

### MUSTA Claims and Invoices

Michigan Underground Storage Tank Authority



#### **Presentation Outline**

- Claim Submittals
  - Underground Storage Tank Cleanup Fund
  - Public Highway Cleanup Program
- Invoicing Submittal and Tips
- Program Updates
- Answers to Frequently Asked Questions
- Questions from Attendees



# Underground Storage Tank Cleanup Fund (MUSTA) Claim Eligibility Requirements

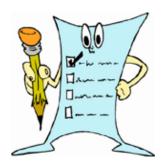
 Releases discovered on or after December 30, 2014

USTs are properly registered at the time of the release

# MUSTA Claim Eligibility Requirements (Continued)

FR mechanism in place at the time of the release

 Owner at the time of the discovery of the release must file the claim



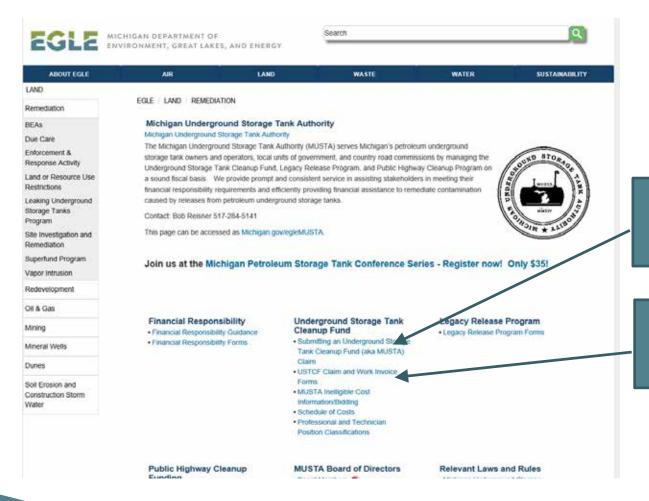


# MUSTA Claim Eligibility Requirements (Continued)

- Release reporting requirements must be met:
  - Confirmed release reported within 24 hours of discovery
  - Suspected release reported within 24 hours of discovery
  - Suspected release upgraded within 14 days and within 24 hours of confirmation
- The tanks and contents indicated on the submitted claim form must match the tanks and contents on the LARA release report(s)
- Subsequent releases require additional claim submittals
  - A separate form must be completed and sent to MUSTA



#### Claim Submittal



Detailed Submittal Information Here

Claim Submittal Forms

#### The Claim Submittal Form

#### EGLE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY UNDERGROUND STORAGE TANK AUTHORITY UNDERGROUND STORAGE TANK CLEANUP FUND CLAIM SUBMITTAL FORM This form is for submittal of a Claim per Section 21515(1) of Part 215, Underground Storage Tank Corrective Action Funding, of the Natural Resources and Environmental Protection Act, 1004 PA 451, as amended. PLEASE DO NOT SUBMIT INVOICES WITH THIS FORM. If your claim is approved, you will be provided with instructions on how to submit invoices. See the notes on page two for information regarding documentation that is required to be submitted with this FACILITY INFORMATION FACILITY NAME: FACILITY ID: STREET ADDRESS: COUNTY: RELEASE INFORMATION (add additional sheets if necessary) RELEASE NUMBER and DATE: TANK NUMBER: SUBSTANCE STORED: CAPACITY (GAL): TANK NUMBER: SUBSTANCE STORED: CAPACITY (GAL): OWNER INFORMATION REGISTERED OWNER NAME WITH LARA REGISTERED OWNER STREET ADDRESS: STATE: ZIP CODE: CONTACT PERSON(S): CONTACT PHONE CONTACT EMAIL: CONSULTANT CONTACT PERSON: PHONE NO: E-MAIL: NUMBER OF USTS OWNED OR OPERATED BY THE OWNER OR OPERATOR AND ITS AFFILIATES: CERTIFICATION OF OWNER OR AUTHORIZED AGENT I certify that the information provided above is true and accurate and that I have not and will not submit a claim or claims to an insurer or any other entity to cover expenses for which I have received reimbursement from the Underground Storage Tank Cleanup Fund. PRINTED/TYPED NAME: I have included proof of financial responsibility covering the UST(s) at the time of the discovery of the release.

Submit the completed and signed form along with the appro-	priate documentation to:							
Email: <u>EGLE-MUSTA@Michigan.gov</u> Fax: 517-241-74 Regular Mail: EGLE-Underground Storage Tank Authority, Overnight Mail: EGLE-Underground Storage Tank Authorit Lansing, MI 48009	P.O. Box 30473, Lansing, MI 4							
MUSTA USE ONLY								
POLICY NUMBER:	ASSIGNED TO:	EQA:						

#### NOTES REGARDING PROOF OF FINANCIAL ASSURANCE:

Along with this form, the owner or operator must provide documentation that they maintained financial responsibility for their appropriate deductible amount at the time of the discovery of the release for which this claim is being filed. This may be a copy of an approved Request for Determination from MUSTA and/or other form of financial responsibility that were in place (including a commercial insurance policy).

