



*PETROLEUM
ENVIRONMENTAL CLEANUP
FUND AWARD*

INFORMATION ABOUT PECFA
REIMBURSEMENT



PECFA PROGRAM ELIGIBILITY

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Please Note: This brochure is for informational purposes only and does not provide complete detail of all requirements necessary for PECFA reimbursement. Please refer to Comm 47 W.A.C. and 101.143 Wis. Stats. for further information.

WHO MAY SUBMIT A CLAIM?

The responsible party, owner or operator, agent or an assignee may submit a claim.

If the responsible party is not the sole owner of the site, an Owner Assignment Certification Form 5 (ERS-8070) shall be filed with the department to establish one entity to submit the claim and received the award.

The owner may, with the Department's written approval, designate an "agent". The agent must agree to complete and pay for the remediation up to the point of closure, natural attenuation monitoring, operation and maintenance of a treatment system or long term monitoring. Both the owner and agent submit the claim and the award is made payable to both.

CLAIM REQUIREMENTS

To submit a claim, the claimant must do the following:

1. Register the petroleum product storage system or the home oil tank system with the Department. Any petroleum product storage tank system larger than 60 gallons must be registered with the Department.
2. Report the discharge immediately to the DNR or the Division of Emergency Government in the Department of Military Affairs.
3. The consultant must conduct the DNR required site investigation.
4. Usual & Customary costs (Comm 47.325) apply to all occurrences previously or newly reported to the DNR, for work performed after May 1, 2006 except for:
 - Work performed under a previously established cap under 101.143(3) (cp).
 - Work performed as part of an emergency action, within initial 72 hours after the onset of the need for the action.
 - Work performed for home oil tank systems.
5. If the total cost for site cleanup will exceed \$60,000 the Department will use the public bidding process to assist in establishing a cost cap to site closure.
6. Once the Department establishes a cap on total costs they will notify the owner. The claimant will also be provided an approval to submit their claim for investigation costs. The Department may elect to bundle the site with other remedial efforts in the area in order to obtain lower remediation costs.

- (NOTE: Bundling means the process of providing investigation or remedial action services, or both, across multiple occurrences while utilizing one consulting firm or common commodity services and providers, or both, to reduce total remediation cost.)
- If a bundle is constructed or a bid is conducted and the claimant elects not to use the lowest cost approach, claimant reimbursement will be limited to the lowest bid/bundle cost.

7. The maximum allowable cost for a site investigation and the development of the remedial action plan is \$20,000. If the site investigation is anticipated to exceed the \$20,000 cap, written approval from the Department shall be obtained prior to incurring any costs above \$20,000; notification to the owner shall be made before the owner has incurred liabilities above the \$20,000 maximum.
8. If an applicant does not complete the investigation of the petroleum product discharge by the first day of the 61st month after the month in which the applicant notified the department under 101.143(3) (a) 3. or October 1, 2003, whichever is later, interest costs incurred by the applicant after the later of those days are not eligible costs.
9. Consultant shall submit notification to the Department, no later than 14 days after execution or termination of a written contract with a responsible party for investigating a discharge from a petroleum product storage system, per Comm 47.60.
10. Consultants shall periodically submit reports to the department to inform the department of the consulting firm's progress; Per Comm 47.62, 47.70 or 47.71.
11. Commodity bidding is not required where a reimbursement amount is determined either by the Usual & Customary cost schedule or by the public bidding process.
12. Initiate a claim by filling out an "Initial Claim" form that you can obtain by calling (608) 264-8765, or by downloading from the PECFA web site at: <http://www.commerce.state.wi.us/ER/ER-PECFA-Home.html> or by writing to:

BUREAU OF PECFA
PO BOX 7838
MADISON WI 53707-7838

PECFA PROGRAM ELIGIBILITY

WHAT TANKS ARE INCLUDED IN THE PROGRAM?

