DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND REVITALIZATION AND SUSTAINABLE MATERIALS MANAGEMENT
235 PROMENADE STREET, PROVIDENCE RI 02908

RI UST Financial Responsibility Fund
Deductible Relief Program– Policy

The UST Fund Deductible Relief program offers eligible applicants a lower deductible amount to more easily access the RI UST Financial Responsibility Fund (UST Fund).

Deductible Relief determination will consider site location and compliance status. Ineligible applicants will remain subject to the $20,000 deductible. This initiative will not be offered retroactively. Only newly discovered releases for which a first-time UST Fund Compliance Determination Application is being submitted and the deductible has not yet been met will qualify for this Program.

1. Eligibility

1.1 Initial Requirements

For an applicant to be considered for UST Fund Deductible Relief, they must **first** be eligible for reimbursement through the RI UST Financial Responsibility Fund (UST Fund). Eligibility requirements for the UST Fund are outlined in R.I. Gen. Laws § 46-12.9-6 and RI DEM Rules and Regulations 250-RICR-140-05-1.

1.2 Eligibility Tiers

There are two tiers of eligibility for Deductible Relief; Tier 1 based on location and Tier 2, based on compliance status. Applicants may receive deductible relief by being eligible under Tier 1, Tier 2, or both.

Tier 1: Location

To be eligible for Tier 1 of this program, the UST facility must fit the following criteria:

- The UST facility is in an area that utilizes private drinking wells,

  OR

- The UST facility is in or within 500 feet of an area of increased environmental and economic risk as determined by the Department.

Tier 2: Compliance Status

To be eligible for the Tier 2 relief, the UST facility must fit the following criteria:

- The UST facility has had no Notice of Violation (NOV) within the last 10 years,

  AND

- The UST facility has had no Notice of Intent to Enforce (NOIE) within the last 3 years.

2. Relief Amounts

The $20,000 deductible is reduced based on the applicant's Tier of eligibility:

Tier 1 – If the applicant is eligible under Tier 1, the deductible may be reduced by $10,000.

Tier 2 – If the applicant is eligible under Tier 2, the deductible may be reduced by $5,000.

Both Tier 1 and Tier 2 – If the applicant is eligible under ***both*** Tier 1 and Tier 2, the deductible may be reduced by $15,000.

Applicants that are ineligible for the Deductible Relief are required to pay the standard $20,000 deductible in eligible costs to receive reimbursement from the RI UST Financial Responsibility Fund.

3. Deductible Determination

When a UST owner/operator desires to enter the Fund, they will now need to fill out and submit Form 1a: *Deductible Determination* along with Form 1: *Compliance Determination*. The Department will use this form to gather information to determine whether the claimant is eligible for UST Fund Deductible Relief. The Department will also utilize the existing information from the UST Management Program to validate the information given by the claimant.

4. Inherited NOVs/NOIE

Claimants that have recently obtained ownership of a UST or UST system with an outstanding NOV or NOIE may be considered for Deductible Relief if they can provide the following:

- **NOV**: Signing/executing a Consent Agreement with the Department within 12 months of taking ownership of the facility.
- **NOIE**: Resolution of all non-compliance issues within 12 months of taking ownership of the facility.

5. Owner/Operator Notification

The Department will inform the owners/operators of the decision regarding the reduced deductible, and the associated amount in writing and via e-mail (or hardcopy if no e-mail is available).