TO BE RESCINDED

3737-1-04.2 **Baseline environmental site assessment.**

Where ownership of an underground storage tank has transferred and outstanding fees exist at the time of transfer, the new responsible person may elect to pay all fees outstanding at the time of the transfer or conduct a baseline environmental site assessment to establish the concentrations of chemicals of concern existing in soil and groundwater at the underground storage tank site at the time of the transfer. The results of the baseline environmental site assessment will be used by the board as the baseline from which eligibility for payment of or reimbursement for corrective action costs associated with a future accidental release of petroleum will be determined.

(A) The baseline environmental site assessment shall be completed in accordance with paragraph (I)(2)(e) of rule 1301:7-9-12 of the Administrative Code, following the guidelines for underground storage tank closure in place, and include the following components:

(1) Conduct a review of the fire marshal's files to evaluate the site's compliance history, release history, and the current status of the underground storage tank system(s).

(2) The new responsible person shall perform a visual site evaluation of the underground storage tank site to identify all evidence of past or present operational problems, including but not limited to, secondary containment systems, tank pit observation wells, surface soil staining, concrete staining, concrete patchwork, areas where piping and pump islands existed, and all potential sources of contamination.

(3) Soil and water samples shall be collected by installing a minimum of three soil borings and monitoring wells on the underground storage tank site in the areas most likely to contain chemicals of concern. The soil borings and monitoring wells shall be installed, sampled, and analyzed in accordance with paragraph (H)(1)(d)(ii) of rule 1301:7-9-13 of the Administrative Code. Soil boring and monitoring well locations shall be selected to ensure the evaluation of soil and ground water surrounding the underground storage tank system and be biased towards areas most likely to be contaminated.

All soil samples collected shall be split into two components. One packaged for field screening and one packaged for potential laboratory analysis. Soil samples collected for field screening shall be screened on the underground storage tank site using equipment calibrated in accordance with the manufacturer's instructions.

Samples sent to the laboratory for analysis shall be analyzed for the appropriate chemicals of concern as set forth in paragraph (I)(3) of rule 1301:7-9-12 of the Administrative Code. Laboratory analytical results which are above the action levels set forth in paragraph (J) of rule 1301:7-9-13 of the Administrative Code are subject to the release reporting requirements of paragraph (D) of rule 1301:7-9-13 of the Administrative Code.

(B) The new responsible person shall prepare and submit a baseline environmental site assessment summary report on a form prescribed by the director within forty-five days after the completion of the baseline environmental site assessment. The baseline environmental site assessment summary report shall include the following information:

(1) The facility name, address, zip code, and telephone number.

(2) The underground storage tank owner's name, address, zip code, and telephone number.

(3) The name, address, zip code, and telephone number of the person(s) performing the baseline environmental site assessment.

(4) Date the baseline environmental site assessment was completed.

(5) Underground storage tank system information, including current and historical use, age, materials of construction, size, contents, location, date of last use, and all available precision test results.

(6) Summary of the review of the compliance history, release history, and current status of the underground storage tank system(s) as required by paragraph (A)(1) of this rule.

(7) Description of the sample collection procedures which shall include, at a minimum, the following information:

(a) A summary of the rationale for sampling and testing locations;

(b) A description of the sample collection procedures, sample preservation techniques, sample containers, and decontamination procedures;

(c) Details of any field screening conducted, including the instrument readings, instrument used, and instrument calibration, location and depth of sampling points, and sampling methodology;

(d) Boring logs and well construction diagrams;

(e) Copy of the chain-of-custody form(s) documentation;

(f) Date of sample collection;

(g) Name and affiliation of the person(s) collecting the samples; and

(h) Identification of the location and depths of all samples submitted for laboratory analysis.

(8) Laboratory data shall be listed in a table which includes:

(a) The applicable action levels for each constituent of concern;

(b) Laboratory analytical sample analysis results;

(c) Name, address, zip code, and telephone number of the laboratory;

(d) Name of the sample analyst;

(e) Instrument calibration information;

(f) Sample analysis method used;

(g) Units of measure;

(h) Laboratory detection and quantization limits used;

(i) Description of whether the sample analyzed is soil or water;

(j) Date the samples were received by the laboratory; and

(k) Date the samples were analyzed by the laboratory.

(9) A site map which accurately depicts the following:

(a) Location of the current underground storage tank system including the number of underground storage tanks;

(b) Location of any other known underground storage tank systems or portions thereof closed-in-place on or permanently removed from the underground storage tank site;

(c) Property boundaries;

(d) Street locations;

(e) Location of above ground structures;

(f) Location of adjacent properties and their use;

(g) Location of any known water wells located on the underground storage tank site;

(h) Location of soil boring(s) and/or monitoring well(s); and

(i) The analytical results shown spatially for all soil and groundwater samples collected.

(10) A description of the native soil at the underground storage tank site.

(11) A description of the visual site evaluation required by paragraph (A)(2) of this rule.

(C) In the event a "Phase II Environmental Site Assessment" has been completed in accordance with ASTM International E1903-11 ("Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process") within six months of the date of the transfer of an underground storage tank system, the results may be used to prepare the baseline environmental site assessment summary report on a form prescribed by the director and shall include the information required by paragraph (B) of this rule.

Effective:

Five Year Review (FYR) Dates: 11/29/2019

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	3737.90
Rule Amplifies:	3737.91
Prior Effective Dates:	01/01/2015