At facilities where previously unknown USTs (which will not be put into use) are discovered, no proof of financial responsibility is required to be shown for the time of the discovery of a release as long as appropriate steps to close the USTs in accordance with Part 211 of Act 451 have been taken.

In either situation where proof of financial responsibility is not needed, the owner or operator should specifically explain the circumstances.

For information or assistance on this publication, please contact the Underground Storage Tank Authority, through the EGLE Environmental Assistance Center at 800-862-9278. This publication is available in alternative formats upon request.

Michigan Underground Storage Tank Authority 517-284-6537

EQP1511 (4/22/2019)

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Michigan.gov EQP1511 (4/22/2019)



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#### **MUSTA Claim Reimbursement Limits**

Per claim limit of \$1 million minus the appropriate deductible amount

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$2,000 deductible for owners and operators of 7 or less USTs $10,000 deductible for owners and operators of 8 or more USTs
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 Aggregate limits for all claims for a single owner per reporting period (October 1st – September 30<sup>th</sup>)

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$1 million for owners and operators of 100 or fewer USTs
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- \$2 million for owners and operators of 101 or more USTs
- Aggregate limits are based on the reporting period when the release was discovered regardless of when the claim is filed or work is performed and invoiced



# Legacy Release Program Claims

- A one-time allocation of \$36 million for corrective actions for releases reported prior to December 30, 2014
- The LRP is no longer accepting new claims
- The LRP will not be extended



# Public Highway Cleanup Program

 Available to local units of government and county road commissions (not MDOT) for the cost of corrective actions to manage, relocate, or dispose of any media contaminated by regulated substances left in place within a public highway



# Public Highway Cleanup Eligibility

- Claim must be associated with a release of refined petroleum from an underground storage tank system being managed under Part 213
- Claim is for corrective actions completed after January 24, 2018, the effective date of the program

# Public Highway Cleanup Eligibility (Continued)

- A Public Highway Institutional Control (PHIC) or Road Dedication Letter (RDL) must be in place prior to initiation of the work and submittal of the PHC Claim
  - An Ordinance may be an acceptable institutional control in some cases
  - A copy of the PHIC, RDL, or Ordinance must be submitted to MUSTA with the PHC Claim Submittal Form for PHC Claim approval



# Public Highway Cleanup Funding & Reimbursement Limits

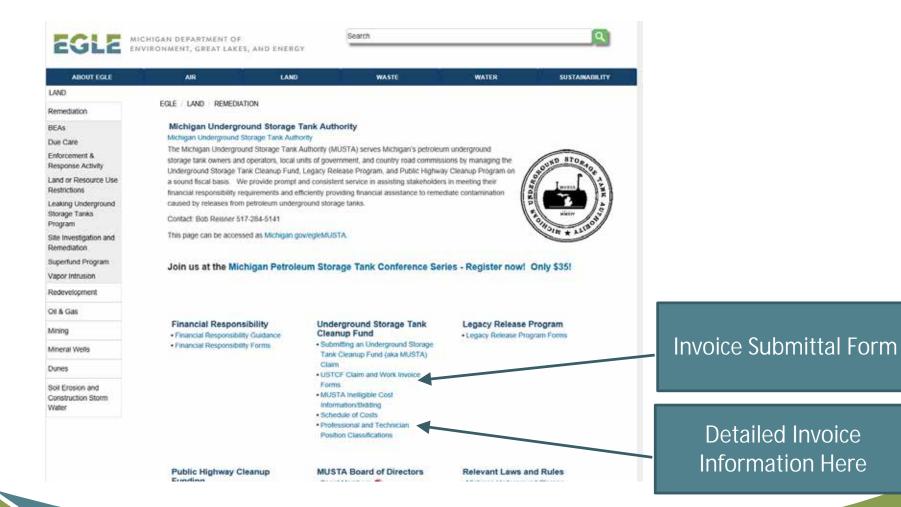
"Program" Funding Limit: No statutory limit

