



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

February 19, 2010

Dear Municipal Official:

The Massachusetts Department of Environmental Protection (MassDEP) is pleased to announce the availability of funding to assist Massachusetts communities with assessment and cleanup of leaking underground storage tanks that contain (or contained) motor fuel.

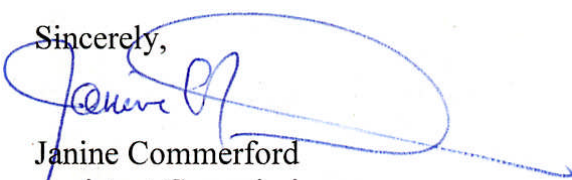
This funding has been made available by the American Recovery and Reinvestment Act (ARRA) of 2009 through the federal Leaking Underground Storage Tank (LUST) Grant Program.

Attached please find the Notice of Funding Availability (NOFA) that describes program eligibility requirements. Please note that the federal LUST Program requires that MassDEP attempt to recover LUST funds from parties that are liable under the federal rules. A summary of these rules is provided in the Liability Section of the attached NOFA. Funding awarded through this solicitation will be administered by MassDEP through its contractors. **No funding will be made available directly to the project proponents through this solicitation process.**

Instructions for submitting completed application forms are included in the attached Notice of Funding Availability. Applications are available on the MassDEP ARRA/Tanks webpage at <http://www.mass.gov/dep/recovery/tanks.htm>.

Please note that the deadline for submitting funding applications is 5:00 pm on Friday, March 26, 2010. Should you have any questions about this solicitation, please contact Jay Naparstek at 617-292-5697 or [Jay.Naparstek@state.ma.us](mailto:Jay.Naparstek@state.ma.us). We look forward to assisting you with your projects.

Sincerely,

  
Janine Commerford  
Assistant Commissioner,  
MassDEP Bureau of Waste Site Cleanup

**MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WASTE SITE CLEANUP**

**Notice of Funding Availability (NOFA)**

**Program Overview:** The Massachusetts Department of Environmental Protection (MassDEP) is announcing the availability of funding to assist Massachusetts municipalities with environmental assessment and remediation at sites contaminated by leaking underground storage tanks. This funding has been made available by the American Recovery and Reinvestment Act (ARRA) of 2009 through the federal Leaking Underground Storage Tank (LUST) Grant Program administered by EPA. Applicants must meet the eligibility requirements for funding under the LUST program, as summarized in the Eligibility Section below.

**Selection Process:**

MassDEP is requesting proposals from Massachusetts municipalities for LUST eligible projects. Eligibility requirements are discussed in the Eligibility Section below. MassDEP will select projects for funding on the basis of a competitive process. The primary selection criteria are the environmental and public health benefits that will result from the proposed LUST-eligible work. In addition, MassDEP will also rank proposals based on whether the LUST-eligible work being proposed will result in the creation and/or retention of jobs, generation of tax revenue, and other measurable community environmental or economic development benefits. **Applicants should complete and submit the application, which is available on the MassDEP ARRA/Tanks webpage at <http://www.mass.gov/dep/recovery/tanks.htm>.**

MassDEP anticipates selecting approximately five (5) projects based on current funding availability of \$500,000. The actual number of projects selected, and funds allocated to each, will depend on the estimated costs of the selected projects. **Please Note: No funding will be made available directly to applicants through this solicitation process.** LUST-funded work at sites selected through this solicitation will be conducted by MassDEP using pre-selected contractors under a Commonwealth Master Services Agreement. The work implemented by MassDEP will be based on the description of proposed activities included in the project proposal. MassDEP and its contractors will work with the project proponent to develop a final work plan for implementation.

Although not required, MassDEP strongly suggests that the proponent for each selected project retain a Licensed Site Professional (LSP) to work with MassDEP and its contractors in developing the site work plan, to observe the field work, and to participate in field decisions. MassDEP's contractors will perform the work and document the results, but will not prepare or submit any notifications, forms, or other submittals required by the Massachusetts waste site cleanup regulations (310 CMR 40.0000). The project proponent or other responsible party will retain responsibility for submitting all required documents in accordance with these regulations.

## **Eligibility Criteria**

### **Eligible Applicants:**

- Commonwealth of Massachusetts Municipalities

### **Eligible Projects:** In order to be eligible for LUST funding, the following must be true:

- A commercial underground storage tank (UST) is or was present on the proposed site that is or was confirmed or suspected to be leaking;
- The UST that has caused the known/suspected release was used for the storage and/or dispensing of motor vehicle fuels<sup>1</sup> (this includes commercial service/filling stations and vehicle fleet depots);
- The subject UST may still be on site or may have been previously removed;
- The subject UST must be or have been greater than 110 gallons in capacity; and
- The project proponent must be able to ensure site access to MassDEP personnel and contractors (Note: site ownership is not required).

### **Eligible Activities:** Eligible activities for LUST funding must be related to response to an actual or suspected release from eligible USTs, and include:

- Assessment of a site to evaluate source, eligibility and nature and extent of contamination;
- Cleanup activities, including development, evaluation, design and implementation of remedial options; and
- Tank removal when necessary to implement environmental assessment and/or cleanup.