Coverage under the PECFA program includes petroleum product storage tank systems defined as those containing gasoline, gasoline-alcohol fuel blends, kerosene, fuel oil, burner oil, diesel fuel, and used motor oil. Many underground and aboveground storage systems, including any on-site integral piping and dispensing systems, are covered. Specifically, the following systems are covered under COMM 47.02 Coverage:

- (a) Commercial tank systems larger than 110 gallons capacity.
- (b) Heating oil tank systems where the product is sold.
- (c) Farm and residential tank systems larger than 1,100 gallons capacity and not storing heating oil for consumptive use on the premises.
- (d) Tank systems storing gasoline, diesel fuel, or other vehicle fuels, other than residential tanks of 1,100 gallons or less capacity.
- (e) Farm vehicle fuel systems of 1,100 gallons or less capacity, which meet additional statutory requirements regarding farm size and farm income, and are used to store products not for resale.
- (f) Heating oil tank systems owned by public school and technical college districts, supplying heating oil for consumptive use on premises.
- (g) Tank systems located on Trust Lands of an American Indian Tribe if the owner or operator's tank system would be otherwise covered under (a) through (f) and the owner or operator complies with the rules promulgated in COMM 47 and COMM 10 and obtains all applicable agency approvals.
- (h) Home heating oil tank systems provided the claims are for underground tank systems and the persons comply with rules promulgated in COMM 47 and COMM 10.

Please see page 8 for actual maximum awards and deductibles for the eligible tank system listed.

Changes in the PECFA statute have also limited coverage for certain new and upgraded underground tank systems. Page 9 explains the eligibility and insurance requirements for the new and upgraded tank systems. Please refer to Comm 47.02(4) for an explanation of coverage from both eligible systems and excluded systems at the same site.

WHAT COSTS ARE ELIGIBLE?

The following is a partial list of items eligible for reimbursement. Although the final determination of eligibility is made at the time of claim review, this list is a good guide for claimants.

Note: As of May 1, 2006, costs for work performed must adhere to the Usual & Customary Cost Schedule (COMM 47.325) or have been approved through the Competitive Public Bidding process (COMM Subchapter VI).

1. Investigation of potential sources of petroleum contamination.
2. Preparation of a remedial action plan.
3. Laboratory services for testing specific to this chapter, including full VOC testing.
4. Investigation and assessment for the degree and extent of contamination.
5. Removal of contaminated soils.
6. Costs of equipment mobilization
7. Removal of petroleum products from surface water, groundwater and soil.
8. Treatment and disposal of contaminated soils.
9. Monitoring to establish existence of natural cleanup progress.
10. Charges for maintenance of equipment used for petroleum products recovery and remedial action.
11. State or municipal permits for installation of remedial equipment.
12. Actual costs for the purchase or rental of temporary building structures to house remedial equipment.
13. Restoration or replacement of a private or public potable water supply.
14. Contractor or subcontractor costs for remedial action.
15. Fees up to \$500 for progress payment or final claim preparation.
16. Compensation to third parties for bodily injury and property damage due to a petroleum product discharge from underground storage tank systems.

WHAT COSTS ARE IN-ELIGIBLE?

The following is a partial list of items in-eligible for reimbursement. Although the final determination of eligibility is made at the time of claim review, this list is a good guide for claimants.

