

Summary of State Fund Survey Results 2008

	2004	2005	2006	2007	2008
Approximate Annual Revenues (billions)	\$1.47 B	\$1.53 B	\$1.48 B	\$1.5 B	\$1.47 B
Approximate Current Balance (billions)	\$1.65 B	\$1.52 B	\$1.47 B	\$1.74 B	\$1.42 B
Outstanding Claims (billions)	\$1.76 B	\$1.80 B	\$1.32 B	\$2.68 B ^A	\$2.67 B
Fund Staff Tech/Fin/Total	710/229/946	718/205/884	654/208/932	633/213/894	696/213/919
#of sites with claims	143,827	154,069	159,909	162,699	162,827
#of sites with 3rd Party claims	1,202	1,299	1,341	1,359	1,443
# of claims received	575,489	628,144	672,921	706,679	754,091
% change (claims received) from previous year	4%	9%	9%	9%	9%
Total # of sites	256,719	270,144	288,478	284,492	299,763
Total # of tanks	1,425,335	1,439,398	1,452,187	1,471,504	1,448,763
Sites/staff	152	172	171	182	177
Approximate Total amount Paid (billions)	Total: \$12.068 B Annual: \$1.03 B	Total: \$13.141 B Annual: \$1.06 B	Total: \$14.183 B Annual: \$1.03 B	Total: \$15.453 B Annual: \$1.01 B	Total: \$16.260 B Annual: \$995 M
% change (total amount paid) from previous year	10%	10%	9%	9%	9%
Average cost per site	\$97,904	\$108,146	\$114,105	\$115,744	\$128,023
Average cost per site at closure	\$90,375	\$94,144	\$98,292	89,087	95,210
Estimated processing time per claim (months)	5	3.5	3.8	3.4	3.25
States using Pay-For-Performance	15	15	17	18	16
Employ a 3rd Party Administrator	11	10	10	9	9
States in which Outstanding Claims Exceed Balance	12	10	8	9	9
# of States which have transitioned to private insurance	10 ^B	11 ^B	10 ^B	10 ^B	10 ^B
# of States w/ sunset date ≥2010	12	13	17	17	18

** Not all States reported by UST vs. AST; therefore, the total does not add up.

A This number is significantly higher than previous years due to the figure reported for CA. CA's figure is higher than previous years because it includes claims currently active and those claims waiting on the priority list for funding. In previous years the figure reported was only for the claims on the priority list waiting to be funded, but did not include the claims that were currently active at that time.

B AK, AZ, DE, FL, IA, MD, NY, WI, WV, TX (Hawaii and Oregon never had a state fund); NY has always relied on insurance for tank owners.

Survey responses only as accurate as responses provided to the VT DEC in the Annual State Fund Survey Update.

TABLE 1. DESIGN CHARACTERISTICS OF STATE FINANCIAL ASSURANCE FUNDS

State	Agency/ Department With Primary Responsibility	Types of Tanks Covered ^A	#Of Facilities Covered	# Of Tanks Covered	Fund Coverage					UST Replacement Loan Program	Factors Affecting Limits of Coverage						Fund Sunset Dates				
					Corrective Action	Third-Party	Separate or Combined	Deductible Amount (if more than one, specify range)	Cover Future Releases		# Tanks	Tank Size	Tank Type	Tank Owner	Extent of Regulatory Compliance	Date of Release	Release Eligibility Sunset Date	Fee Sunset Date	Program Ending Date	Sunset Date Extended	Sunset Date Abolished
AK	Response Fund Administration Program	NA	0	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	12/22/1993	NA	6/30/2004	NA	NA
AL	Dept. of Environmental Management	P,A (A:motor fuel only)	6,369	17,180	partial (requires deductible)	partial (requires deductible)	combined up to \$1 million	\$5,000 UST/\$10,000 AST for corr action; additional deductible for 3rd party	x			x		x	x		none	none	none	no	no
AR	Department of Environmental Quality	P,U,A,AB	4,874	13,245	partial	partial	Separate	\$7,500/Corre ctive Action & \$7,500/Third- Party	x					x	x		none	none	none		
AZ	Dept. of Environmental Quality	P,U,AB	2,600	7,600	90% of eligible activities			10%	No				x		x	x	6/30/2006	2013	2013	no	no
CA	Water Resources Control Board	P,H,U,AB	60,000	180,000	x	x	combined	\$0-\$20,000	x	x					x	x	none	Jan 2011	none	2x for total of 10 yrs.	no
CO	Department of Labor and Employment	P,AB,A, U	4,441	11,647	x	x	Separate	\$10K Cleanup \$25K 3rd party	x			x	x	x	x	x	NA	2012	NA	NA	NA
CT	Dept. of Environmental Protection	P,U,AB (H:only marketers)	8,900	31,725	x	x	combined	\$10,000	x						x		NA	NA	NA	NA	NA