 Per Claim Funding Limit: \$200,000 with no co-pay or deductible

Claims to date: None



#### **Invoice Submittal**





### The Invoice Submittal Form

	EGLE MOHEAN DEPARTMENT OF ENVIRONMENT, OREAT LAKES, AND ENERGY UNDERGROUND STORAGE TANK AUTHORITY					Consultant or 0	iontractor	Description of Activity/Charges		arges	Amo
PLEASE RE	Authority: Section 21515/ of the Natural Resour	RAGE TANK CLEANUP 12) of Part 215, Undergroun ces and Environmental Profi	d Storage Tank Correction Act, 1994 PA 45	tive Action Fund 1, as amended.	ling.						
MUSTA CLAIM NO:	FACILITY ID:	FACILITY NAME:									
CLAIMANT NAME:			FEDERAL TAX ID	NO. OF CLAIM	AANT:						
CLAIMANT ADDRESS:		CITY:		STATE:	ZIP CODE:		Add	rows or attach addition	nal sheet if necessary		
CLAIMANT CONTACT PER	ISON:		PHONE NO:	E-MAIL:						INVOICE TOTAL	
CONSULTANT NAME: FEDERAL TAX ID NO. OF CONSULTANT:							CERTIFICA	LTION			
CONSULTANT CONTACT PERSON: PHONE NO: E-MAIL:											
CONSULTANT CONTACT F	PERSON:		PHONE NO:	E-MAIL:		I certify that the information pro cover expenses for which I will	wided above is true and acc seek reimbursement from the	curate and that I have a the Underground Stora	and will not submit a clai ge Tank Cleanup Fund.	m or claims to an insurer or a	any other entit
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WORK INVOICE NO: DESCRIPTION OF ACTIVIT	FINAL INVOICE (YE	THE DATES OF SERVICE	DATES OF SERV	NCE:		CONSULTANT SIGNATURE: CUAMANT SIGNATURE	ed form, invoices, and the	the Underground Stora	ge Tank Cleanup Fund.	DATE:	any other entit
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WORK INVOICE NO:  DESCRIPTION OF ACTIVIT  DESCRIPTION OF HOW ACTIVIT  For each cost contail  Costs must be provided.	FINAL INVOICE (YE THES COMPLETED DURING CTIVITIES COMPLETED AF	OTHE DATES OF SERVICE  RE CONSISTENT WITH ACC  or contractor's invoice.	DATES OF SERV	IRE:	e <u>MUSTA Schedule of</u> chedule of Costs, place	CONSULTANT SIGNATURE:  CLAMANT SIGNATURE:  Please submit complete  Email: EGLE-MUSTARM  Regular Mail: EGLE-Unde	ed form, invoices, and the chican gov Fax: 517-7 repound Storage Tank Author	the Underground Storal the supporting back 241-7428 only, P.O. Box 30473, I	rup documentation to Lansing, MI 40909 dl, 6S, 525 West Allegan	DATE:	

#### MUSTA is a <u>reimbursement</u> program



# Submitting an Invoice

Invoices are to be submitted to:

EGLE-MUSTA@michigan.gov

- Submitting Large files FTP Site/DropBox
  - Separate invoices from supporting reports
  - Let us know when and what you have uploaded
- Claimant/SIGMA/Invoice Form must match



### Payment & Invoice Submittal Tips

(applicable to MUSTA, LRP, and PHC invoices)

- Must be submitted on the form provided by MUSTA and signed by the claimant and the consultant
- The claimant must be registered in the state's accounting system (SIGMA). The registration in SIGMA must have the same payee (claimant), tax ID number, and address as that shown on the invoice submittal form
- Failure to do this results in lengthy delays in payments



# Payment & Invoice Submittal Tips (Continued)

 Instructions and Notes for completing an Invoice are located on the Invoice Submittal Form

Invoice must be legible and the math correct

- Provide all charges on the MUSTA Invoice
  - Do not short-change yourself



### **Details Often Overlooked**

 The box on the form "DESCRIPTION OF ACTIVITIES COMPLETED DURING THE DATES OF SERVICE:"



#### What did you do?

The box on the form "DESCRIPTION OF HOW ACTIVITIES COMPLETED ARE CONSISTENT WITH ACHIEVING SITE CLOSURE:"

What progress was made?



### **Include These Items**

Invoice must include all supporting documentation, examples include:

- Waste Manifests/Landfill Tickets
- Subcontractor Invoices
- Relevant Reports
- Receipts (Hotel, Equipment, Supplies, etc.)
- Laboratory Chains of Custody
- Map of site indicating release location (or release discovery location), sample locations (MWs, SBs, VPs, etc.)
- Map of excavation details (if relevant)



#### **Cost Guidance Documents**

- Schedule of Costs
- Professional and Technician Position Classifications
- Bidding Requirements
- List of Ineligibles



# Eligibility of Costs and Activities

Costs must be reasonable and necessary

Costs must meet MUSTA Schedule of Costs





# Eligibility of Costs and Activities (Continued)

- Certain activities require competitive bidding, including but not limited to:
  - Removal of contaminated soil and liquid (detail on following slides)
  - Installation of treatment systems
  - Drilling of large-diameter wells
  - Laser-Induced Fluorescence and similar technologies
  - Mobile laboratories
  - Surveying services greater than \$2,000