1. Any costs submitted without absolute proof of payment at time of claim submittal.
2. Overtime labor charges, except for Department approved emergency actions.
3. Costs for cleanups from a non-residential heating or boiler tank system and discharges from mobile fueling tanks or vehicle fuel storage tanks.
4. Used oil remediation costs not from internal combustion engines.
5. Costs associated with environmental audits, real estate transaction, construction projects, or long-term loan transactions.
6. Costs for investigations to locate petroleum product storage systems or home oil systems to determine if a tank is eligible for PECFA.
7. Costs incurred after DNR or Commerce determines no further action is needed, except for abandonment of monitoring wells and site closure.
8. Costs not integral to the remediation of a petroleum product discharge.
9. Incompetent or ineffective clean-up costs which were not based upon sound professional and scientific judgment.
10. Costs of redoing incomplete or incompetent remedial action work.
11. Costs or rework on remedial action sites or systems to accommodate construction upgrades, retrofits, or redevelopment projects.
12. Costs above those necessary to bring a site to the required level of remediation.
13. Costs to fix or replace damaged buildings, sewer lines, water lines, electrical lines, phone lines, fiber optic lines, or other utilities on the property.
14. Costs of reinstalling damaged remedial equipment and reinstalling or modifying remedial equipment for purposes other than effective remediation.
15. Interest costs accrued due to improper or incomplete filing of claims or a lack of response to Department requests for additional information, except if delayed by DNR or Commerce processes.
16. Late service fees or costs related to invoices or bills for which payment verification is unobtainable.
17. Costs for sampling and testing for heavy metals, except lead when the discharge is from a leaded gasoline system or lead and cadmium when the source is used motor oil.
18. Costs associated with the analysis of inappropriate constituents not associated with an eligible petroleum product.
19. Costs for remedial action activities funded under 42 US 6991, unless the owner or operator or the person owning the home oil tank system repays the funds provided under 42 USC 6991.
20. Expenditures required by the DNR or the Department in order to meet the groundwater protection standard, ch. 160 Stats. ch. COMM 10 or other administrative rules but not related to a petroleum product discharge under this chapter.
21. Costs associated with the loss of business.
22. Costs associated with the loss of interest or dividends, or interest costs from a loan other than for remediation.
23. Costs associated with the closure of a tank system.
24. Costs associated with tank closure assessments.
25. Costs of removing tank systems that have previously been closed in-place with inert materials, sand, pea gravel, water, or other substances.
26. Costs associated with the abandonment of wells not related to the remedial action.
27. Costs, other than costs for compensating third parties for bodily injury and property damage, which the Department determines to be unreasonable or unnecessary to carry out the remedial action activities.
28. Costs associated with third-party actions by adjoining property owners for the installation of monitoring wells or other clean-up related items unless a court judgment has been obtained.
29. Costs associated with third-party damages from a discharge originating from an aboveground storage tank.
30. Attorney fees associated with third-party actions.
31. Any costs associated with an appeal of a determination specific to the scope of COMM 47.
32. Attorney fees including, but not limited to, legal advice, appeals, or other representation on behalf of the responsible party or agent.
33. Supervisory or management costs when a municipality or company uses its own personnel or personnel from a wholly or partially owned subsidiary for remedial activities.
34. Costs for supervisory or management activities conducted by owners or operators.
35. Costs for right-of-entry or trespass fees.
36. Separate vehicle and mileage costs.

WHAT COSTS ARE IN-ELIGIBLE CON'T?

