

COSTS INELIGIBLE FOR REIMBURSEMENT

MICHIGAN UNDERGROUND STORAGE TANK AUTHORITY



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. Changes from the previously published list are identified in **bold, red text**.

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. These charges are considered to be included in the laboratory sample analysis rate. Except for situations where samples cannot be picked up/dropped off at lab and run within holding time (ex- drilling w/overnight stay (i.e. far from office) for numerous days with PNA analysis with 7 day hold time)
13. Administrative costs, such as bookkeeping or form preparation, including but not limited to, 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 components or replacement of pavement removed during site upgrade or raze and rebuild activities.

16. Razing, repair, or replacement of fences, buildings, structures, etc. **unless directly associated with eligible and necessary corrective actions (pre-approval required).**
17. Repair of utility lines, sewer lines, water lines, etc. **unless directly associated with eligible and necessary corrective actions (pre-approval required).**
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. Costs incurred due to lost income, property loss, or reduced property values unless part of a third-party liability claim approved under Section 21518.
24. Contractor costs or subcontractor costs not directly related to corrective action activities, such as the following:
 - Budgeting
 - Changing contractors
25. Costs related to violations, fines, and/or penalties imposed by local, state, or federal government agencies.
26. Punitive or exemplary damages.
27. Any costs related to the excavation, transport, 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 were shown to be the most cost-effective remediation option to reach closure.
 - 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.
 29. Charges for equipment on site but not used on the date of the charge.
 30. Laboratory analysis of more than three soil samples per boring (direct push, hollow stem auger, sonic, etc.), unless pre-approved by the Administrator.
 31. Potentially refundable costs to the owner, including but not limited to, permit inspection fees and cash bonds, will not be reimbursed until such time as the cost is incurred.

CONTACT INFORMATION:

Michigan Underground Storage Tank Authority
Michigan.gov/MUSTA
517-599-1625 | EGLE-MUSTA@Michigan.gov

This publication is intended for guidance only and may be impacted by changes in legislation, rules, and regulations adopted after the date of publication.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

To request this material in an alternative format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.