



UNDERGROUND STORAGE TANK (UST) PREAPPROVAL PROGRAM ELIGIBILITY SCREENING PACKET

In accordance with Arizona Revised Statutes (A.R.S.) § 49-1051, an UST owner, UST operator or property owner that wants to participate in the UST Preapproval Program must complete this form and demonstrate compliance with eligibility criteria.

Step 1. Review Preapproval Program Requirements

Open leaking UST

The Preapproval Program is only available to conduct corrective actions on regulated UST sites that have a confirmed release. An exception would be if a release was recently closed, then the site may be eligible for reimbursement to perform site closure activities such as system decommissioning and well abandonment.

Compliance with financial responsibility (FR) requirements

UST owners and/or operators under A.R.S. § 49-1001.01 are required to demonstrate FR compliance at the time of the release and the additional requirements as applicable under A.R.S. § 49-1006.02. Included as Attachment 1 are tables that describe when FR was required and what mechanisms of FR are acceptable.

Property owners under A.R.S. § 49-1016.C who are not UST owners and/or operators under A.R.S. § 49-1001.01, may proceed with the Preapproval Program without needing to demonstrate FR compliance at the time of release, but are subject to lien provisions described in A.R.S. § 49-1056.

If an eligibility consultation or assistance with completing this packet is required, please email: ustpreapproval@azdeq.gov with the subject header: "Eligibility Consultation."

Pay for work up front

To qualify for reimbursement under this program, written approval from ADEQ must be received prior to implementing any corrective actions and/or incurring any other costs. Once an UST owner, UST operator or property owner has become an Applicant by submitting an Implementation Schedule and Cost Sheets, they are required to demonstrate that the costs requested for reimbursement have been paid. They are also required to certify that these costs have not been reimbursed by a financial assurance mechanism. Reimbursement requests that do not include adequate proof of payment documentation will not be paid.

Reviewed Preapproval Program Requirements Above	<input type="checkbox"/>
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Step 2. Select Eligibility Path

Different UST releases may require different documentation to be considered eligible for the Preapproval Program. However, only one UST release must meet the statute criteria and be supported by documentation (if required) for the facility to be eligible for reimbursement. Please select an Eligibility Path using the table below.

Eligibility Paths

The following table will help in determining which statute an UST release falls under and what documents are required to be considered eligible for the Preapproval Program.

SELECT ONE	STATUTE CRITERIA	REQUIRED DOCUMENTS
<input type="checkbox"/>	<p>A.R.S. § 49-1006.02.A</p> <ol style="list-style-type: none"> 1) You are the UST owner and/or operator under A.R.S. § 49-1001.01 2) UST insurance was relied on as a Financial Assurance Mechanism at confirmed release date 3) The UST policy did not have a deductible of \$50,000 or greater 4) A timely claim was filed with the insurer 5) A claim was or is being pursued until denial 6) Limited to a maximum reimbursement amount of \$1,000,000 per facility 	1) UST Insurance Policy with Deductible
		2) Insurance Claim
		3) Denial Letter OR Evidence of Continued Pursuit of Coverage
<input type="checkbox"/>	<p>A.R.S. § 49-1006.02.B</p> <ol style="list-style-type: none"> 1) You are the UST owner and/or operator under A.R.S. § 49-1001.01 2) UST insurance was relied on as a Financial Assurance Mechanism at confirmed release date 3) The UST policy had a deductible of \$50,000 or greater 4) A timely claim was filed with the insurer 5) A claim was or is being pursued until denial 6) Subject to a cost sharing obligation by payment of the first \$50,000 per facility for corrective action on or after January 1, 2016 7) Limited to a maximum reimbursement amount of \$1,000,000 per facility 	1) UST Insurance Policy with Deductible
		2) Insurance Claim
		3) Denial Letter OR Evidence of Continued Pursuit of Coverage

<input type="checkbox"/>	<p>A.R.S. § 49-1006.02.B</p> <ol style="list-style-type: none"> 1) You are the UST owner and/or operator under A.R.S. § 49-1001.01 2) A Financial Assurance Mechanism other than UST insurance was relied on at confirmed release date 3) Subject to a cost sharing obligation by payment of the first \$50,000 per facility for corrective action on or after January 1, 2016 4) Limited to a maximum reimbursement amount of \$1,000,000 per facility 	<p>1) Financial Assurance Mechanism Documentation</p>
<input type="checkbox"/>	<p>A.R.S. § 49-1006.02.C</p> <ol style="list-style-type: none"> 1) You are the UST owner and/or operator under A.R.S. § 49-1001.01 2) UST insurance was relied on as a Financial Assurance Mechanism at confirmed release date 3) The UST release occurred between July 1, 2006 and December 31, 2015 4) Subject to a cost sharing obligation by payment of the first \$50,000 per facility for corrective action on or after January 1, 2016 5) Limited to a maximum reimbursement amount of \$500,000 per facility 	<p>1) UST Insurance Policy</p>
<input type="checkbox"/>	<p>UST Release Pre-dates FR Requirements</p> <ol style="list-style-type: none"> 1) You are the UST owner and/or operator under A.R.S. § 49-1001.01 2) You identify as one of the following “Group Classifications” and the UST release was confirmed prior to the FR Requirement Start Date indicated on Attachment 1 3) Limited to a maximum reimbursement amount of \$1,000,000 per facility 	
<input type="checkbox"/>	<p>A.R.S. § 49-1016.C and § 49-1056</p> <ol style="list-style-type: none"> 1) You are the property owner and not the UST owner and/or operator under A.R.S. § 49-1001.01 2) Subject to lien provisions described in A.R.S. § 49-1056 3) Limited to a maximum reimbursement amount of \$1,000,000 per facility 	

Step 3. Provide Contact Information

Please fill out the following information. If the UST owner, UST operator or property owner is a corporation, then designate an authorized individual listed on the Arizona Corporation Commission (ACC) website to be the main point of contact for the Preapproval Program.