### **Ineligible Projects**

Projects that are *not eligible* for LUST funding include:

- Farm and residential USTs that store motor fuel for non-commercial purposes and releases from such tanks;
- Tanks used to store heating oil and releases from such tanks<sup>2</sup>;
- Septic tanks; and
- Aboveground storage tanks (ASTs).

### **Ineligible Activities**

Activities that *not eligible* for LUST funding includes:

- Removal or replacement of tanks (except as necessary to conduct assessment or cleanup).

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<sup>1</sup> Motor fuel is defined as petroleum or a petroleum substance that is motor gasoline, aviation gasoline, or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine.

<sup>2</sup> Heating Oil is defined as petroleum that is No. 1, No. 2, No.4 light, No.4 heavy, No. 5 light, No.5 heavy, No. 6 and substitutes for these that are typically used for heating equipment, boilers, and furnaces.

## **Liability**

MassDEP's funding for these projects has been provided by the American Recovery and Reinvestment Act (ARRA) of 2009, through a Cooperative Agreement between U.S. EPA and MassDEP. Under the terms of the Cooperative Agreement, MassDEP is required to make reasonable efforts to recover monies used in LUST projects from liable tank owners or operators as defined by federal law. Determination of whether a tank owner or operator is potentially liable is made on a case-by-case basis by MassDEP and EPA. MassDEP will notify selected project proponents about potential federal LUST liability prior to incurring any recoverable costs.

In general, EPA considers those persons who owned and/or operated an eligible leaking underground storage tank to be responsible. Entities may be considered a tank owner/operator if they took ownership of a property with a leaking underground storage tank on site that had not been closed properly prior to their taking ownership, even if they never actively used the tank or were not aware of its presence. However, if an entity took ownership of a property with eligible contamination after the tank(s) had been removed, they would likely not be liable for LUST funds expended at the site.

## **Submission and Deadline for Proposals**

Applicants should download, complete, print, and mail one (1) paper copy of the full application to:

Jay Naparstek, Deputy Director  
MassDEP Bureau of Waste Site Cleanup  
One Winter Street, 8<sup>th</sup> Floor  
Boston, MA 02108

**All applications must be received by MassDEP no later than 5:00 pm on Friday March 26, 2010.**

## **For More Information:**

Please visit the MassDEP ARRA/Tanks webpage at <http://www.mass.gov/dep/recovery/tanks.htm> for more information.



**Leaking Underground Storage Tank (LUST) Program Funding Application**  
**American Recovery and Reinvestment Act (ARRA) of 2009**

**A. Applicant Information**

Municipality: \_\_\_\_\_  
Contact Name: \_\_\_\_\_ Title/Position: \_\_\_\_\_  
Contact Address: \_\_\_\_\_ State: **MA** Zip Code: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**B. Project Information**

Project Name: \_\_\_\_\_  
Project Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: **MA** Zip Code: \_\_\_\_\_

**C. Threshold Criteria for Project Eligibility**

**1. Eligible Applicants** *(Must be able to answer "Yes" to all.)*

- a.  <sup>Yes</sup>  <sup>No</sup> Applicant is a Massachusetts City or Town
- b.  <sup>Yes</sup>  <sup>No</sup> Applicant assures site access to MassDEP personnel and contractors.  
(site ownership is not required.)

**2. Eligible Projects** *(Must be able to answer "Yes" to all.)*

- a.  <sup>Yes</sup>  <sup>No</sup> There is a confirmed or suspected release of petroleum product from an underground storage tank (UST).  
[The subject tank(s) is/was **not** an above ground storage tank (AST) or septic tank.]
- b.  <sup>Yes</sup>  <sup>No</sup> The source of the confirmed or suspected release is/was a commercial UST used for the storage and/or dispensing of motor fuel (i.e., gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine).  
[The subject UST(s) is/was **not** used to store heating oil (e.g., No. 1, No. 2, No.4 light, No.4 heavy, No. 5 light, No.5 heavy, No. 6 and substitutes for these that are typically used for heating equipment, boilers, and furnaces.)]  
[The subject UST(s) is/was **not** used to store motor fuel for farm and residential non-commercial purposes.]
- c.  <sup>Yes</sup>  <sup>No</sup> The subject UST(s) is/was greater than 110 gallons in capacity;

**3. Eligible Activities**

- Site assessment activities to evaluate source, eligibility and nature and extent of contamination.
  - Cleanup activities, including development, evaluation, design and implementation of remedial options
  - Tank removal, when necessary to implement environmental assessment and/or cleanup.
- a.  I acknowledge that the replacement of tanks, site redevelopment, and removal of tanks when not necessary to undertake assessment or cleanup **are not eligible activities**.

## D. Proposal Details

### 1. Property Information

- a.  <sup>Yes</sup>  <sup>No</sup> Does the applicant currently own the property?