37. Costs determined by the Department to be excessive.
38. Costs incurred by a responsible party associated with bid requirements or project administration such as consultant selections, monitoring or supervising subcontractors or consultants.
39. Interest costs associated with costs that are ineligible under this section or s. Comm 47.30(3).
40. Interest costs excluded under s. Comm 47.60(2) (a), 47.625, or 47.69(1) (b).
41. Costs determined by the department to be excessive, as defined by the usual and customary cost schedule periodically established by the department under s. Comm 47.325.
42. Costs for any work performed where a contract is not in place as required in s. Comm 47.33(2) (a) 1.
43. Costs incurred for services exempted under s. Comm 47.33(6) (b) 1, if the costs are incurred prior to the department approval required under s. Comm 47.33(6) (b) 2., and the approval requirement is not subsequently waived by the department.
44. Costs which exceed the \$20,000 limit in s. Comm 47.337(2)(a) for a site investigation and remedial action plan, and which are incurred prior to either providing the notices that are required in s. Comm 47.337(2)(c), or obtaining the approval which is required in s. Comm 47.377(2)(b).
45. Costs for any work performed after submittal of the notice of completion of an investigation under s. Comm 47.62(4) and prior to the department's issuance of a response to the responsible party and the consulting firm under s. Comm 47.62(5).
46. Costs for any work performed more than 5 business days after the department issues a decision under s. Comm 47.62(5) that an occurrence is subject to the public bidding process in s. 47.68, if the work is conducted outside of that process.
47. Costs for any work that is performed after submittal of a written deferral notice under s. Comm 47.63(5) (c) and prior to a departmental authorization to proceed with additional activities.
48. Costs for any unauthorized work performed more than 5 business days after the department issues a directive or notice under s. Comm 47.64(1) about using the public bidding process in s. Comm 47.68.
49. Costs for any unauthorized services that are performed by any party other than a firm which submitted a bid under s. Comm 47.68(2) and with which a contract is executed under s. Comm 47.69, if they are conducted after the qualified low bid is determined under s. Comm 47.68(3).
50. Costs that exceed the maximum reimbursement established under s. Comm 47.68(7) (d).
51. Costs for unauthorized work performed more than 5 business days after the department issues a disqualification notice under s. Comm 47.70(4) (d).
52. Costs for any work performed between the due date of any submittal required under this subchapter and the date a past-due submittal is actually submitted.
53. Costs for performance bonds.
54. Costs incurred that exceed caps established by the department unless written department approval is received prior to performance of the corresponding work.
55. Interest ineligibility:
 - a. If a claim is submitted more than 120 days after receipt of no further action notification, interest costs incurred 60 days after notification are ineligible.
 - b. If written notification of no further remedial action was received prior to August 31, 2001, & the final claim is submitted more than 120 days after 8-31-01, interest costs incurred after January 2, 2002 are ineligible.

PENALIZED IN-ELIGIBLES

The following list contains items considered to be grossly ineligible for reimbursement per Comm 47.30(3)

An award for a claim which includes any costs in Comm 47.30(3)(b) and **which was prepared and submitted by an owner or operator or person owning a home oil tank system** shall be reduced to exclude those costs, and shall then be further reduced by 50 percent of the total amount of those costs.

A consultant who prepares a submitted claim that includes any costs in 47.30(3)(b), shall pay to the department an amount equal to 50 percent of the total amount of those costs, and the award for the claim shall be reduced to exclude those costs.

1. Costs incurred on or before August 1, 1987, for a remediation.
2. Costs for cleanup resulting from spills from petroleum transportation equipment.
3. Costs for investigations or remedial action activities conducted outside the state of Wisconsin.
4. Tank emptying, cleaning, disposing, removing, and closing costs after November 1, 1991.
5. Laboratory rush charges, unless related to an approved emergency action.
6. Air travel.
7. Costs associated with tank-system upgrades or retrofits, and any corresponding compliance with other state or federal rules or laws, and future business plans.
8. Costs for repairing, retrofitting, or replacing a petroleum product storage system or home oil tank system, such as for tank bedding materials or fill for setting tanks, lines, or canopies.
9. Costs associated with capital improvements, reinstallation of electrical power, dispensers, pumps, or other items for retrofits, upgrades, or new construction, unless written department approval is received prior to performance of the corresponding work.
10. Costs associated with concrete, blacktop replacement, on-site landscaping, or other improvements: except for depreciation costs for third-party actions, or for asphalt or concrete patching associated with well abandonment, or where written department approval is received prior to performance of the corresponding work.
11. Costs associated with razing of buildings, removal of roads, removal of footings and foundations, or other destruction of structures, or other redevelopment costs, unless written department approval is received prior to performance of corresponding work.
12. The opportunity cost of money, or interest income or dividend income lost because of a decision to use internal funding for a remediation.
13. Subcontractor markups for work performed after January 31, 1993. This subdivision does not apply to work that is included in a public bidding contract executed under s. Comm 47.69(1).
14. Costs associated with general program support and office operation which are expected to be included in the hourly staff rates, such as telephone charges, photocopying, faxes, paper, printing, postage, hand tools, personal protective equipment, computer equipment, computer-aided-design, and software charges.
15. Costs reimbursed by insurance companies unless performing in an agent role.
16. Costs associated with fees required by any other state agency, such as fees authorized by s. 292.55, Stats., and fees listed in ch. NR 749, except DNR closure review fees incurred prior to October 29, 1999.

