initiated Activities

Dear Responsible Party:

This letter is intended to clarify previous letters issued by the Texas Water Commission (TWC) dated October 23, 1992 regarding the termination of corrective action on priority 5 and 6 LPST cases, and November 9, 1992, which revised TWC policy for tank removal over-excavation.

The letters directed owners and operators to stop ongoing assessment activities and to return excavated materials to open excavations. These letters were issued in order to allow the TWC to evaluate all sites to better evaluate actual threat to health and the environment. The Commission will be implementing a risk based remediation program whereby sites will be cleaned up to a level where they no longer pose a risk to human health and the environment. The risk based approach will ensure the most efficient use of the limited funds available to perform corrective actions. In some cases risk assessment at sites will yield a decision that it is not necessary or prudent to clean sites to the traditional action levels of 30 ppm BTEX and 100 ppm TPH. It may be appropriate to leave higher levels of BTEX and TPH at some sites without creating undue risk.

The letters of October 23 and November 9 have apparently created a misunderstanding which I must correct. Those letters have been interpreted as absolute prohibitions on cleanups. This is not the case. Those letters were intended to warn tank owners of problems with the balance in the Petroleum Storage Tank Remediation Fund so that owners with potential cash flow difficulty would be advised not to spend money until they had reasonable assurance that money for reimbursement would be available. In order to further clarify this situation and to rectify misunderstandings that exist, you are advised as follows:

- Anyone who anticipates NOT seeking reimbursement from the PSTR Fund is free to proceed with cleanup activity.
- Anyone who is willing to proceed with cleanup, who expects reimbursement for eligible cleanup costs, but is also willing to wait an extended period of time for reimbursement, may proceed with cleanup activity in accordance with the procedure detailed in this letter.

- If free product, vapors, or other conditions present immediate threats to human health, the owner must proceed with emergency abatement actions immediately notwithstanding the fund balance. Claims of financial incapability will be reviewed by examining documentation of financial strength of the owner. TWC staff are to be consulted about whether an emergency exists and MUST BE NOTIFIED IMMEDIATELY about such a possibility.

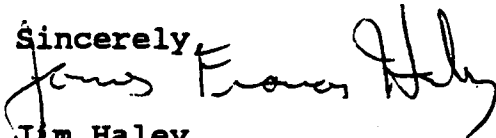
Those who expect reimbursement but are willing to proceed with cleanup activity even though reimbursement is not likely to occur soon must understand very clearly that it is currently impossible to predict when reimbursement can be made.

In order to proceed, prior written approval from this agency is necessary. To obtain such approval, it is necessary to fill out the attached form completely. Approval will involve review of assessment plans and remedial action plans, or directives for the implementation of Limited Sites Assessments.

It is extremely important, if you wish to proceed with as little delay as possible, to indicate (on the attached form) whether you wish to proceed immediately with cleanup in spite of the likelihood that reimbursement from the PSTF Fund will be delayed for an undetermined, but potentially long period of time.

Along with you, we are anxious to see what action, if any, will be taken by the Legislature regarding the PST program. Please be assured that the agency will work to implement any changes in the least disruptive and most expeditious fashion possible. In the meantime, we thank you for your continued cooperation. If you need further information, please contact the Petroleum Storage Tank Division at 512/908-2200.

Sincerely,



Jim Haley

Deputy Director

Office of Waste Management and Pollution Cleanup

Enclosure

**PETROLEUM STORAGE TANK DIVISION
LPST CASE REVIEW REQUEST FORM**

This form is to be utilized when requesting a review of your Leaking Product Storage Tank case. Pursuant to 31, TAC, Chapter 334, Subchapter D and 334.310(f) Subchapter H, prior written approval must be received from the Texas Water Commission (TWC), Petroleum Storage Tank Division.

LPST ID No: _____ [Submit one Form for Each LPST Site]

Responsible Party (RP): _____

RP's Address: _____

RP's City, State, Zip: _____

Contact Person: _____

Facility Name: _____

Facility Address: _____

Facility City, County, Zip: _____

Contact Person: _____

Date(s) of Proposed Remedial Action plan's or assessment activities for which you are requesting review:

Please Check One

_____ I do not wish to start (continue) with my cleanup project until such time that reimbursements can be made in a reasonable timeframe (unless otherwise directed by the TWC).

_____ I wish to start (continue) with my cleanup project at this time, further I acknowledge that any reimbursement for this site will be delayed for an undetermined, but potentially long period of time.

Print Name

Responsible Party Signature

Date

Title