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DE	Department of Natural Resources and Environmental Control	P,U,H,F,AB	240	720	partial	partial	separate	\$2,500		x			x		x	x	NA	2010	NA	NA	NA
FL	Dept. of Environmental Protection	P,A,AB	17,787		x		separate	\$500 - \$30,000 or 25% of all costs						x	x	12/31/1998					
GA	Dept. of Natural Resources - Environmental Protection Division	P,U,AB ^B	7,881	23,471	partial	partial	combined	\$10,000	x		x			x		none	none	none	NA	NA	
IA	Iowa Comprehensive Petroleum Storage Tank Fund Board	P,U,H,AB	NA	NA	partial		combined	NA		sunset 1998			x	x	x	x	10/26/1990	6/30/ 2016	2015-2018	no	no
ID	Petroleum Storage Tank Fund	P,A,U,M,F,H	1,425	4,092	x	x	combined	\$10K - ASTs/USTs \$100 heating oil	x		x		x	x	x	x	NA	NA	NA	NA	NA
IL	Environmental Protection Agency	P,H,U,AB	8,521	22,907	x	x	separate	\$10,000 - \$100,000	x	No	x			No	x	none	1/1/2013			No	No
IN	Dept. of Environmental Management	P,U	4,200	14,173	partial	partial	combined	\$20,000 - \$35,000	x		x		x	x	x	NA	NA	NA	NA	NA	

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KS	Dept. of Health and Environment	P,H,C,U,AB,A	13,346	37,339	partial	partial	separate	\$3,000 + \$500/tank at facility	x		x				x		7/1/2014	7/1/2014	7/1/2014	2x each for 10 yrs.	no
KY	Environmental and Public Protection Cabinet/Division of Waste Management Underground Storage Tank Branch	P,U,F	16,362	52,045	partial	partial	combined	1-5 tanks: \$500 6-10 tanks: \$2,500 +11 tanks: \$12,500	x		x		x		x		NA	NA	NA	every 2 yrs since 1990	no
LA	Dept. of Environmental Quality	P, U, AB	4,622	12,464	x	x	Separate	\$5,000 per release, \$5,000 3rd Party, & \$5,000 Additional Non Compliance Deductible	x	N/A	x	NA	x	x	x	x	NA	NA	NA	NA	NA
MA	Dept. of Revenue	P	3,047	7,049	partial	partial	combined	\$5K-\$10K depending on the number of facilities	x	NA	NA	NA	NA	NA	x	x	NA	NA	NA	NA	NA

