

Considerations in Settling the Case

- **EPA Cost Recovery Guidelines suggest considerations States can use when determining whether to settle cost recovery cases.**
- **Examples of considerations are:**
 - **Financial solvency of RP**
 - **Amount of money it would cost the State to take the case to trial**

Settling the Case

- Burden was on petitioner to prove eligibility and show it's entitled to reimbursement from Trust Fund.
- Guidance document is applied on a case by case basis.

Settling the Case

- Depending on information submitted by petitioner, NC DENR could consider volumetric ratio and throughput analysis on all AST apportionment scenarios.
- Petitioner submitted information regarding throughput records for its premium and regular gasoline ASTs.

Settling the Case

- Based on this additional information petitioner settled the case with DENR for 4% eligibility.
- Cost recovery was reduced to \$30,000.