COMPETITIVE PUBLIC BIDDING

The following is a brief guideline that describes the competitive public bidding process. See Comm 47 Subchapter VI for specific requirements regarding the public bidding process.

1. Consulting firm required to notify PECFA within 14 days of executing or terminating a contract; Comm 47.60.
2. If contract is terminated, Responsible Party must execute another contract or request an extension within 60 days; if RP does not comply with either requirement, interest is not eligible.
3. Consultant must complete progress reports, in a format prescribed by the Department, to inform the Department of progress & estimated costs of work to complete site investigation; Comm 47.62
4. Consultant shall file with the Department, a notice of completion of an investigation by the end of the calendar month that follows the firm's development of all data necessary to define either the remediation target or scope of remediation; Comm 47.62(4).
5. Assignment to public bidding per Comm 47.623: If the Department or DNR determines that the cost to complete a site investigation and remedial action will exceed \$60,000 excluding interest, it shall be subject to the public bidding process in s. Comm 47.68.
6. Whenever the Department notifies an RP & the consultant that an occurrence is subject to public bidding per 47.68, a claim for eligible costs shall be submitted no later than 120 days after the Department's notice. Failure to submit a claim shall result in the ineligibility of interest incurred between the date of the notice and the date a claim is filed. Comm 47.625(1) & 47.625(3) (a).
7. Whenever a consulting firm completes a scope of work designated by the department, a claim for eligible costs incurred shall be submitted to the department no later than 120 days after completing that work. Failure to submit a claim shall result in the ineligibility of interest incurred between the date of the completion of the scope of work and the date a claim is filed. Comm 47.625(2) & 47.625(3) (b).
8. An occurrence may be exempt from the public bidding process if work performed is part of an emergency action, bidding is not cost effective, or an alternative acceptable bidding process has been used; Comm 47.63.
9. The Department may disqualify from public bidding any individual or firm that has failed to meet any of the requirements in Comm 47.67.
10. After the Department provides notification under 47.68(7) (b), the RP shall execute a written contract no later than 60 days, with one of the firms that submitted a bid under 47.38(2) to perform the work. Failure to execute a contract shall result in the ineligibility of interest from the date of the notification until a contract is executed; Comm 47.69.
11. The consulting firm holding the contract required in s. Comm 47.69(1) (a) shall report to the department, in a format prescribed by the department, the progress toward completing the scope of work defined in the bid specifications. Comm 47.70.

CLAIM SUBMITTAL MILESTONES

WHEN CAN A CLAIM BE SUBMITTED?

Claims may be submitted after certain milestones are reached per Comm 47.355 Award payments for claims received by the Department on or after April 21, 1998.

1. Completion of a Department approved emergency action.
2. After completion of an investigation and receipt of written approval by the department to submit the investigation claim.
3. Approval of a closed remedial action or no further action.
4. Approval of natural attenuation as a final remedial response or at the end of each one-year cycle of the monitoring necessary to show that remediation by natural attenuation will occur.
5. At the end of each one-year cycle of monitoring required for off-site contamination.
6. After implementation and 1 year of actual operation, or monitoring, or combination thereof, and every 1 year thereafter.
7. For sites selected by the department for progress payments based upon extreme life safety and environmental risk and where the claimant has demonstrated to the department's satisfaction that he or she does not have the financial means to conduct a remediation without progress payments: the department shall be the sole determiner of whether progress payments are to be allowed, and an appeal of the decision to the department is not allowed.