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MD	Dept. of Environment Waste Management Administration/Oil Control Program	residential heating oil USTs and ASTs	unknown- residential tanks not required to be registered unless UST & >1100 gals.	unknown	partial			\$500-\$1000 depending on application received date			x				x	x	x	RCRA I=12/1998; commercial heating oil USTs=12/31/2 007	7/1/2010	RCRA I = 6/30/2005;Co mmercial UST Heating Oil 12/31/2007; Residential Heating Oil 6/30/2010	2x for 5 yrs.each	no
ME	Dept. of Environmental Protection	P,H,U,AB,A,F	2893 ust; 1000's of ast	4843 ust; 1000's of ast	partial	partial	combined	\$500 - \$97,500	x	x	x				x	x	x	non- conforming: 10/1/98 conforming: 12/31/10	12/31/2010	12/31/2010	2x for 5 yrs. Each.	no
MI	Dept. of Environmental Quality	P,U,AB ^D	7,135 ^D		partial ^D	partial	combined ^D		x ^D	x ^D					x ^D	x ^D	6/29/1995 ^D	12/31/2004				
MN	Dept. of Commerce	P,A,H,U,AB,F	25,500	59,500	partial - 90% up to \$1 million per release, \$2 million per site	partial - 90% of court- approved settlement amount	combined	90% up to \$1 million, \$2 million per site	x		sites w/ storage capacity > 1 million are not eligible	sites w/ storage capacity > 1 million are not eligible			non- compliance = reduction in reimburse- ment rate		6/30/2012	6/30/2012	6/30/2012	3x from 6/30/00 to 6/30/05 to 6/30/07 to 6/30/2012	no	

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MO	Pet. Stor. Tk Ins. Fund Board of Trustees	P,U,A,AB	15,000	40,000	x	x	combined	\$10,000	x						x	x	12/31/2010*	12/31/2010 *	After 2010* when claims run-off is paid out	*Bill passed by legislature to extend 10 yrs to 2020; if Governor signs, will become law.	no
MS	Dept. of Environmental Quality	P,U,AB	2,870	7,926	x	x	separate	0	x					x	x	NA	NA	NA	NA	1x indefinitely	
MT	Petroleum Tank Release Compensation Board	P,H,A,U,F,AB	3,057	10,939	partial	partial	combined	\$5,000 - \$17,500 per release	x			x	x	x	x	x	NA	NA	NA	NA	NA

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NC	Division of Waste Management - UST Section	P,H,U,F,AB	31,706 commercial (mostly regulated) , unknown # of noncomm ercial (mostly nonregulat ed)	101,550 commercial, est 250,000 + noncomm ercial	x	x	combined	\$100K 3rd party \$20K to \$75K per occurrence - commercial, \$0 to \$5K noncommercial	x						x	x	NA	NA	NA	no	1x
ND	Commissioner of Insurance	P,A,U,F	1,641	5,731	x	x	combined	\$5,000	x					x		7/31/2011	7/31/2011	7/31/2011	2x	no	
NE	Dept. of Environmental Quality	P,H,A,U,AB	unk	unk	partial	partial	separate	\$10K w/\$15K co-pay low volume \$5K with \$10K	x				x	x	x	6/30/2012	none	none	4x for 6 mos, then 2 yrs, then 4 yrs twice, 3 yrs	no	
NH	Dept. of Environmental Services	P,H,U,A, AB	NA	2,800+ Active USTs, 3,500+ Active ASTs. All residential heating oil	x	x	combined	\$100 for residential fuel oil. \$5,000- \$30,000 for regulated facilities	x	None for regulated motor fuel USTs. (Residential heating oil only.)				x	x	NA	2010 for motor fuel and motor oil. None for fuel oil	NA	2x for 5 yrs each	no	
NJ	Dept. of Environmental Protection	P,U,H,F	10,000	30,000	x			none		x	x	x	x	x		6/30/2010	NA	6/30/10	no	no	

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NM	Environment Department	P*,A,C,AB *AST: 1320- 55000 gal only	1,929 w/ active tanks	5,090	x	NA	NA	\$10,000 w/sliding scale to \$0 based on through put	x	NA	N/A	x	x	NA	x	N/A	NA	NA	NA	NA	NA
NV	Division of Environmental Protection	P,H,A,U,AB,F	1,366	4,004	partial	partial	separate	10% regulated tanks \$250 heating oil tanks	x		x	x	x		x	x	NA	NA	NA	NA	NA
NY	Office of State Comptroller	P (spills from all sources)	NA	NA	x	partial								x			NA	NA	NA	NA	NA
OH	Petroleum UST Release Compensation Board	P,U	NA	22,000	x	x	combined	\$55,000 standard; \$11,000 reduced	x	x	x				x	x	NA	NA	NA	NA	NA
OK	Oklahoma Corporation Commission	P,A,U,AB	18,664 - Now Includes AST's & Historical	36,653	x	x	combined	1% (max 5k)	x					x	x		NA	NA	NA	NA	There is no date certain titled "Sunset Date"
PA	Department of Insurance	P,H,C,U,M,F	13,198	25,760	x	x	combined	\$5,000 First Party, \$5,000 Third Party	x		x				x	x	none	none	none	NA	NA

