

TABLE 5. STATE FUND LEGISLATIVE UPDATES

AK	
AL	
AR	<p>1) Act 641 of 1997 - Language clarification for "Accidental Release", meaning sudden or non-sudden confirmed release and "Adjusted Trust Fund Balance Limits for Tax Reduction". Requires notice of filed third-party claim within 20 days - adjusted balance not to exceed \$15,000,000.</p> <p>2) Act 642 of 1997 - Lowered the Trust Fund deductible to \$15,000 from \$25,000 per occurrence, for claims and third party claims. Effective 8/1/97.</p> <p>3) Act 1027 of 1997 - Provides Trust Fund payments for remediation of some abandoned tanks found on property where other registered tanks are located and highway right-of-ways. Requires payment of \$375 retroactive tank fee.</p>
AZ	<p>This year's legislative session brought changes to laws governing underground storage tanks and the State Assurance Fund (SAF). For ADEQ, the changes signal closer work with the regulated community on cleanup and prevention designed to protect the environment and public health.</p> <p>A new law created under SB 1376 enacts reforms to the underground storage tank (UST) program, created to protect soil and water from leaking tanks that hold petroleum products such as gasoline. The law provides for both informal and formal resolution of disputes surrounding cleanup of UST sites. These disputes often center on assistance from the SAF.</p> <p>The new informal appeals process allows ADEQ staff to work directly with owner-operators to resolve differences. ADEQ administrators estimate that 90 percent of disputes can be resolved at this point.</p> <p>Currently, disputes not resolved at the agency level may be referred to a state administrative law judge. Under a two-year pilot program, a five-member technical appeals panel (TAP) can be asked to assist judges in making their decisions. The TAP will be made up of technical professionals from outside ADEQ. The TAP's effectiveness will be reviewed in September 2000.</p> <p>Under other provisions of SB 1376:</p> <ul style="list-style-type: none"> • If the responsible party has no access to a nearby site that has become contaminated, work may be performed by ADEQ under certain conditions. • A UST owner-operator who is potentially liable for direct cleanup costs and is unable to pay may be eligible for a settlement that would allow a smaller payment. • A grant program that helps owner-operators meet costs not covered under the SAF is extended through the year 2000. • A policy commission is created to study the UST and SAF programs and issue recommendations. <p>Under HB 2231, ADEQ will prepare a report to the Legislature on certain programs, including UST. The report, due by December 1, 1999, will include specific information on the administration, performance, efficiency and effectiveness of the programs.</p> <p>As of May 26, 1998 the Bill has not been signed by the Governor.</p>
CA	
CO	
CT	
DE	
FL	
GA	
IA	<p>-Copayment capped at \$14,400 for all sites.</p> <p>-All sites now eligible for \$1 million benefits</p> <p>- Insurance Board created to oversee Insurance transition process - allowed to become non-profit entity authorized to take over all assets and liabilities of Insurance Program.</p> <p>-Funding reduced from \$34 million per year to \$17 million per year.</p>

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ID	
IL	
IN	
KS	<i>None.</i>
KY	<ul style="list-style-type: none"> -Reduction of UST owner's and operator's level of financial Responsibility by one-half. -Requirement to develop criteria by January 1, 1999 to certify labs performing analytical testing at facilities seeking reimbursement from the Fund. -Allows the Fund to conduct financial audits of UST owner's, operator's and contractor's records for projects receiving fund reimbursement. -Allows the Fund to promulgate administrative regulations for pre-approval of corrective action costs.
LA	
MA	<i>In July 1997 the program was moved to the Department of Revenue from the Department of Fire Services.</i>
MD	<i>None.</i>
ME	<ul style="list-style-type: none"> • <i>Eliminate eligibility for fund coverage for non-conforming tanks after 10-1-98,</i> • <i>Extend fees for program through 12-31-2005,</i> • <i>Broadened use of the fund for repair/replacement of ASTs, up to \$1 million annually.</i>
MI	
MN	
MO	
MS	
MT	
NC	
ND	<i>None.</i>