If Yes, provide the date & means of acquisition: \_\_\_\_\_

If No, provide the name of the current owner and the date of their acquisition of the property:

Current Owner Name: \_\_\_\_\_

Date of Acquisition: \_\_\_\_\_

- b.  <sup>Yes</sup>  <sup>No</sup> Is the property within an Economically Distressed Area as defined in the Massachusetts Brownfields Program and listed at <http://www.mass.gov/dep/cleanup/eda.htm>?

- c. 1.  <sup>Yes</sup>  <sup>No</sup> Is the property currently in active use?

2. If yes, describe the current use:

3.  <sup>Yes</sup>  <sup>No</sup> Is the current use of the property adversely affected by the contamination?

If Yes, then describe how the current use is affected:

4. If the site is not currently in use, are there any plans for reuse/redevelopment of the property that are being adversely impacted by the presence of contamination?

- <sup>Yes</sup>  <sup>No</sup> If Yes, please describe the impact:

5. Estimate how many jobs would be created with reuse/redevelopment: \_\_\_\_\_ Jobs.

- d.  <sup>Yes</sup>  <sup>No</sup> Will the reuse/redevelopment or expansion of current use incorporate green businesses, green building practices, or energy efficient technologies?

If Yes, describe:

- e.  <sup>Yes</sup>  <sup>No</sup> Is the property located near a major highway, and/or is it located in close proximity to a transit facility (rail, bus, etc.)?

If Yes, describe:

- f. Provide additional site description, including former, current and planned uses of the property, site ownership history, dates, and other relevant information not otherwise addressed above.

*Continue on a separate page, as necessary.*

## 2. Project Description

- a. Provide a description of the proposed project. With as much detail as possible, include the work that MassDEP is requested to perform (e.g. assessment, tank removal, soil removal, etc.) and estimated costs, if available.

*Continue on a separate page, as necessary.*

- b.  Confirmed  Suspected Is the release **confirmed or suspected?**

Yes No Unknown  
c.    Is/are the eligible UST(s) still on site?

If No, what is the date of the tank removal? \_\_\_\_\_

d. If the subject tank(s) are present, identify their current status:

Still in use.

No longer in use, but not closed (product remains in tank).

No longer in use and empty (product removed on: \_\_\_\_\_).

Status Unknown

e. Please identify the owner/operator of the property when the subject UST(s) were last used:

Name: \_\_\_\_\_

Last User Unknown

Date: \_\_\_\_\_

Date of Last Use Unknown

### 3. Environmental Release History

a. Provide a description of any past environmental actions that have been taken to address the eligible release (e.g. Phase 1 assessments, tank removal, soil removal, etc.)

*Continue on a separate page, as necessary.*

b. Yes No  
  Is there a MassDEP Release Tracking Number (RTN) for the release?  
<http://db.state.ma.us/dep/cleanup/sites/search.asp>

If Yes, provide the RTN:

-

c. Yes No  
  Is there a Department of Fire Services Identification Number (DFSID#) for the tanks?  
<http://db.state.ma.us/dep/ust/ustQueryPage.asp>

If Yes, provide the DFSID#:

d. If there is a RTN, has the release been Tier Classified?

- Not Applicable – No RTN assigned.
- Not Yet Tier Classified.     Tier 1 Classification     Tier 2 Classification
- Unknown

e. If there is a RTN, in what MCP Phase is the site assessment and remediation?

- Not Applicable – No RTN assigned.
- Phase 1     Phase 2     Phase 3     Phase 4     Phase 5
- Unknown

f. Is the release known or suspected to have impacted the following environmental media:

	Confirmed Impact	Suspected Impact	No Known Impact
Surface Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Subsurface Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groundwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indoor Air	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

g. Provide the distance from the location of the subject UST to the closest residence:

- 0 – 100 ft     100 – 500 ft     500 – 1000 ft     greater than 1000 ft

h. Are there other sensitive human receptors within 1000 feet of the subject UST (e.g., school, day care facility, elderly housing, etc.)?

- Yes. Description: \_\_\_\_\_
- No
- Unknown

i. Is the subject UST... within 500 ft of a private drinking water well?  
 within 1000 ft of a public water supply well?  
 within the Zone A of a surface water supply?

- |                          |                          |
|--------------------------|--------------------------|
| Yes                      | No                       |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

j. Is there current, confirmed human exposure to contamination from the subject UST?

- Yes     No    If Yes, describe:

\_\_\_\_\_

k. Has the applicant retained a Licensed Site Professional (LSP) to address the contamination at this site? (ARRA funds cannot be used to retain an LSP.)

- Yes an LSP has already been retained.
- No, but the applicant plans to retain an LSP prior to the start of MassDEP work.
- No, the applicant has no plans to hire an LSP at this time.







I/We hereby acknowledge that, as the authorized representative(s) and signatory(ies) on behalf of (Name of City or Town), I/we have reviewed the contents of this LUST Program Funding Application, and attest that the contents of this Application are true and accurate based upon my/our personal knowledge and/or upon information that is currently available.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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Please print Name/ Title

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