



# IOWA UNDERGROUND STORAGE TANK FUND

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James R. Gastineau, *Administrator*

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November 17, 2023

## **MEMORANDUM**

TO: Legislative Council and Legislative Services Agency

FROM: James R. Gastineau, Administrator  
Iowa Comprehensive Petroleum Underground Storage Tank Fund

RE: Fiscal Year 2024, 1<sup>st</sup> Quarter Report on the Iowa Comprehensive Petroleum Underground Storage Tank Fund Program

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We are pleased to provide the attached report regarding the Iowa Comprehensive Petroleum Underground Storage Tank Fund (UST Fund) progress for activities through the end of the 1<sup>st</sup> quarter of Fiscal Year 2024.

The report is submitted pursuant to Iowa Code Section 455G.4(6) titled "Reporting". The code section calls for the report to include the following items:

- Total open claims, including identification of the number of new claims
- IDNR risk classification associated with open claims
- Total reserve figures
- Summary of budgets approved during the reporting period
- Breakdown of categories of claim payment expenditures during the reporting period

Some information in the attached table is obtained from the Iowa Department of Natural Resources (DNR), but the report numbers deal with UST Fund claims and therefore do not include all DNR reported releases since not all meet the eligibility criteria of Iowa Code Section 455G.

If you have any questions regarding the enclosed report or other issues associated the UST Fund, please call the UST Fund Administrator's office at (515) 829-2770 or contact the Administrator at [USTFUND@dnr.iowa.gov](mailto:USTFUND@dnr.iowa.gov)

## UST Fund Program Status Areas 1Q - FY2024 (September 30, 2023)

### 1. Financial Balances

	09/30/2023	06/30/2023	06/30/2022	06/30/2022	06/30/2021
Revenue Fund	\$1,275,740	\$1,262,265	\$2,209,487	\$2,209,487	\$3,951,754
Unassigned Revenue Fund	\$977,461	\$1,015,943	\$1,717,002	\$1,717,002	\$1,585,786
Remedial Fund	\$2,176,989	\$2,376,689	\$2,617,039	\$2,617,039	\$2,707,740
Marketability Fund	\$367,152	\$343,276	\$283,257	\$283,257	\$278,250
Innocent Landowner Fund	\$1923,849	\$1,949,535	\$2,473,343	\$2,473,343	\$2,571,254
Loan Guarantee Funds	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Reserve Funds	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<b>Total Fund Balances</b>	<b>\$6,721,849</b>	<b>\$6,947,708</b>	<b>↓\$9,300,128</b>	<b>↓\$9,300,128</b>	<b>↓\$11,094,764</b>

### 2. Operational

#### Changes

- Since 2020, the Fund program is managed under a 28E agreement by the Iowa Department of Natural Resources
- Program funding ceased 12/31/2016 (2016 legislation, HF2464).
- Focus on mission to complete action on remaining liability claims prior to ceasing operations.
- Coordinate with Department of Natural Resources to address liabilities on all remaining claims

#### Expected Results

- Retirement of program liabilities and reduction of future liabilities.
- Reduction of fund balance and number of Program claims.

### 3. Results - Iowa DNR LUST Sites / Risk Classifications in relation to Open UST Fund claims

Iowa DNR / Iowa UST Site Data (07/02/2023)	DNR LUST Sites	Remedial CRP/NFA claims	Retroactive claims	Innocent Landowner Fund Claims	Open UST Fund Claims
Total Active LUST Sites / Fund Claims	300	37	1	11	49
Sites "Not Classified"	62	5	0	0	5
Low Risk sites	60	7	0	0	7
High Risk sites	158	21	1	8	30
No Action with free product sites	20	2	0	2	4
No Action Required or other sites	6,567	2	0	1	3

### 4. Results - UST Fund Open Claims / Liabilities

	Liabilities 09/30/2023	September 2023	June 2023	June 2022	June 2021	June 2020
Retroactive Claims	\$ 0.16 million	1	1	1	1	2
Remedial/CRP/ NFA Claims	\$ 1.96 million	37	40	43	48	50
Innocent Landowner Fund Claims	\$ 1.35 million	11	14	15	21	23
Total*	\$ 3.47 million	49	55	62	70	75
Claim Liabilities *		\$3.47M	\$3.69M	\$3.60M	\$4.09M	\$5.05M