[If Corporation, then please complete the fields within the following box]

ACC File Number: _____
Authorized Individual Name: _____
Authorized Individual Role: _____

UST Owner/UST Operator/ Property Owner/ Authorized Individual:

Name: _____

Mailing Address: _____

City: _____

State: _____

Zip Code: _____

Phone: _____

Email: _____

Step 4. Provide Leaking UST Release Information for Selected Eligibility Path

Please provide the Leaking UST Release Number for the UST release that meets the selected eligibility path criteria. If applying under A.R.S. § 49-1016 C, then skip to Step 5.

Leaking UST Release Number : (e.g., 1234.56)	_____
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Step 5. Read and Sign Agreement Statement

Please read and sign the following Preapproval Program Eligibility Screening Agreement Statement. Only UST owners, UST operators, property owners and authorized individuals listed on the ACC website may sign.

PREAPPROVAL PROGRAM ELIGIBILITY SCREENING AGREEMENT STATEMENT:

By my signature below, I am requesting to participate in the Preapproval Program. This form was prepared by me. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I understand that all information submitted to ADEQ is a public record unless otherwise identified as confidential.

I understand that ADEQ will contact me using the information I've provided to set up a Kickoff Meeting to discuss my case.

It is my responsibility to contract with an Arizona Professional Engineer or a Registered Geologist to conduct corrective actions and to ensure their availability for the Kickoff meeting.

It is my responsibility to manage and ensure that corrective actions are conducted in accordance with the approved scope of work, schedule, and budget.

I understand that the reimbursement under the Preapproval Program is limited to eligible corrective actions and associated costs. This means that costs associated with the initial preparation of the Preapproval Application (Implementation Schedule and Cost Sheets) are my responsibility and will not be paid by the State.

Unless I'm applying under A.R.S. § 49-1016 C, I understand that whether or not I qualify for the Preapproval Program, I remain responsible for complying with the requirements of the underground storage tank statutes and regulations written in the A.R.S. § 49-1001 through 49-1093 and 18 A.A.C. 12.

I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

**UST Owner/UST Operator/Property Owner
/Authorized Individual Signature:**

Date:

Step 6. Submit Eligibility Screening Packet with Required Documents for ADEQ Approval

The last step is to submit a copy of the signed Eligibility Screening Packet with all required documents in the respective manner listed on the “Eligibility Paths” table (see Pages 4 and 5).

Please select required documents being attached with submittal:

- UST Insurance Policy
- Insurance Claim
- Denial Letter OR Evidence of Continued Pursuit of Coverage
- Financial Assurance Mechanism Documentation
- N/A

Below is a guide for submitting the Preapproval Eligibility Screening Packet.

Electronic Submittals

- Email documents to: ustpreapproval@azdeq.gov
- Use the following Subject line format:
[Date]_[Four-Digit Leaking UST Number]_Preapproval Eligibility Screening
“YYYY.MM.DD_XXXX_Preapproval Eligibility Screening”
- Save and submit documents with the following file naming convention:
[Date]_[Four-Digit Leaking UST Number]_[Submittal Description]
Submittal Examples:
“YYYY.MM.DD_XXXX_Eligibility Screening Packet”
“YYYY.MM.DD_XXXX_Insurance Policy with Deductible”
“YYYY.MM.DD_XXXX_Insurance Claim”
“YYYY.MM.DD_XXXX_Denial Letter”

Attachment 1

Preapproval Program
Financial Responsibility (FR)



ATTACHMENT 1 PREAPPROVAL PROGRAM FINANCIAL RESPONSIBILITY (FR)

FR Requirement Matrix

The following is a table that displays when FR requirements began and what type of coverage was required. It can be used to see if an UST release pre-dates FR requirements. Petroleum marketers are in the business of selling petroleum based products. Non-petroleum marketers are not in the business of selling petroleum based products.

Group Classifications	FR Requirement Start Date	Per Occurrence Coverage	Aggregate Coverage
GROUP 1: <ul style="list-style-type: none"> ● Petroleum marketers with 1,000+ tanks <p style="text-align: center;"><i>OR</i></p> <ul style="list-style-type: none"> ● Non-petroleum marketers with a net worth of \$20 million+ (for non-petroleum marketers, the "per occurrence" amount is the same as Group 4-B below) 	January 1989	\$1 million	\$2 million if you have 100+ tanks OR \$1 million if you have 100 or fewer tanks
GROUP 2: Petroleum marketers with 100-999 tanks	October 1989		
GROUP 3: Petroleum marketers with 13-99 tanks	April 1991		
GROUP 4-A: Petroleum marketers with 1-12 tanks	December 1993		
GROUP 4-B: Non-petroleum marketers with a net worth of less than \$20 million	December 1993	\$1 million if throughput is more than 10,000 gallons monthly OR	
GROUP 4-C: Local governments	February 1994	\$500,000 if throughput is 10,000 gallons monthly or less	

Acceptable FR Mechanism Types

The following are acceptable types of FR Mechanism Types. For more information on FR requirements, please refer to Arizona Administrative Code (A.A.C.) R18-12-300 through R18-12-323, A.R.S. § 49-1006 and 40 C.F.R. § 280, subpart H.

UST Insurance Coverage	Surety Bond	Certificate of Deposit
Risk Retention Group Coverage	Letter of Credit	Local Government Bond Rating Test
Financial Test of Self-Insurance	Trust Fund	Local Government Financial Test
Guarantee	Standby Trust Fund	Local Government Guarantee