## Soil Removal, Transport, and Disposal

- Soil must be considered a <u>Source</u> of contamination the removal of which is necessary to achieve restricted closure
- Bidding is not required provided conditions comply with Note 4 of the Schedule of Costs, including:
  - Initial response action initiated within 21 days of reporting of the confirmed release
  - The amount of soil removed does not exceed 200 tons per tank(s) for which the release was reported with a maximum of 500 tons.
  - Complies with the Schedule of Costs



# Soil Removal, Transport, and Disposal (Continued)

- Competitive bidding is required for quantities greater than 200/500 tons and <u>any quantity</u> excavated after 21 days of the reporting of the confirmed release.
- Quantities greater than 1,500 tons requires pre-approval from MUSTA

(List of Ineligibles, Item 27)



# Liquid Recovery, Transport, and Disposal

- Bidding is not required provided conditions comply with Note 4 of the Schedule of Costs, including:
  - Initial response action initiated within 21 days of reporting of the confirmed release
  - The amount of liquid removed does not exceed 5,000 gallons
  - Complies with the Schedule of Costs
- Competitive bidding is required for quantities greater than 5,000 gallons and any quantity recovered after 21 days of reporting of the confirmed release

# **Ineligible Costs**

#### Include, but are not limited to:

- Work performed by the owner or operator or their employees
- Costs related to the testing, repair, removal, or installation of UST systems
- Site restoration costs
- Costs arising from corrective actions performed in excess of those required to obtain a restricted closure based on the land use at the time of the release
- Costs that have been or will be submitted or that have been paid pursuant to an insurance policy or other 3<sup>rd</sup> party



#### Main Reasons for Denied Costs

- Ineligible expenses such as UST removals, expenses incurred prior to reporting of release, site restoration
- Not having solicited competitive bids when required
- Markup on non-subcontractor charges
- Corrective actions not related to release(s) covered by an approved MUSTA Claim





# Professional Classification and Labor Rate Updates

- Effective for work performed after August 31, 2019
- Professional 2 and 3 classifications have been combined
  - Professional 2 labor rate has been eliminated
  - The new rate for Professional 3 is \$107.00 per hour
- Professional 4 labor is limited to 4 hours of eligible services per calendar-month



## **Updating of Schedule of Costs**

- Each year the Schedule of Costs document is reviewed and updated as necessary
- Review process includes the direct involvement of consultants
- If you are a consultant and you have not been randomly selected to participate, please email your suggestions to us



 Question: Are costs to reimburse an off-site property owner for allowing a restrictive covenant eligible for reimbursement?

 Answer: Yes. However, a reasonable cost has not been established by the MUSTA Board so these are handled on a case-by-case basis.



- Question: How much soil may be removed without bidding as part of an initial response action?
- Answer: Up to 200 tons per tank as indicated on the claim (maximum 500 tons per facility) provided that actions meet the definition of an initial response per the Schedule of Costs Notes.

 Question: What do we do if an item is not on the Schedule of Costs?

Answer: Identify the item on the invoice as "NL".
 Charges will be reimbursed at rates determined to be reasonable by the MUSTA Administrator.



 Question: Can an approved USTCF claim be transferred?

 Answer: Yes, an owner or operator with an approved MUSTA claim who sells or transfers the property that is subject of the approved claim may assign or transfer the approved claim to the new owner. The Transfer of Claim Submittal Form can be found on the MUSTA webpage.

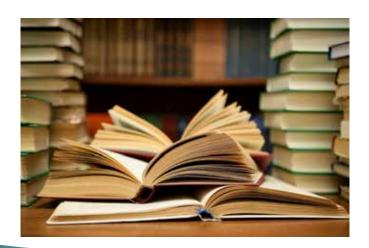


#### Sources of MUSTA Information

MUSTA Webpage

Sign up for our Email list at:

Michigan.gov/EGLEConnect





#### **More Sources**

Call Us If You Have Questions!



MUSTA Environmental Quality Analysts (EQAs)

- Nikolas Hertrich, <a href="mailto:hertrichn@Michigan.gov">hertrichn@Michigan.gov</a>; (517) 284-5059
  - Lisa Noblet, nobletL1@Michigan.gov; (517) 284-5183
    - Roy Hoin, <a href="mailto:hoinr@Michigan.gov">hoinr@Michigan.gov</a>; (517) 284-6232



#### When in Doubt...

If you have any questions on the implementation of the Fund or eligibility of work and/or costs please feel free to call or email Bob Reisner:



(517) 284-5141 reisnerr@michigan.gov



#### Thank You!

MUSTA greatly appreciates your attendance and looks forward to working with you to make the Underground Storage Tank Cleanup Fund, Legacy Release Program, and Public Highway Cleanup Program successful.



Michigan Department of

**Environment, Great Lakes, and Energy** 

800-662-9278 Michigan.gov/EGLE



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