



List of Costs that are Ineligible to Receive Reimbursement from the Michigan Underground Storage Tank Cleanup Fund

(October 1, 2018 Update)

In addition to or in conjunction with costs that are ineligible per Section 21510c of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, the following costs will not be considered eligible for reimbursement:

1. Corrective action costs for releases discovered prior to December 30, 2014 (for USTCF claims). Corrective action costs for releases reported after December 30, 2014 (for Legacy Release Program Claims).
2. Corrective action costs which pre-date the date and time the release(s) listed on the claim application was reported to LARA.
3. Litigation costs.
4. State Fire Marshal or Local Fire Department permit/inspection fees for tank removal.
5. Costs associated with underground storage tank (UST) system removal.
6. Costs for the removal/disposal of UST contents.
7. UST system testing (e.g. tanks, lines, sumps, etc.)
8. Repairs/retrofitting of existing petroleum tank system(s).
9. Installation of new petroleum tank system(s).
10. Subsurface assessments performed in conjunction with site acquisition or sale where no release is confirmed.
11. Any form of interest, late payment penalties, or carrying charges.
12. Shipping or postage charges related to the delivery of soil, liquid, or vapor samples.
13. Administrative costs, such as bookkeeping or form preparation (eligibility, claim, invoices, and proposals).
14. Environmental liability/insurance premiums.
15. Replacement or repair of blacktop or concrete; site restoration (landscaping), unless directly associated with eligible and necessary corrective actions. Examples of ineligible actions may include replacement of pavement removed to access and remove UST system

List of ineligible costs continued...

components or replacement of pavement removed during site upgrade or raze and rebuild activities.

16. Razing, repair, or replacement of fences, buildings, structures, etc.
17. Repair of utility lines, sewer lines, water lines, etc.
18. Costs incurred in conducting corrective actions for non-petroleum product contamination or petroleum product contamination unrelated to an assured UST system.
19. Corrective action activities, labor rates, laboratory testing, drilling, or other work that exceeds actual costs as demonstrated by submitted invoices.
20. Any undocumented costs that cannot be audited.
21. Costs associated with above ground storage tanks.
22. The cost of equipment purchases other than those costs routinely required to implement a CAP. Examples of non-reimbursable purchases include the following:
 - Drilling rigs
 - Earth moving equipment
 - Photoionization detectors
 - Explosimeters
 - Hand tools
23. Lost income or reduced property values unless part of a third-party liability claim.
24. Contractor costs or subcontractor costs not directly related to corrective action activities, such as the following:
 - Budgeting
 - Changing contractors
25. Fines or penalties imposed by local, state, or federal government agencies.
26. Punitive or exemplary damages.
27. Any costs related to the excavation and disposal of more than one thousand five hundred (1,500) tons of soil unless all the following have been met:
 - Institutional controls and alternative remediation techniques have been considered;
 - Excavation and disposal was shown to be the most cost-effective remediation option to reach closure; and
 - The soil removal is part of a CAP approved or deemed approved by the Administrator prior to the completion of the work.
28. Laboratory rates for rapid turnaround "RUSH" sample analysis that exceed the maximum allowable rate on the Schedule of Costs, unless pre-approved by the administrator.

List of ineligible costs continued...

29. Charges for equipment on site but not used on the date of the charge.