

**NOTICE OF MEETING OF THE  
UNDERGROUND STORAGE TANK POLICY COMMISSION**

Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.02, notice is hereby given to the members of the Underground Storage Tank (UST) Policy Commission and to the general public that the **UST Policy Commission** will hold a meeting open to the public on **April 22, 2009** from 9:00 a.m. until noon, at ADEQ in room 250 located at 1110 West Washington, Phoenix, Arizona. The Commission may discuss, deliberate or vote on any item listed on the agenda. The Commission may vote to hold an executive session for consultation with its attorney for legal advice pursuant to A.R.S. § 38-431.03 (A) (3) concerning any item on the agenda.

1. Call to Order and Roll Call (Gail Clement, Chairperson)
2. Approval of Minutes from January 28 and February 25, 2009 Meetings (Gail Clement, Chairperson)
3. ADEQ Updates (Mike Fulton, TPD)
  - a. Status of LUST Closures
  - b. Criteria Used to Close LUST Sites with Groundwater Contamination
4. SAF Status (Mike Fulton, TPD)
5. Discussion of Recent Legislation and Rules Affecting the UST Program (Mike Fulton, TPD)
6. Evaluation Subcommittee Update (Bill Bunch, Chairperson)
7. Technical Subcommittee Update (Theresa Kalaghan and Catherine Chaberski, Chairpersons)
8. Approval of 2008 UST Policy Commission Annual Report (Gail Clement, Chairperson)
9. General Call to the Public (Gail Clement, Chairperson)
10. Summary of Meeting Action Items (Gail Clement, Chairperson)
11. Discussion of Agenda Items and Schedule for next Commission Meeting (Gail Clement, Chairperson)
12. Announcements:
  - a. Next Policy Commission meeting is scheduled to be held on May 27, 2009 at 9:00 a.m., in Room 250 at ADEQ located at 1110 W. Washington, Phoenix, AZ.
13. Adjourn

Call to the Public is for consideration and discussion of comments and complaints from the public. Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or rescheduling the matter for further consideration, discussion and decision at a later date.

A copy of the agenda background material provided to commission members (with exception of material relating to possible executive session) is available for public inspection at the ADEQ reception area, 1110 W. Washington Street, Phoenix, Arizona. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting June Schellenberg at (602) 771-4837. Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Tank Programs Division

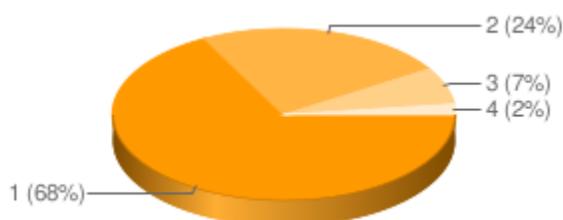
**Corrective Action Section**

**UST POLICY COMMISSION REPORT**

**Leaking UST (LUST) Statistics**

LUST STATISTIC	DECEMBER 2008	JANUARY 2009	FEBRUARY 2009	MARCH 2009
Monthly reported	2	5	9	1
Monthly closed	22	19	25	11
Cumulative reported	8,492	8,498	8,507	8,508
Cumulative closed	7,401 (87%)	7,428 (87 %)	7,454 (88%)	7,466 (88%)
Cumulative open	1,091 (13%)	1,070 (13 %)	1,053 (12%)	1,042 (12%)

**Status of Open LUST Cases**



[Status: 1 = groundwater impact, 2 = uncharacterized, 3 = soil only, 4 = potential closure]

**Corrective Action Documents Pending Review**

DOCUMENT TYPE	DECEMBER 2008	JANUARY 2009	FEBRUARY 2009	MARCH 2009
Site Characterization Rpt (SCR)	3	3	5	5
Revised SCR	0	0	0	0
Corrective Action Plan (CAP)	0	0	1	2
CAP Modification	1	1	1	1
Risk Assessment	2	1	2	3
LUST Case Closure Request	6	12	6	5
SAF Pre-Approval Work Plan	2	2	0	0
<b>Total</b>	<b>14</b>	<b>19</b>	<b>15</b>	<b>16</b>

**Municipal Tank Closure Program (MTCP)**

CUMULATIVE ACTIVITY	DECEMBER 2008	JANUARY 2009	FEBRUARY 2009	MARCH 2009
Applications received	98	101	*	*
Cities/Counties	40	40	*	*
Applications approved	87	89	*	*
UST closure completed	85	85	*	*
USTs removed	178	178	*	*

\* As of 1/30/2009, ADEQ ceased all MTCP activities until 7/1/2009.

