

**SOLID & HAZARDOUS WASTE DIVISION
STORAGE TANK PROGRAM
GUIDANCE DOCUMENT #5**

SUBJECT: USED REMEDIATION EQUIPMENT OR ENCLOSURE DISPOSITION

SCOPE: This document provides guidance for final disposition of used Storage Tank Program (STP) remediation equipment or enclosures.

INTRODUCTION: After it has been determined that a remediation system is no longer needed at an STP site, the used remediation equipment and enclosure must be disposed of properly. There are several possibilities for disposition of used equipment and enclosures. State Surplus, and the Wyoming Department of Environmental Quality (WDEQ) Administration approve the options provided in this guidance document. Please see attached memorandum and email between WDEQ Administration and State Surplus regarding removal and disposition of STP (formerly LAUST) remediation equipment. There are four options outlined in the referenced memorandum. Options 1, 3, and 4 are typically used. Option 2 has not been used and likely will not be used.

Options not discussed in the memorandum are: 1) reuse of the enclosures and equipment at contaminated STP sites (preferred); 2) leave the equipment and enclosure on active facilities; and 3) store the equipment and enclosures for future use. The STP has obtained storage space at the Wyoming Department of Transportation (WYDOT) facility in Shoshoni and may in the future store surplus equipment and/or enclosures at other locations to facilitate STP needs.

GUIDELINES:

1. Reuse of Used Remediation Equipment or Enclosures at STP Sites

Reuse of used equipment and enclosures is the preferred method for disposition. In accordance with STP professional services contracts, engineers working on STP projects are required to perform an "Existing System Reuse Evaluation" to determine if there are any systems at STP sites ready for decommissioning or located at the Shoshoni WYDOT facility that could be reused on the project. As part of the evaluation, the engineer will determine if available systems can be retrofitted to meet new project needs. Additionally, a cost comparison between buying a new system or retrofitting and moving an existing system is made.

If there is an available system that can be used cost effectively at another site, the engineer includes the work necessary to retrofit and move the system in the construction contractor's scope of work. In lieu of the construction contractor performing the work, the engineer may complete the work through a contract amendment.

2. Retaining Used Remediation Equipment or Enclosures on Active Facilities

Remediation systems may remain on active facilities for future use should another release occur. The engineer will determine if the equipment has the potential to be used in the future and what, if any, maintenance will be needed during the time the equipment is shut down.

3. Move the Equipment and Enclosure to the Shoshoni WYDOT Facility or Other Storage Facility Identified in the Future

If the engineer determines that the equipment and enclosure can be reused, the engineer shall arrange to move the enclosure to the Shoshoni WYDOT facility (or another storage facility identified in the future). The site and project where the enclosure was located prior to moving it to storage shall be written on the inside of the door with a waterproof marker. This location information shall remain on the door.

4. Purchase of Used Remediation Equipment and/or Enclosures

If reuse or retention of equipment and/or an enclosure by the STP as described in 1 through 3 above is not an option, the STP will dispose of the property by sale or other means, depending on the property's net worth. The project engineer will determine the property's (enclosure and/or equipment) fair market value, the estimated cost to the STP to remove and dispose of the equipment and/or enclosure, and the net value of the property. This property value determination shall be submitted by the engineer in writing to the STP project manager for approval.

A. Enclosure Only Ownership Transfer

The owner of the property where the enclosure is located shall have first right of refusal for the enclosure. Ownership of an enclosure may be transferred to the property owner where the enclosure is located. The property owner is responsible for any fees or other requirements imposed by the local authority to allow the enclosure to remain on site. If the property owner declines to take possession of the enclosure, ownership of the enclosure may be transferred to another party at no cost to the party.

If transfer of ownership of the enclosure only is to take place, either to the property owner or another party, all remediation equipment inside the enclosure must be removed and disposed of properly. Remediation equipment should be disposed of by a decommissioning contractor under contract with WDEQ or the engineer. If the work is completed by the engineer, a contract amendment will be initiated if necessary. Equipment with salvage value may be transferred to a salvage company or equipment supplier as discussed in part C below.

B. Enclosure and Equipment Ownership Transfer

If the site owner or other party desires to purchase an enclosure and the remediation equipment, the project engineer's property value determination (discussed above) will be used to establish the value of the enclosure and the equipment. If the property has a net positive value, the property may be sold to the site owner or other party. If the property has zero value or a net negative value, the property may be ceded to the site owner or other party.