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RI	Rhode Island Review Board	P,U	638	1,700	x	x	combined	\$20,000	x						x	x	none	none	none	NA	NA
SC	Department of Health and Environmental Control	P,AB	4,271	11,961	x	x	separate	\$25,000	x						x	x	12/31/2026	12/31/2026	1/31/2027	1x for 29 yrs	no
SD	Department of Revenue and Regulation	P,U,H,A, AB, F	All petro tank facilities (2,105 regulated USTs & ASTs; unknown # of unregulate d facilities)	All petro tanks (7,140 regulated USTs & ASTs, unknown # of unregulated tanks)	x	partial	combined	\$10,000 (or \$0 for abandoned tank site)	x						x	x	NA	NA	NA	NA	NA
TN	Department of Environment and Conservation	P,U	5,659	17,199 compartme nts	partial	partial	separate	\$20K	x						x	x	NA	NA	NA		
TX	Texas Commission On Environmental Quality	P,A,U,AB	23,500	66,000	partial		NA	\$1,000 - \$80,000							x	x	12/23/1998	9/1/20011	9/1/2012	4x for 12 yrs	no
UT	Department of Environmental Quality	P,U,A	1,121	3,064	x	x	combined	\$10,000	x	x							None	None	2018		No

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VA	Department of Environmental Quality	P,H,U,A,F,AB	6,867	20,600	partial	parital	combined	\$500-\$1 mil	x			x			x	none	none	none	no	no	
VT	Department of Environmental Conservation	P,H,U,F,AB,A	2,130	3,653	partial	x	separate	\$250 - \$10,000	x	x			x	x	x	7/1/2009	4/1/2011	when \$ runs out	3x each for 5 yrs.	no	
WA ^E	Pollution Liability Insurance Agency	P,H (marketers) U,A	1,973	5,302	x	x	combined	various	x		x	x	x	x	x		6/1/2013	6/1/2013	3x	no	
WA ^F	Pollution Liability Insurance Agency	H	61,868	63,247	x	x	combined		x			x-Must Be Active		x		6/1/2013	6/1/2013	2x	no		
WI	Department of Commerce - Environmental/ Regulatory Services Division	P,H,A,U,F,AB	unknown	191,423	partial	partial	combined	\$2,500 + 5% of total eligible costs						x	x	NA	NA	NA	NA	NA	
WV	Department of Environmental Protection		0	0	x	x	combined	\$0	x	terminated				x	x	9/30/2000	9/30/2000	9/30/2000			
WY	Department of Environmental Quality	P,C,U,A,AB	3,828 includes 101 AST facilities	10,521 includes 536 ASTs	x	corrective action is fully covered; financial responsibility is partially covered	separate	\$30,000 (3rd party financial responsibility)	yes					site registered with WDEQ and all fees paid		none	none	none	NA	NA	
TOTAL			414,534	1,448,763																	

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^A P = Petroleum; U = Used oil; H = Heating oil; A = Aboveground; C = Chemical; F = Farm; M = Mixed; AB = abandoned.

^B GA's fund can be accessed to clean up abandoned tanks that are a threat to human health and the environment at the discretion of the director.

^C MD's deductible amounts 1)commercial heating: <7 tanks owned = \$7,500; 7-15 = \$10,000; 16-30 tanks = \$15,000; >30 tanks = \$20,000 2) residential heating oil: \$500.

^D Information presented for MI refers to the old fund which has been insolvent since June, 1995.