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NE	<p>Legislative Bill 517 (June 1997) gave the NDEQ the authority to require timely filing of reimbursement applications. This allowed us to establish specific deadlines for application submittal including: 1) eligible costs incurred between May 27, 1989 and June 11, 1997 must be submitted by June 11, 1998, and 2) eligible costs incurred after June 11, 1997 must be submitted within 120 days of the NDEQ established compliance date.</p> <p>Legislative Bill 1161 (April 1998) made numerous significant changes to the reimbursement program including:</p> <ul style="list-style-type: none"> • Product fees will increase 9/10¢ per gallon on gasoline and 3/10¢ per gallon diesel, and the annual tank fee will increase to \$90 per tank. (It is anticipated that this will increase annual revenue from \$7 to \$10 million). • The release reporting "sunset" date was extended to June 30, 1999. • A technical advisory board will be appointed work with the NDEQ in an advisory capacity only. The bill specifies the organizations to be represented on the board and the tasks to be completed. • The state will now own 100% of any remediation equipment reimbursed by the program at site closure to be reused, sold, scrapped, etc. (Previously there had been proportional ownership between the responsible person and the state.) • Persons, other than responsible persons, may file a claim with the State Claims Board for 1) property damage caused by a release, and 2) reasonable costs directly incurred due to uninhabitability of a dwelling or unfitness of a water supply caused by a release. The claim can be up to \$200,000 per person/\$800,000 per release. The legislation also states that these claims are to be paid by the fund before any other claims. • The effective date of the voluntary remedial action (VRA) program was changed from April 1996 back to April 1995. (The VRA program allows responsible persons to voluntarily perform remedial actions at backlogged or suspended sites, and then receive reimbursement after the site is activated and the work is approved.)
NH	
NM	
NV	
NY	
OH	<p>In December, 1998, statutory amendments were passed which requires tank owners and operators to certify that their tanks are in compliance with State Fire Marshal UST Regulations before a certificate of coverage will be issued for the tanks. The amendments also provide that, if it is determined that the tank owner or operator was out of compliance with State Fire Marshal regulations at the time that a release was discovered. Fund eligibility must be denied. This provision will preclude reimbursement for persons who possessed a certificate of coverage and may have been in compliance at the time that the certificate was issued but later fell out of compliance and discovered a release.</p>
OK	<p>Legislation pending to combine indemnity fund (financial aspect) with Oklahoma Corporation Commission UST Regulatory Division.</p>
PA	
RI	<p>In this legislative year, there are two pending pieces of legislation that will change the existing State Fund legislation. Both pieces were introduced in the Senate and are now in the House Corporations Committee. Currently, the Board will only reimburse for monies spent on or after July 8th, 1994, the first bill, 98 S-2833, changes that date to December 15, 1993.</p> <p>The second piece of legislation would have more of a dramatic effect on the Fund. The following bullets highlight the salient points of the bill:</p> <ul style="list-style-type: none"> • Provides cities, towns, and state owned/occupied property to participate in the fund • Waives deductible for cities, towns, and state owned/occupied land • A petroleum leak not necessarily originating from a UST on a city, town, or state owned/occupied property is eligible • A site that was previously owned/occupied by a city, town, or the state can participate in the fund if remediation needs to take place as a result of a release that occurred when the city, town, or state owned/occupied the property. <p>These pieces of legislation will be acted upon by the end of this legislative year.</p>
SC	<p>None.</p>
SD	<p>The revenue source for the PRCF is a \$.02/gallon tank inspection fee on petroleum products entering the state. In the past, the PRCF received 58% (\$.0116/gallon or about \$8.5 million/year) of this revenue generated from the fee. The remainder went to the Capitol Construction Fund. The 1998 SD Legislature enacted House Bill 1229 that changed the way the revenues from the fee are allocated and eventually reduces the fee to \$0.01/gallon. Beginning July 1, 1998, the PRCF's share of the fee will be reduced from 58% to 50% (\$0.01/gallon or about \$7.5 million/year). The remainder of the fee will continue to go to the Capitol Construction Fund. Beginning on January 1, 2003, the tank inspection fee will be reduced from \$0.02/gallon to \$0.01/gallon and the PRC will receive 21.3% (approx. \$1.6 million).</p>

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TN	
TX	
UT	<i>Environmental Assurance Fee reduced from 1/2¢/gal to 1/4¢/gal. \$5 million appropriated from the fund to the State Transportation Fund for road construction. This is being challenged by individual marketers. Utah State Supreme Court reversed itself on the constitutionality of the fund. They now find it a constitutional fee for service.</i>
VA	<i>Applied for final state program delegation approval from EPA.</i>
VT	<i>Fund extended for additional five years. AST added to fund. Grant program (up to \$500) created to assist in removal of residential heating oil USTs for households with less than \$50,000 income.</i>
WA	
WI	
WV	
WY	