Other interim payments-47.355(2) (d)-The department shall also make awards at the following points:

1. When a lender terminates a funding relationship with a claimant and requests reimbursement for the funds expended.
2. When a claimant has incurred eligible expenses equal to the occurrence maximum plus the applicable deductible.
3. When the conditions prescribed in s. 101.143(4) (a) 2.b. Stats, occur. The Department shall issue an award if the owner or operator or the person has incurred at least \$50,000 in unreimbursed eligible costs and has not submitted a claim during the previous 12 months. This **INCLUDES** owners or operators who meet the test of self- insurance under Comm 10.82.
4. Where there is a change in responsible party, if the previous responsible party files a claim.

5. When there is a change in consulting firms working on the project.
6. Where there is a change in lenders for the project.
7. When the department directs filing a claim, in an effort to reduce interest costs to the program.

Penalty for not submitting a required claim-47.355(2) (e)-If a claim submittal that is directed under par. (d)7. is not submitted within 120 days of receiving written notification of that directive, any interest expense beginning on the 121st day and extending until the department receives the claim, is not eligible.

Priority Processing-47.355(3):

- (a) Department approved Emergency Actions
- (b) Cost-effective remediations:
 1. Tanks for schools, farms & home oil tanks.
 2. Closed remedial action that is achieved at a total cost of \$60,000 or less, excluding interest.
 3. A claim for a petroleum product storage system which is owned by a school district and which is used for storing heating oil for consumptive use on the premises where stored.

Petroleum Environmental Cleanup Fund Award (PECFA) Program -- Maximum Awards, Total Annual Awards and Deductibles

Type of Tank	Owner	For Sites where the investigation is started before 12/22/2001			For Sites where the investigation is started on or after 12/22/2001		
		Maximum Award Per Occurrence	Total Annual Awards	Deductible ⁽²⁾	Maximum Award Per Occurrence	Total Annual Awards	Deductible ⁽²⁾
Home Heating Oil	All	\$7,500	N/A	25% of eligible costs ⁽³⁾	No Change	No Change	No Change
Under-ground	Non-Marketer (the system does not store products for resale and handles 10,000 or less gallons per month)	\$500,000	\$1,000,000 ⁽⁴⁾	\$2,500 plus 5% of eligible costs, but not more than \$7,500 per occurrence. For claims where an acceptable RAP is received on or after 11/1/99. The deductible is \$2500 plus 5%.⁽⁶⁾	\$190,000	\$190,000	\$10,000 per occurrence
Under-ground	Marketer (the system stores products for resale) or Non-marketer with system that handles more than 10,000 gallons per month	\$1,000,000	\$1,000,000 ⁽⁴⁾	\$2,500 plus 5% of eligible costs, but not more than \$7,500 per occurrence. For claims where an acceptable RAP is received on or after 11/1/99. The deductible is \$2500 plus 5%.⁽⁶⁾	\$190,000	\$190,000	\$10,000 per occurrence
Above-ground	The system does not store products for resale and handles 10,000 or less gallons per month	\$500,000	\$1,000,000 ⁽⁴⁾	\$15,000 plus 2% of eligible costs over \$200,000 ⁽⁵⁾	\$190,000	\$190,000	\$10,000 per occurrence
Above-ground	The system stores products for resale or handles more that 10,000 gallons per month	\$1,000,000	\$1,000,000 ⁽⁴⁾	\$15,000 plus 2% of eligible costs over \$200,000 ⁽⁵⁾	\$190,000	\$190,000	\$10,000 per occurrence
Farm	Underground and aboveground vehicle fuel systems of 1,100 gallons or less storing products not for resale	\$100,000	\$100,000	\$2,500 plus 5% of eligible costs, but not more than \$7,500 per occurrence	No Change	No Change	No Change
Public School District and Technical College District	Heating oil for consumptive use on premises	\$190,000	\$190,000	25% of eligible costs	No Change	No Change	No Change