\*does not include special project claims or tank closure claims

IOWA UST FUND  
ACTIVITIES REPORT  
FOR MONTH ENDING  
SEPTEMBER 30, 2023

Claims	Open Claims		Open Claims	Open & Closed
	Aug '23 Ending	Monthly Changes	Sep '23 Ending	Totals since
<b>RETROACTIVE</b>				
number	1	0	1	447
reserve	\$ 161,030.93	\$0.00	\$ 161,030.93	\$ 161,030.93
paid	\$ 738,969.07	\$0.00	\$ 738,969.07	\$ 18,458,595.44
total	\$900,000.00	\$0.00	\$900,000.00	\$18,619,626.37
<b>REMEDIAL (RM)</b>				
number	19	0	19	4,464
reserve	\$ 1,333,393.80	(\$1,845.00)	\$ 1,331,548.80	\$ 1,331,548.80
paid	\$ 6,866,839.87	\$1,845.00	\$ 6,868,684.87	\$ 224,329,404.42
total	\$8,200,233.67	\$0.00	\$8,200,233.67	\$225,660,953.22
<b>INNOCENT LANDOWNER (ILO)</b>				
number	11	0	11	1,161
reserve	\$ 1,324,578.04	(\$2,236.45)	\$ 1,322,341.59	\$ 1,322,341.59
paid	\$ 2,366,021.96	\$2,236.45	\$ 2,368,258.41	\$ 37,440,013.58
total	\$3,690,600.00	\$0.00	\$3,690,600.00	\$38,762,355.17
<b>GLOBAL OPT-IN</b>				
number	5	0	5	1,314
reserve	\$ 27,810.19	(\$130.05)	\$ 27,680.14	\$ 27,680.14
paid	\$ 42,189.81	\$130.05	\$ 42,319.86	\$ 9,998,444.59
total	\$70,000.00	\$0.00	\$70,000.00	\$10,026,124.73
<b>UNASSIGNED REVENUE FUND PROJECTS</b>				
number	19	0	19	413
reserve	\$ 395,134.39	(\$96,101.50)	\$ 299,032.89	\$ 299,032.89
paid	\$ 586,365.61	(\$14,127.00)	\$ 572,238.61	\$ 5,052,802.67
total	\$981,500.00	(\$110,228.50)	\$871,271.50	\$5,351,835.56
<b>NFA RE-EVALUATIONS</b>				
number	18	0	18	111
reserve	\$ 637,547.34	(\$5,076.69)	\$ 632,470.65	\$ 632,470.65
paid	\$ 397,452.66	\$5,076.69	\$ 402,529.35	\$ 2,884,108.27
total	\$1,035,000.00	\$0.00	\$1,035,000.00	\$3,516,578.92
<b>TANK CLOSURE (TX)</b>				
number	25	(3)	22	936
reserve	\$356,501.00	(\$60,000.00)	\$296,501.00	\$311,501.00
paid	\$0.00	\$15,000.00	\$15,000.00	\$ 11,395,684.38
total	\$356,501.00	(\$45,000.00)	\$311,501.00	\$11,707,185.38

Total Claims	(RT, RM, ILO, NFA)	49	(USTCA, TX)	41
Reserves	(RT, RM, ILO, GS, NFA)	\$ 3,475,072.11		\$ 595,533.89
Total Reserves	(all claim types)	\$ 4,070,606.00		

Operator Training	
A/B (all)	4,041 A/B (FY2011-24) \$402,220

RT	#
New	0
Reopen	0
Closed	0

RM	#
New	0
Reopen	0
Closed	0

ILO	#
New	0
Reopen	1
Closed	1

GS	#
New	0
Reopen	0
Closed	0

USTCA	#
New	2
Reopen	0
Closed	2

NFA Re-	#
New	0
Reopen	0
Closed	0

TX	#
New	1
Reopen	0
Closed	5

DNR 10-10-2023	
Total	6867
High Risk	158
Low Risk	60
NAR-FP	20
Not	62
Open	300

Invoice Type	SEP '23	FYTD	Program to Date
Appropriations	\$ 7,137.95	\$ 32,098.80	
Government.	\$ 24,110.53	\$ 24,110.53	
2004 Tank Pull	\$ -	\$ -	\$ 1,761,823.44
2010 Tank Pull	\$ 75,000.00	\$ 187,000.00	\$ 11,660,654.53
American Soils	\$ -	\$ -	\$ 5,678,422.58
AST	\$ -	\$ -	\$ 11,217,932.11
CADR Charges	\$ -	\$ -	\$ 4,708,703.72
Corrective Action	\$ 1,644.00	\$ 1,644.00	\$ 53,054,959.82
Expenses / OT	\$ 2,200.00	\$ 4,100.00	\$ 402,519.65
Free Prod Recover	\$ 2,567.50	\$ 20,580.20	\$ 13,019,304.52
Monitoring	\$ 2,620.00	\$ 30,849.61	\$ 35,775,968.43
Operations/Maint	\$ -	\$ -	\$ 10,847,837.80
Over-excavation	\$ -	\$ -	\$ 38,036,140.86
Water Lines	\$ 2,456.69	\$ 2,456.69	\$ 3,691,280.27
Post RBCA Evals	\$ -	\$ -	\$ 258,858.41
RBCA	\$ 6,734.41	\$ 38,904.41	\$ 28,028,176.51
Remed Imp/Const.	\$ -	\$ -	\$ 32,655,420.50
SCR Charges	\$ -	\$ -	\$ 54,217,410.26
Site Check	\$ -	\$ -	\$ 142,486.32
Soil Disposal	\$ -	\$ -	\$ 738,386.66
Tank (UST) Pull	\$ -	\$ -	\$ 3,979,734.25
Tank (UST) Upgrade	\$ -	\$ -	\$ 3,440,849.83
Tier III	\$ -	\$ 6,767.09	\$ 1,501,094.26
Utilities	\$ -	\$ -	\$ 2,303,397.67
Well Closure	\$ 6,077.50	\$ 9,847.50	\$ 4,620,072.34
Total Invoice Types	\$ 99,300.10	\$ 302,149.50	\$ 320,791,138.57

Remediation Budgets Approved to Date		
Last month (Sep '23)	2	\$48,741
Trailing 12 mos	5	\$683,581
Prev Trail 12 mos	0	\$89,666
Total Since Jan 2003	1,281	\$58,365,540

Project Contracts	Open	Closed	Pending
CRP's	0	45	0
Tank Closure	1	8	0
Plastic Water Line	0	2	0

	CY 2023	CY 2022	CY 2021
New LUST Sites	20	36	26
Closed (NAR) Sites	49	42	67