

18 provisions for Fund coverage of corrective action costs:

1. When a release is confirmed, the UST cleanup requirements in rule 1200-1-15-.06 must be followed.
2. A Corrective Action Contractor (CAC) must be selected from the UST Division's list of approved CACs. The UST Division must be provided with copy of the contract between the owner/operator and the CAC.
3. The tank owner/operator has to demonstrate compliance with regulations governing spill and overfill prevention, corrosion protection and release detection.
4. If initial response activities or hazard control measures are expected to exceed \$10,000, verbal approval from the UST Division is required. If emergency response was necessary, costs above \$10,000 may be approved after the work is done.
5. Approved CACs must perform the investigation, risk evaluation, and remediation in compliance with the cleanup rules in 1200-1-15-.06, including submittal of cost proposals.
6. The division may: (a) accept a cost proposal and authorize work to be initiated; or (b) request a modification of the cost proposal.
7. Cost proposals should include a projection of the total cost of the cleanup.
8. When cost proposals are accepted, fund dollars will be obligated.
9. Corrective actions performed prior to acceptance of a cost proposal may not be eligible for reimbursement.
10. Cost proposals should be amended if the work will cost more than expected.
11. Rule 1200-1-15-.06 must be followed during any corrective actions.
12. Detailed records must be maintained by the owner/operator and/or the CAC for at least 3 years after case closure.
13. Any approved corrective action must be implemented in a manner acceptable to the division.
14. An owner/operator performing corrective action work from July 1, 1988 until April 15, 1990 is entitled to reimbursement of reasonable costs above entry level from the fund but is exempted from the certain requirements that were not in effect

during that time period, if corrective actions were carried out in accordance with a plan approved by the division.

15. If corrective actions were started after July 1, 1988 and were continuing on April 15, 1990, the division may require submittal of cost proposals for any remaining phases of work and for the total projected cost of the remediation.
16. The division may authorize the continued use of a contractor who started corrective action before April 15, 1990 even if that contractor is not an approved CAC.
17. If a contractor was performing corrective action at a site prior to development of the approved CAC list, the division may authorize the continued use of that contractor.
18. A tank owner/operator and a CAC must cooperate with any audits by the Commissioner, supplying records and documents to verify work and costs claimed for reimbursement.

[NOTE: The regulations may be viewed at
<http://tennessee.gov/sos/rules/1200/1200-01/1200-01-15.pdf> .]