



## DEQ Policy Statement PS23-05

# Leaking Underground Storage Tank (LUST) Program Cost Recovery

### Purpose

The Idaho Department of Environmental Quality's (DEQ's) cost recovery policy complies with the federal financial management and cost recovery responsibilities as specified in the Leaking Underground Storage Tank (LUST) Trust Fund Program. These responsibilities are detailed in the Solid Waste Disposal Act (SWDA) of 1976 (i.e., Resource Conservation and Recovery Act [RCRA]) as amended in RCRA § 9003(h)(6) [42 USC § 6991b(h)6] and US Environmental Protection Agency's (EPA's) *Cost Recovery Policy for Leaking Underground Storage Tank Trust Fund Corrective Action Cooperative Agreements* (EPA 510-B-16-002, November 2016).

### Statement of Policy

RCRA Subtitle I, Section 9003(h) allows states with EPA-state cooperative agreements the capability to conduct corrective actions, enforcement activities, and to exercise various program authorities, including the authority for states to administratively settle cost recovery claims in cases of petroleum contamination. RCRA § 9003(h)(6,7) provides DEQ with the authority to recover, from responsible parties, costs that have been incurred by the state for performing corrective actions or enforcement actions with respect to petroleum releases from underground storage tank (UST) systems.

### Responsibility

DEQ's underground and leaking underground storage tank program manager is responsible for maintaining this policy.

### Implementation

This policy is effective immediately and will remain in effect for 5 years unless amended, replaced, or rescinded prior to expiration.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023

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Jess Byrne  
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