C. Equipment Only Ownership Transfer

If an equipment salvage company, equipment supplier, or other party desires to purchase individual pieces of equipment, the project engineer's property value determination (discussed above) will be used to establish the value of the equipment. If the equipment has a negative net value, the equipment may be ceded to the salvage company, equipment supplier, or other party. If the equipment has a positive net value and the salvage company, equipment supplier, or other party agrees to pay at least the positive net value, the equipment will be sold to the salvage company, equipment supplier, or other party agreeing to pay the positive net value.

D. Completing the Transfer

Upon transfer of property to the site owner or other party, a “Condition of Sale” form must be completed and signed. The “Condition of Sale” form is attached to this Guidance Document and must be completed in its entirety. The STP project manager will retain a copy of the “Condition of Sale” in the project files and the signed original will be sent to the STP Manager.

Decommissioning of the enclosure (e.g., utility and piping disconnects), equipment (e.g., cleaning and disposal), and/or site (e.g., removal of foundation and/or fencing and site restoration) may be necessary to complete ownership transfer of equipment and/or enclosures. If the decommissioning is done by a contractor not under contract with the STP, that contractor will provide the following for STP project manager approval **before the work is started**: 1) a work plan developed cooperatively with the STP project engineer, 2) a schedule for the work (consistent with the dates in the “Condition of Sale” form), 3) a project-specific health and safety plan, 4) proof of insurance, 5) site owner consent for access, and 6) any other documentation the STP project manager requests to insure the work is completed in the best interest of the State of Wyoming and the site owner.

Any contractor working on an STP site must provide proof of insurance. The State of Wyoming will not be liable for repair of property (e.g., aboveground and underground utilities, landscaping, structures, etc.) damaged by a contractor not under contract with WDEQ.

Any contractor not under contract with WDEQ working on an STP site must obtain the site owner’s consent for access to do the work. Contractors not under contract with WDEQ are not working as agents for the state; therefore, the site owner is not required to grant the contractor access. It is the responsibility of the party purchasing the enclosure and/or equipment to obtain access from the site owner and meet all site owner requirements.

5. Decommissioning of Used Remediation Equipment or Enclosures

Used remediation equipment or enclosures may be properly decommissioned by a contractor under contract with WDEQ. This option should be used as a last resort.

A contractor currently under contract with WDEQ may be authorized to decommission a system. In this case, a contract amendment may be required to complete the work. WDEQ may also choose to decommission several sites within close proximity to one another by bidding the work and selecting a decommissioning contractor. In either case, the decommissioning work will involve removal and proper disposal of the equipment and enclosure, removal and disposal of the equipment foundation, surface restoration to return the site to its original condition, and site cleanup. Other work related to decommissioning of the sites (including abandoning wells and pipelines) will also be completed. The work may include removing the foundation, surface restoration, well and pipeline abandonment, or other decommissioning activities at a site where the enclosure and equipment were previously purchased (see number 4 above) and removed.

6. WDEQ Inventory and Insurance

The STP project manager will notify the STP Manager whenever remediation equipment or enclosures are transferred to another STP site, moved to Shoshoni for storage, or decommissioned. The STP project manager will forward a completed, signed copy of the “Condition of Sale” to the STP Manager whenever an enclosure or equipment

is sold. The STP Manager will update STP records and notify WDEQ Administration so that inventory and insurance records can be updated and State Surplus notified.

GUIDANCE DOCUMENT #5
USED REMEDIATION EQUIPMENT OR ENCLOSURE DISPOSITION
ATTACHMENTS

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID & HAZARDOUS WASTE DIVISION
STORAGE TANK PROGRAM**

**CONDITION OF SALE
REMEDATION BUILDING AND/OR EQUIPMENT**

The Wyoming Department of Environmental Quality/Solid & Hazardous Waste Division/Storage Tank Program, hereinafter referred to as the STP, has conducted a fair market evaluation of the (strike through if not applicable):
remediation equipment remediation enclosure located at:

Project Name/Site Name: _____

Site Address: _____

Property Description: _____

_____.

In exchange for the amount of \$ _____, the STP has sold the above items to:

Purchaser's Name: _____

Purchaser's Address: _____

Purchaser's Authorized Representative's Name (Printed): _____

Purchaser's Authorized Representative's Phone Number: _____

CONDITION OF SALE:

Upon receipt of the fair market value for the items shown above, the Purchaser shall provide the STP project manager _____ (Name), _____ (Phone) with the anticipated date the equipment and/or enclosure are to be removed from the site. The Purchaser shall give the STP project manager ten (10) business days notice before removal begins. The STP will have a representative on-site during all work performed by the Purchaser.

Date removal will begin _____. Date removal will be complete _____.