^E Commercial USTs

^F Heating Oil Tanks

Table 1 Definitions:

Of Facilities Covered: The total universe of properties or facilities which would be covered by your fund if a release from a covered tank were to occur.

of Tanks Covered: Of the total number of facilities covered, the number of USTs within those facilities which would be covered if a release were to occur.

Release eligibility sunset date: The date the fund will no longer accept sites in the program where there has been a new release. Some states refer to this date as the claims bar date.

Fee sunset date: The date where the collection of any fees, taxes, program income, etc. is stopped.

Program ending date: The date the fund will no longer be in existence (e.g.- legislative termination date, the date the fund runs out of money).

TABLE 2. FUNDING FOR STATE FINANCIAL ASSURANCE FUNDS

State	Sources of Funds			Approximate Annual Revenue (millions)	Fund Floor (millions)	Fund Ceiling (millions)	Approximate Current Balance (millions)			Outstanding Claims (millions)	Fund Transition to other financial mechanism?
	Tank Fee (annual)	Petroleum Fee (per gallon)	Insurance Premiums				Total	Unobligated (optional)	Obligated (optional)		
AK	x	NA	NA	\$0.00	NA	NA	\$0	0	0	NA	Loan Program 7/1/2004
AL	\$150, currently set at \$0	\$.01 per gallon	None	\$36	None	None	\$6.7	NA	NA	\$5.40	No
AR	\$75	\$0.003	none	\$8.30	\$12	\$15	\$18.33	\$3.99	\$14.34	\$0.85	No
AZ		\$0.01		\$31	NA	NA	\$29.66			\$3.00	approved financial responsibility mechanism
CA		\$0.014		\$250	NA	NA	\$67 as of 2/2008			\$2,200.00	unk
CO	\$35	\$0.00-\$0.0125	\$0.00	\$40.00	none	\$12	\$3.00	NA	NA	\$9.11	No
CT				\$12	NA	NA	\$3.0			\$46	No
DE	\$50 (not used for state fund)	\$9 mils/gal on wholesale petroleum	\$0	\$1.00	NA	NA	\$1.0 annually	NA	NA	\$0.35	State requires facilities to comply with FR requirements through private mechanisms. (insurance, self insurance, etc.)
FL	UST initial = \$50 UST renewal = \$25 AST <250K = \$25 AST >250K = \$1/10,000 gals	\$0.02		\$225	\$50	\$150	\$101	\$0	\$101		as of 1/1/99
GA	none	\$0.005	\$0.00	\$22	\$30	\$50	\$57.90	\$1	\$53.00	\$11.00	no
IA	\$65	\$0.01	NA	\$17.40	NA	NA	\$60		\$60	\$0.00	Yes, completed 11/8/00
ID	\$25 USTs/ASTs \$5 heating oil	\$0.002 from off road fuel	0	\$2	\$25	\$35		\$21	\$2.8	\$2.5^	N/A
IL	No	1.1 cents	No	\$76.00	None	None	\$8.80			\$75.70	No
IN	\$90/tank	\$0.01/gal. on gasoline, diesel, and kerosene	NA	\$51	\$5	None	\$30			\$12	Unk
KS	UST initial = \$20 UST renewal = \$10 AST annual = \$10	\$0.01	0	\$13	\$2	\$5	\$5.50	\$5.50	\$12.25	\$0.00	no

