

The Rhode Island UST Review Board

INELIGIBLE EXPENSES

This document is intended to be used as a guide by applicants, contractors, and Review Board staff on sites where an applicant has been found eligible. Any expenses not specifically listed herein or exceptions to any items listed below are to be reviewed on a case-by-case basis and are subject to review and approval by UST Review Board staff. If you have any questions, please feel free to contact the staff at (401) 222-4244.

A. CLOSURE EXPENSES:

1. Removal of a UST or UST system.
2. Disposal of UST including transportation and tipping fee for disposal facility
3. UST Closure Assessment fees required by RI DEM as part of UST removal UIC or drywell closure
4. Closure Assessment report and associated fees
5. Costs for removal of non-impacted [ground] water from the site
6. Clean Fill material
7. Removal of floor drains, piping, drywell and/or UIC systems

B. ENVIRONMENTAL ASSESSMENTS/REMEDIATION:

1. Phase I Environmental Site Assessments, unless part of a Corrective Action Plan
2. Investigation, excavation, and/or remediation costs of contamination caused by anything other than a release from a UST or UST system (petroleum release for government sites)
3. Any type of environmental site assessment, investigation or remediation not required by RI DEM
4. Temporary remedial system installations, not required by RI DEM

C. UST MAINTENANCE/UPGRADE/REPLACEMENT:

1. Retrofitting, relining, or replacement of UST systems
2. Ordinary business expenses or capital improvements, including expenses that would have been incurred in the course of ordinary UST management and replacement and facility maintenance
3. Any other costs (including UST compliance costs) not directly related to RI DEM approved response activities
4. UST integrity (tightness) tests
5. All labor costs and other related expenses for owner, operators, or staff

D. PROPERTY RESTORATION EXPENSES:

1. Asphalt, concrete, or other manmade surfacing replacement
2. Landscaping expenses.
3. Repair of buildings, pump island, canopies, lights, roads, yards, fences, or other structures or land damaged by equipment used in the corrective action
4. Sewer lines, water lines, electrical lines, phone lines, fiber optic lines, or any other utilities.
5. Demolition, replacement or repair of a structure

E. LOSS OF INCOME/BUSINESS INTERRUPTION:

1. Rental of temporary virgin petroleum product storage tanks
2. Cost of lost petroleum product
3. Loss of revenue because of shutdown due to a release or response action
4. Decreased property values for the applicant's property
5. Property appraisals

F. TIME PERIOD

1. Charges paid prior to January 1, 1994 for single station UST owner/operators.
2. Charges paid prior to July 8, 1994 for multi-station owner/operators and government and former government sites.
3. Applications and supporting documentation not received prior to the appropriate deadline. Resubmission will be required.

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G. LEGAL FEES:

1. Attorney's fees, expert witness fees, court costs, and other legal or litigation expenses
2. Punitive damages, civil or administrative penalties, criminal fines, or awards for mental distress or pain and suffering

H. MISCELLANEOUS CHARGES:

1. Interest payments and/or finance charges and late fees
2. Rent for space to locate remediation equipment
3. Those billing categories such as "miscellaneous", "office work", "field work", "administration" or "other" expenses, all expenses must be specifically identified and supported with backup
4. Miscellaneous expendables, including glassware, disposable gloves, twine/ string/rope, etc.

I. INSURANCE/REIMBURSEMENTS:

1. Any type of insurance and related costs, including bonds
2. Any costs for which the applicant has or will receive reimbursement from a commercial insurance carrier or any other sources, including the Industrial Property Remediation and Reuse Act (Chapter 23-19.14) "Brownfield's" program

J. LABORATORY EXPENSES:

1. Laboratory analyses and collection of samples for non-petroleum product hydrocarbon contamination not associated with RIDEM required activities
2. Rush charges for laboratory analyses

K. ADMINISTRATIVE/OFFICE EXPENSES:

1. Costs related to the preparation and/or filing of applications for reimbursements
2. Lump sum or Unit Cost invoices from any contractor and/or consultant associated with the remedial work performed at the site without proper backup
3. Office equipment and miscellaneous office items, including, but not limited to, the use of copy and facsimile machines, and phone and computer systems, etc.
4. Any mark-ups that are perceived by the board to be unreasonable.

L. CONSULTANT EXPENSES:

1. Food, lodging, and per diem charges
2. Excessive travel, tolls, and fuel
3. Postage, shipping charges or any other delivery charges for the purpose of report and/or general project correspondence with associated recipients
4. Any costs for work not included in the scope of work that was described in the CAP, and /or amendments, approved by RIDEM
5. Overtime charges
6. Any other costs associated with actions that do not minimize, eliminate, or clean up a petroleum release from the leaking UST to protect the public health and welfare or the environment
7. Small tools including but not limited to hammers, knives, screwdrivers, tape measures, coolers, which can reasonably be expected to be owned by consultants/contractors as tools of their trade
8. Any costs now, or in the future, excluded or prohibited by state or federal law
9. Any rates for equipment and/or labor, which the Board determines to be unreasonable or excessive
10. Any amount of time charged for equipment and/or labor, which the Board determines to be unreasonable or excessive