- (1) Maximum award in effect before December 22, 2001, applies to all eligible costs for investigations and remedial activities started before December 22, 2001.
- (2) COMMERCE may waive the deductible if it determines that the owner or operator is unable to pay. If COMMERCE waives the deductible COMMERCE shall file a lien against the property until the lien is paid.
- (3) Nonprofit housing organizations are exempt from paying the deductible for tanks owned by the organization if they assist low-income persons with housing related problems.
- (4) \$2,000,000 maximum annual award if the claimant owns or operates more that 100 petroleum product storage tank systems.
- (5) For a "terminal" (a petroleum product storage system that is connected to a pipeline facility), the deductible is \$15,000 plus 5% of the amount by which eligible cost exceed \$200,000.
For a terminal where the RAP is received after 11/1/99 the deductible is \$15,000 plus 10% of the amount by which eligible costs exceed \$200,000.
- (6) The change in deductible first applies to a person who submits a remedial action plan that is acceptable to the department of Commerce or DNR on November 1, 1999.

PECFA COVERAGE FOR NEW AND UPGRADED SYSTEMS

TANK SYSTEM TYPE:	SITE CONDITION:	OLD CONTAMINATION COVERED?	INSURANCE REQUIRED FOR:	INSURANCE WHEN?
<u>NEW UNDERGROUND SYSTEM</u>	<i>CLEAN OR CONTAMINATED</i>	YES, IF CONTAMINATION CONFIRMED BEFORE 1/1/96	NEW RELEASES FROM SYSTEM AFTER 1/1/96	<i>REQUIRED 1/1/96</i>
<u>UPGRADED UNDERGROUND SYSTEM</u> (see note 1)	CONTAMINATED AT TIME OF UPGRADE	YES, IF CONTAMINATION CONFIRMED BEFORE UPGRADE IS COMPLETED OR BEFORE 1/1/96	NEW RELEASES FROM SYSTEM WHEN CONFIRMED AFTER BOTH UPGRADE AND 1/1/96	REQUIRED ON 1/1/96, IF UPGRADED BEFORE THAT DATE, OR AFTER UPGRADE IF WORK IS COMPLETED AFTER 1/1/96 (see note 2)
<u>UPGRADED UNDERGROUND SYSTEM</u> (See note 1)	CLEAN AT TIME OF UPGRADE	NOT APPLICABLE	NEW RELEASES FROM SYSTEM WHEN CONFIRMED AFTER BOTH UPGRADE AND 1/1/96	REQUIRED ON 1/1/96, IF UPGRADED BEFORE THAT DATE, OR AFTER UPGRADE IF WORK IS COMPLETED AFTER 1/1/96 (see note 2)
<u>NEW ABOVEGROUND SYSTEM</u>	CLEAN OR CONTAMINATED	YES, IF CONTAMINATION CONFIRMED BEFORE 12/23/2001	INSURANCE IS NOT MANDATED, BUT NEW RELEASES FROM SYSTEM WHEN CONFIRMED AFTER 12/22/2001 WILL BE THE RESPONSIBILITY OF THE OWNER	
UPGRADED <u>ABOVEGROUND SYSTEM</u>	CLEAN AT TIME OF UPGRADE	NOT APPLICABLE	INSURANCE IS NOT MANDATED BUT NEW RELEASES FROM SYSTEM WHEN CONFIRMED AFTER 12/22/2001 WILL BE THE RESPONSIBILITY OF THE OWNER	
UPGRADED <u>ABOVEGROUND SYSTEM</u>	CONTAMINATED AT TIME OF UPGRADE	YES, IF CONTAMINATION CONFIRMED BEFORE UPGRADE IS COMPLETED	INSURANCE IS NOT MANDATED BUT NEW RELEASES FROM SYSTEM WHEN CONFIRMED AFTER 12/22/2001 WILL BE THE RESPONSIBILITY OF THE OWNER	

NOTE 1: An upgraded system, by definition is a system that has all of the following: Corrosion protected tank(s), Corrosion protected line(s), Spill containment devices, and Overfill devices.

NOTE 2: If a system is upgraded after 12/31/93, and the owner or operator applies for private insurance within 30 days, a 90 day tail on PECFA coverage is provided for the upgraded system(s).