

Corrective Action Project Management

In order to maintain tank fees at the current level, owners must ensure that corrective actions are performed with the most cost effective alternatives. The Board realizes that the majority of owners do not have the expertise and knowledge that is required to make informed corrective action decisions, however as business owners they have the capabilities to perform project management. Project management begins with the selection of a competent environmental consultant. But remember, BUSTR's rules place the responsibility for cleanup on the owner, not the consultant.

An owner should **be prepared**. For those owners who have not experienced a leak, you should have an environmental consultant in mind in the event a release does occur. Selecting a consultant is just as important, if not more so, than any other service or product that you purchase. Begin the process by bidding the work to be performed in well-defined stages, rather than an open-end contract for the entire project. This encourages good performance by the consultant in order to secure the subsequent phases of the project and eliminates any incentive to perform unnecessary corrective actions.

Any new release must be addressed under BUSTR's new risk-based corrective action (RBCA) rule. Make sure the consultant has performed work utilizing the RBCA approach for site cleanups and that the work has been approved by BUSTR. Require a list of sites where the consultant has performed work and BUSTR has issued a no further action (NFA) letter.

Make sure the consultant has successfully submitted RBCA costs to the Board and has knowledge of the Board's "typical costs". Inquire as to what percentage of the total costs submitted were actually reimbursed. Require that the consultant limit mark-up and unit rates consistent with current Board reimbursement policies. Owners should also obtain an agreement that open communication will take place between them, the consultant, BUSTR and the Board. Above all, to help protect the owner and the consultant from unexpected cost disallowals, the Board encourages voluntary cost pre-approval for all phases of the cleanup project.

Many owners have taken advantage of the Board's "Direct Pay" program. This process permits an owner to transfer his rights of reimbursement to a participating consultant. However, an owner must consider before entering into a contract of this type that *all liability remains with the owner*. It is particularly important to stay involved and manage the costs of cleanup when using this process.

For those owners who are currently performing corrective actions under BUSTR's old corrective action rule, the Board encourages owners to reassess the progress that has been made at their sites. The Board is identifying sites where pre-approved remedial action plans (RAPs) are exceeding their cost estimate and completion schedule and little progress has been made to reach closure. The Board is sending letters to these owners requesting a brief progress report, whether the current approach is still the most cost effective, or if a revised RAP is recommended it must be submitted to both BUSTR and the Board for approval. Further reimbursement of RAP implementation costs may be held pending a response to the letter.

The Board has seen sites in this category benefit from moving from BUSTR's old corrective action rule to their new corrective action rule. In several cases an owner was able to perform minimal corrective action utilizing the new rule and receive a "no further action" status. In most instances, owners currently performing corrective action under the old rule will save both themselves and the Fund time and costs by moving to the new rule.

Owners should remember that the Fund is like a co-op. One owner's costs are all owners' costs. If an owner fails to properly manage costs for corrective action, tank fees are adversely affected for all tank owners, not just those performing clean-ups. This Fund belongs to all of its members and that is why all owners should stay actively involved and manage their cleanup projects.