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	Tank Fee (annual)	Petroleum Fee (per gallon)	Insurance Premiums				Total	Unobligated (optional)	Obligated (optional)		
KY	\$30.00 per tank per year (not used for state fund)	\$1.4 cents/gal	0	\$44	\$1.50	NA	\$37.00	< \$1	\$14.60	\$1.20	For FY07 the Fund will receive \$25 million for UST cleanup from new bonds.
LA	\$54 per tank annual registration; \$275.00 Used Oil	\$.008	NA	\$22	\$10	\$20(total)	(\$14.00)	\$31.60	\$45.60	\$0.90	No
MA	\$250	\$0.025	NA	\$77.00	N/A	N/A	\$18.2 ^B	\$0.00	\$18.2 ^B	\$0.00	no
MD	NA	\$.00042/gal (\$.0175/bbl)	NA	\$2	None	None	\$1.50		\$1.50	\$1.00	no - MD has used loan and reimbursement programs to provide some relief to tank owners but has always relied on UST owners to meet FR by having one of the allowed mechanisms (other than a State Trust Fund) in 40 CFR Subpart H.
ME	\$35 per year per tank	.38 to .58 cents/barrel gas and .19 to .29 cents/barrel #2	NA	\$17.01	NA	\$12.50	\$4.86	\$3.46	\$1.19	\$0.00	unknown
MI	N/A [Tank fee exists but is not used for site cleanup]	7/8 cent/gal	N/A	\$61	\$0	\$0	\$32	\$0	\$32	\$0.00	Temporary Reimbursement Program created in 2005
MN	none	\$0.02 when balance drops below \$4M	none	\$27	\$4	fee must be imposed for 4 months and "blinks-off" when balance exceeds \$4 million	\$36.00			\$9.60	unknown

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Data received from all States with Financial Assurance Funds. Updated May 2008.

TABLE 2. FUNDING FOR STATE FINANCIAL ASSURANCE FUNDS

State	Sources of Funds			Approximate Annual Revenue (millions)	Fund Floor (millions)	Fund Ceiling (millions)	Approximate Current Balance (millions)			Outstanding Claims (millions)	Fund Transition to other financial mechanism?
	Tank Fee (annual)	Petroleum Fee (per gallon)	Insurance Premiums				Total	Unobligated (optional)	Obligated (optional)		
MO	none	\$0.005 (Board is taking comments on proposed reduction in fee to \$0.0025)	\$100-200/tank/yr* (Bill enacted by legislature wd allow Board to charge up to \$500, if signed by Governor)	26.5 (Board is taking comments on proposed reduction in fee; annual revenues wd decrease to \$13.5 million)	\$12	\$100	\$85	\$61.11	\$23.59	\$1.95	yes in 2010
MS	\$100	\$0.004		\$10.50	\$6	\$10	\$13.71	\$7.55	\$6.20	\$0.20	no
MT	none	3/4 cent/gal	none	\$6.87	\$4	\$8	\$0.65	\$2.30	\$2.90	\$2.82	no
NC	\$200-\$300 (commercial only)	1/4 of \$.01/gallon inspection tax; 22/32 of 1/2 cent excise tax ^D	0	\$27.1 commercial, \$6.6 noncommercial ^E	NA	NA	\$41.3 commercial, \$2.9 noncommercial	\$17.8 commercial, 2.2 noncommercial	\$23.5 commercial, \$5.1 noncommercial	\$3.8 commercial \$3.5 noncomm	no
ND	\$50	NA		\$0.29		NA	\$6.80			\$2.33	no
NE	\$90	gas 9/10 cents/gal diesel 3/10 cents/gallon	none	\$11.90	n/a	n/a	\$7.30			\$1.50	unk
NH		Motor Fuel; UST \$.014/gal. \$.0025 directed for MtBE; AST \$.001/gal gallon Fuel Oil; AST \$.01/gal residential \$.01/gal Motor Oil: UST/AST \$.04/gal		\$14	\$5	\$10	\$4.5 (total for all fund accounts)			\$3.8 (total for all fund accounts)	unk
NJ	As of 2008 there is no annual Corporate Business Tax dedication to the Fund, however, if the Fund balance drops below \$20 M, the annual dedication of funds begins again.	NA	NA	0 ^F	none	none	\$105.00			\$5.60	no
NM	\$100	\$0.005-\$0.1875/gal	N/A	\$19.20	NA	NA	\$15.10	\$3.30	\$11.80	\$11.80	no