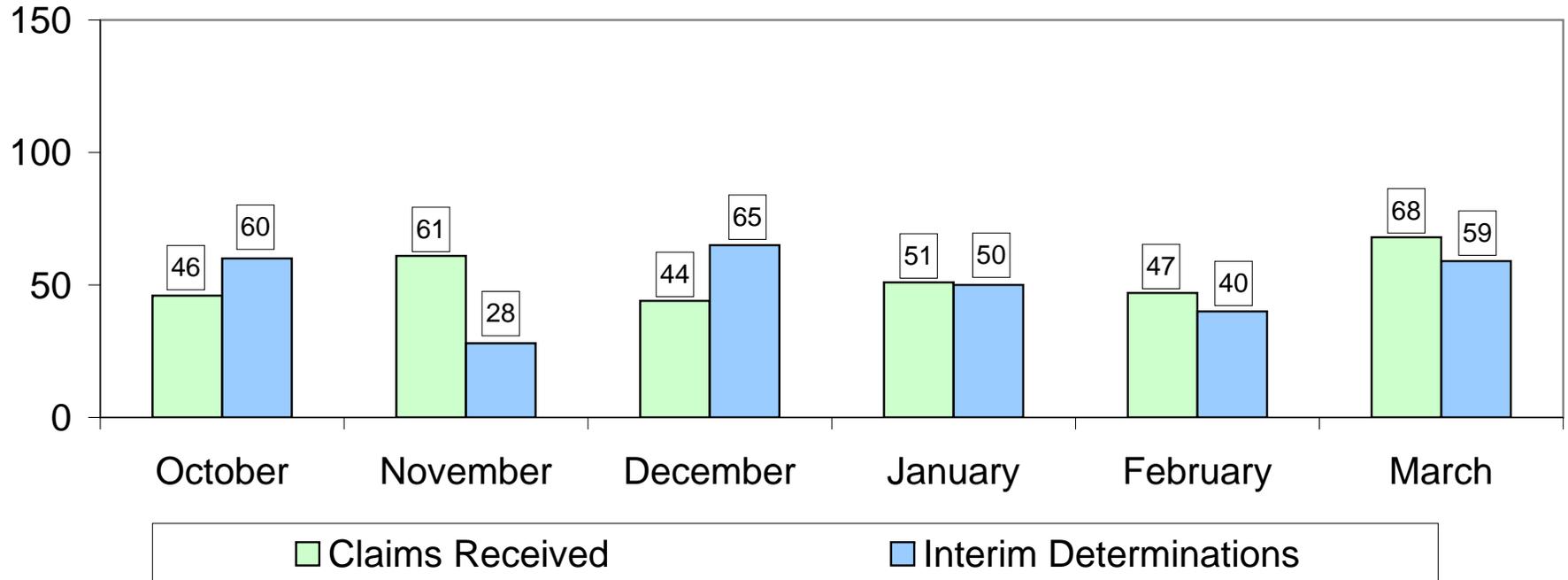
**Other Activities**

Route 66 Initiative

School Assistance Initiative

MNA Program development

## State Assurance Fund March 2009



Claim Type	Claims Received This Month	Number of Interim Determinations	Claims Pending Less Than 90 Days	Claims Pending More Than 90 Days	Claims Pending More Than 180 Days	Claims Pending More Than 365 Days	Total Number of Active Claims
Direct Pay	27	28	41	0	0	0	41
Pre Approval	1	1	0	0	0	0	0
Reimbursement	40	30	75	0	0	0	75
<b>Totals</b>	<b>68</b>	<b>59</b>	<b>116</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>116</b>

State Assurance Fund Work in Process Summary  
March 2009

<b>Administrative Review</b>				
	Less than 90 days	Over 90 days	Over 180 days	Over 365 days
Direct Payment	25	0	0	0
Preapproval	0	0	0	0
Reimbursement	38	0	0	0

<b>Technical Review/Corrective Action Review</b>				
Direct Payment	16	0	0	0
Preapproval	0	0	0	0
Reimbursement	36	0	0	0

<b>Payment Processing</b>				
Direct Payment	0	0	0	0
Preapproval	0	0	0	0
Reimbursement	1	0	0	0

<b>Summary</b>				
Direct Payment	41	0	0	0
Preapproval	0	0	0	0
Reimbursement	75	0	0	0
<b>Total</b>	<b>116</b>	<b>0</b>	<b>0</b>	<b>0</b>

State Assurance Fund

March 2009

**Informal Appeal Requests Received**

January	February	March
18	12	16

**Informal Appeal Determinations**

January	February	March
23	12	15

**Formal Appeal Requests Received**

January	February	March
8	6	4

**Formal Appeal Determinations**

January	February	March
1	5	15

No Hearings were conducted in March.

### State Assurance Fund Appeals

As with any process that involves a decision by one party that affects another, there are disagreements. SAF determinations, as well as many technical decisions, have two processes for appeal. The informal appeal process, provided for in A.R.S. '49-1091, is an opportunity for the applicant to request that ADEQ re-evaluate the decisions or determinations made. It also provides the applicant with an opportunity to provide additional information for ADEQ to review. As provided for in A.R.S. '49-1091(E), this informal appeal process is the opportunity for both the applicant and SAF to explain their position and exchange information related to the matter appealed. This free exchange of information is intended to resolve issues in dispute without the necessity of pursuit of the formal administrative appeal process under A.R.S. Title 41.

State Assurance Fund Status  
 FY 2009  
 Updated: April 22, 2009

a.) Sources

Beginning Balance (July 1, 2008)	\$34,108,300
Projected Revenue	<u>\$28,631,700</u> <sup>(1)</sup>
Projected Total Available Funds	<u>\$62,740,000</u>

b.) Uses

Projected Expenditures	\$33,626,400
FY2009 Estimated Transfers	<u>\$13,926,400</u> <sup>(2)</sup>
Total Uses	<u>\$47,552,800</u>

c.) Summary

Projected Total Available Funds	\$62,740,000
Total Uses	<u>-\$47,552,800</u>
Projected Ending Balance	<u>\$15,187,200</u>

NOTES:

(1) Revenue (taxes, cost recovery, and interest) may vary depending on fuel demand and current cash balances.

(2) Source: FY 2009 and FY 2010 Appropriations Chairmen Budget Options and Cash Flow Analysis. Transfers include the following:

- a. From Chapter 285 § 24, 48<sup>th</sup> Legislature
  - i. \$12,000,000 fund balance transferred August, 2008
- b. From Chapter 285 § 46, 48<sup>th</sup> Legislature
  - i. \$57,500 Vacancy Savings Reversion transferred in October, 2008
- c. From Senate Bill 1001:
  - i. \$495,900 Excess Balance Transfer (EBT)
  - ii. \$1,910,600 Fund Reduction and Transfer (FRAT). FRATs reduce an agency's operating budget and the savings would be transferred to the State General Fund.
  - iii. \$165,400 Personnel Expense Reduction Savings transfer