

Application for Division of Environmental Response and Remediation Oversight
(Aboveground Storage Tanks or Underground Heating Oil Tanks)

Applicant Information	
Applicant Name: _____	Phone: _____
Applicant Address: _____	

Facility Information	
Facility Name: _____	
Facility Identification Number: _____	Release ID: _____
Facility Address: _____	

Applicant's relationship to facility: _____	
Ownership or control of the facility (applicant describe fully to your best knowledge):	

This application is made pursuant to the December 4, 2000 Memorandum of Understanding (MOU), between the Division of Water Quality (DWQ) and the Division of Environmental Response and Remediation (DERR), both at the Utah Department of Environmental Quality (UDEQ). The MOU provides that the DERR Leaking Underground Storage Tank (LUST) program will provide administration for aboveground storage tank (AST) and underground heating oil tank (UHOT) petroleum releases regulated by DWQ. The DERR will charge the authorized fees established under the annual legislative appropriations bill for staff time committed to these efforts. This application is made to request the DERR to review and approve the applicant's investigation, abatement and remediation of the petroleum release from an AST or UHOT at the above named facility. This application shall not be construed as an admission of liability or as a waiver of any defenses or rights by the applicant, the DERR, the DWQ or the UDEQ unless expressly waived herein. The applicant ("I") agrees to the following conditions:

Conditions

1. I will investigate, abate and remediate the above-referenced release in accordance with the DERR's existing policies, guidelines, standards and procedures for investigation, abatement and remediation of petroleum releases from LUSTs (including submission of plans and reports). I will perform the work that I undertake in compliance with all applicable laws. I grant the authorized representatives of the DERR access to the site and other areas where work is to be performed during the time this application is in effect. To the extent the site or other area where work is to be performed is owned or controlled by someone else, I shall use my best efforts to obtain access agreements from the current owners.
2. The DERR will provide administrative oversight of my investigation, abatement and remediation using DERR's existing policies, guidelines, standards and procedures for petroleum releases from LUSTs (including submission of plans and reports).
3. I shall reimburse the DERR for all costs incurred or obligated by the DERR in providing administrative oversight under this application at the rate set by the Utah Legislature and in effect at the time the cost was incurred or obligated. The rate established for oversight and review is **\$90.00** an hour. In the event this application is terminated, I agree to reimburse the DERR for all costs incurred or obligated by the DERR before notice of termination. The DERR will track its costs for oversight and review and will provide invoices to me at the applicant address above. I will pay the invoiced costs within 30 days of the invoice date. If I don't, I understand that the DERR may request the attorney general to bring an action to recover all costs allowed by law. Checks shall be made payable to the DERR and shall reference the facility name and release number set forth above. Checks shall be mailed to the DERR, Attention: AST/UHOT Release Oversight Program, P.O. Box 144840, Salt Lake City, Utah 84114-4840.
4. I may unilaterally terminate this application by providing written notice to the DERR at the address provided in paragraph 3 above. My notice to the DERR is effective upon receipt. The DERR may unilaterally terminate this application by mailing written notice to me at the applicant address. Notice is effective upon mailing. Upon termination, the DERR may transfer the case file to the DWQ for possible compliance actions, which may include issuance of a Notice of Violation and Order.
5. When the DERR determines that my submissions of information and documentation indicate that the release does not presently pose a known threat to human health or the environment when evaluated pursuant to DERR's existing policies, guidelines, standards and procedures for LUST petroleum releases, the DERR will issue a letter to the DWQ and to me to that effect. The letter will be substantially similar to the closure letters the DERR LUST program issues to owners and operators upon completion of work at a LUST site. However, the DERR may decline to issue the letter until I have paid the fees that have been incurred or obligated by the DERR for oversight and review. Also, neither the letter nor any approval or receipt of funds hereby shall be taken as a warranty as to the sufficiency or efficacy of my investigation, abatement or remediation.

In providing environmental project technical assistance and oversight services hereunder, the DERR does not waive governmental immunity afforded by law.

Applicant's Signature: _____

Date of Application: _____