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State	Sources of Funds			Approximate Annual Revenue (millions)	Fund Floor (millions)	Fund Ceiling (millions)	Approximate Current Balance (millions)			Outstanding Claims (millions)	Fund Transition to other financial mechanism?
	Tank Fee (annual)	Petroleum Fee (per gallon)	Insurance Premiums				Total	Unobligated (optional)	Obligated (optional)		
NV	\$100	\$0.0075	NA	\$10	\$5	\$7.50	\$7.40	\$2.40	\$5.00	\$0.06	No
NY	1100-2000 gal; \$100/5yrs 2001-4999 gal; \$300/5 yrs 5000-399,999 gal; \$500/5 yrs	\$0.08/barrel transferred by a MOSF		\$35	\$0	\$25	\$14.73			NA	no ^c
OH	\$600/\$55K deductible \$800/\$11K deductible	NA	NA	\$15.10	\$15	\$45	\$13.76	\$10.79	\$2.97	\$27.03	no
OK	NA	\$.01	NA	\$27.50	N/A	N/A	\$25.48	\$16.53	\$8.95	\$0.69	no
PA	\$.0825 per capacity on Diesel, Heating Oil and Kerosene tanks	\$.011 on Gasoline tanks, aviation fuel, gasohol		\$61			\$203			\$211.4 This represents the claim reserves established by the claim department for open cases	no
RI	0	\$0.01	0	\$4.50	\$5	\$8	\$1.10			\$0.00	no
SC	\$100	\$0.005	NA	\$22.20	NA	NA	\$28.93	\$1.91	\$25.62	\$0.19	no
SD	NA	10.65 % of \$.02/gal	NA	\$1.60	\$2.00	NA	\$5.60			\$0.05	no
TN	\$250/tank	\$.004	NA	\$20	\$2	\$50	\$36	\$34.9	\$0	\$0.32	no
TX	not used for state fund	\$0.03	NA	34	NA	NA	191	153	38	\$10.20	yes
UT	\$50 or \$150 per tank depending on throughput.	\$0.005	None	\$6.0	NA	\$20	\$11.8			None	No
VA	NA	\$.002-.006 (motor fuel, diesel, heating oil)	NA	\$35.95		NA	\$1.23	NA	NA	\$0.38	no
VT	\$100/tank	\$0.01-motor fuel, \$0.005-heating fuel		\$6		\$6 motor fuel \$3 heating fuel	\$7.60	\$7.30	\$0.30	\$0.25	no
WA ^g	NA	.5% of value (only collected when fund floor hit)	1% of earned premium	(\$0.43)	\$7.50	\$15	\$27.7	\$14.1	\$13.6	\$5.6	no
WA ^h	NA	\$0.012	1% of earned premium	\$0.56	NA	NA	\$0.44	NA	NA	\$2.00	no
WI	\$0	\$.02	\$0	\$20	0	\$0	\$8.83	0	\$0.00	\$0.81	yes ⁱ

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TABLE 2. FUNDING FOR STATE FINANCIAL ASSURANCE FUNDS

State	Sources of Funds			Approximate Annual Revenue (millions)	Fund Floor (millions)	Fund Ceiling (millions)	Approximate Current Balance (millions)			Outstanding Claims (millions)	Fund Transition to other financial mechanism?
	Tank Fee (annual)	Petroleum Fee (per gallon)	Insurance Premiums				Total	Unobligated (optional)	Obligated (optional)		
WV	0	0	0	\$0	none	none	\$0.00		\$0.00	unknown	yes
WY	\$200/operational tank, or \$200 contaminated site fee/year	\$0.01	State provides financial responsibility with a \$30,000 deductible	\$11	\$11	\$17	\$41.6	\$8.0	\$33.6	continuing operational program	no
TOTAL				\$1,467.65			\$1,415.91	\$406.34	\$557.61	\$2,674.89	10

^A Anticipated losses not yet incurred on insured tanks.

^B MA's fund was repealed in FY04 so all revenue goes to the General Fund.

^C NYs fund is not an assurance or a financial responsibility fund, tank owners need private insurance or be self-insured.

^D Effective July 1, 2004, revenue increases to 5/7ths of 1 cent/gallon the commercial fund.

^E The total amount increases by \$32 million for the fiscal year ending June.