Purchaser is responsible for (strike through if not applicable):

1. Complete removal of enclosure and equipment including disconnecting all piping including product recovery tank and disconnecting all service lines including electrical, gas, and telephone.
2. Complete removal and disposal of fencing.
3. All repairs to any features damaged during removal work including, but not limited to: landscaping, utility lines, structures, concrete, asphalt, or any item not scheduled for removal.
4. Removal of all debris resulting from work at the site and cleanup of the site to STP representative and site owner's satisfaction.
5. Removal of enclosure foundation.

6. Piping coming into enclosure shall be capped 2 feet below grade using a method approved by STP representative and backfilled

7. Site restoration to include: _____

_____.

8. Other requirements: _____

_____.

Purchaser Understanding. Purchaser understands that the remediation enclosure and equipment are “as is, where is.” The STP does not guarantee or warranty reliability of remediation enclosure or equipment purchased. The STP assumes no liability for reuse or disposal of remediation enclosure or equipment purchased. The STP will not pay any expenses incurred by Purchaser as a result of this sale. All taxes and other fees are the responsibility of Purchaser.

Sovereign Immunity. The State of Wyoming and the STP do not waive sovereign immunity by entering into this Condition of Sale and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) and all other state law.

Signatures:

STP Project Manager

Date

Purchaser Representative (printed name)

Purchaser Representative (signature)

Date

Physical Property Owner Certification – to be completed when the enclosure will be transferred to the owner of the site where the enclosure is physically located.

I, _____, am the owner of the site (property) where the enclosure described herein is located and am taking possession of the enclosure in an “as is, where is” condition with no warranty or guarantee. I understand that the enclosure may be taxed as an improvement to property.

Property Owner Signature

Date



JIM GERINGER
GOVERNOR

Department of Environmental Quality

Herschler Building ● 122 West 25th Street ● Cheyenne, Wyoming 82002

ADMINISTRATION (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-8145 FAX 634-0799	AIR QUALITY (307) 777-7391 FAX 777-7682	INDUSTRIAL SITING (307) 777-7368 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 634-0799	SOLID & HAZARDOUS WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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Memorandum

To: Ellen Stephenson, Surplus Property

From: James S. Uzzell, Mgmt Services Adm. *JU*

Date: May 16, 2000

Ref: Removal & Disposition of LAUST Project Remediation Equipment

As the LAUST (Leaking Above & Underground Storage Tank) program completes remediation of subsurface contamination caused by releases from leaking aboveground and underground storage tanks, a requirement exists to close out these projects. One aspect of project close out is the removal and ultimate disposition of soil vapor extraction, air sparging, groundwater pumping/treatment, and waste product containment equipment used to accomplish the environmental restoration work. These equipment items range in size from a small submersible pump the size of your hand to large, heavy items such as catalytic oxidizers.

Currently, the program is considering several options to dispose of used LAUST remediation project equipment.

1. One option is to use a Call for Bid process to select a project closeout contractor that would remove remediation equipment items, grout shut subsurface remediation treatment piping systems, abandon existing monitoring/remediation wells, determine a fair salvage value for the used equipment/buildings, arrange for the sale of these items back to the original equipment providers and/or other persons at the salvage value.
2. A second option would be for the program to contract with a potential used equipment buyer, using the Call for Bid process, who would remove and take all of the used equipment on a periodic basis as a part of a large LAUST project final remediation standards.
3. An equipment manufacturer may desire to directly buy back one or more pieces of equipment which the program originally purchased for a particular project.
4. Finally, the program is considering the option of completing a salvage sale of all appropriate remediation equipment within a particular containment enclosure followed by donation of the containment enclosure structure to the landowner.

The LAUST remediation program desires to use one or more of the methods listed above, depending on specific equipment and site circumstances to dispose of this specialized equipment. Since project close out actions will become a significant work item for at least the next 30 years, the LAUST program requests a permanent waiver from the Wyoming Surplus Property Division for the disposal of equipment items associated with the remediation and subsurface contamination cleanup work of the program. DEQ currently has several equipment items that must be moved or disposed of immediately, so your prompt response is appreciated

cc: Dennis Hemmer, Director DEQ
Gary Beach, Administrator WQD
LeRoy Feusner, LAUST Program Engineering Supervisor

From: Ellen Stephenson
To: James Uzzell
Date: 6/12/00 4:40PM
Subject: LAUST

Hi Jim

I am responding to your request for disposal of LAUST contaminated equipment and temporary structures. I feel the items which are being used in the LAUST program, when the project is complete will be contaminated and unfit for sale to the general public and not able to be ritualized by other state entities, therefore they should be disposed of by the means mentioned in your request of May 16, 2000. Please report methods of disposal upon completion of projects either quarterly or annually.
Ellen