^F Legislation diverts previously dedicated Corporate Business Tax monies away from the UST Fund to fund other programs until such time as the balance of the UST Fund falls to the \$20 million level, at which time the annual dedication of these tax monies to the UST fund will commence again.

^G Commercial Underground Storage Tank Program

Table 2 Definitions:

Fund Floor: The amount at which the program starts collecting taxes or fees.

Fund Ceiling: The amount at which the program stops collecting taxes or fees.

Outstanding Claims: Claims submitted but not yet paid.

TABLE 3. LEVEL OF ACTIVITY IN STATE FINANCIAL ASSURANCE FUNDS

State	Date Legislation Enacted	State Fund Staff					Total # of Sites	Claims Processing Experience to Date								Average Cost Per Site			Average Cost Per Site at completed cleanup sites	Estimated Processing Time (months - submission to payment)	# of Claims formally Appealed				
								# sites where claims have been paid to date	# sites where covered third party claims have been paid	# of Claims		Approximate Total Amount Paid (millions)													
		Received	Processed	USTs		ASTs				Total															
				annual	total	annual				total	annual	total	USTs	ASTs	Total										
AK ^A	9/5/90	0	0	0	x		NA	NA	NA	NA	NA	NA	\$0.00	\$0.00	NA	NA	\$0.00	\$31.50	\$0	NA	\$0	\$0	NA	NA	NA
AL	10/1/88	14	3	17	x		2,623	2,175	19	24,648	24,248	\$38.08	\$248.57	\$0.59	\$2.73	\$38.67	\$251.30	\$115,722	\$170,660	\$115,540	\$51,905	2	20	210	
AR	2/22/89	6	3	9		x	1,394	297	27	1,894	1,866	n/a	n/a	n/a	n/a	\$5.70	\$57.80	n/a	n/a	\$196,105	151,685 ^B	2.5		n/a	
AZ	6/1/90	3	12	15			4,765	2,651	NA	15,684	15,461	\$22.90	\$284.00	N/A	N/A	\$22.90	\$284.00	\$269,776	N/A	\$269,776	\$81,461	3	116	1,914	
CA	9/26/90	26	39	65		x	30,000	10,285	26	19,094	18,729	\$208	\$2,381			\$208	\$2,381	\$300,000		\$300,000	\$136,375	8	365	Unk	
CO	7/1/89	6.5	6.5	13	x	x	2,198	1,936	3	17,429	16,128					\$33.40	\$325.00			\$152,967	\$98,802	1.9	6.1	443	
CT	7/5/89	8	4	15		Board legal services	1,320	991	345	9,862	8,712	\$12	\$170	NA	NA	\$12	\$170	\$171,632	NA	\$171,632		6 to 12			
DE	7/16/87	1	1	1			240	129	0	999	960	\$1.00	\$20.00	\$0.00	\$0.00	\$1.00	\$20.00	\$332,270	NA	\$332,270	\$103,776	3	0	0	
FL	7/1/86			117	x	x	17,787	16,500	NA	72,042 ^C	72,042 ^C					\$157.50	\$2,409.00			\$380,000	\$380,000				
GA	7/1/88	12	5	17	x	x	2,975	2,232	3	NA	NA	\$24.0	\$280.0			\$24.0	\$280.0	\$136,166		\$136,166	\$71,703	6	0	0	
IA	5/5/89	2	7	9		x	1,500	6,295	0	8,059	8,059	\$12.00	\$235.00	\$0.00	\$11.00	\$12.00	\$246.00	\$38,045	\$26,670	\$37,967	NA	1.5	3	368	
ID	3/23/90	0	0	12			419	151	4	419	419	unk	unk	unk	unk	\$1.5	\$24.4	unk	unk	\$152,330	\$152,330				
IL	7/28/89	43	9	52			20,000	6,800	9		25,822	\$53.10	\$801.00			\$53.10	\$801.00	\$200,000+ (current year)		\$200,000+ (current year)	unk	20			
IN	3/31/88	8	7	8	x	x	2,470	2,119	20	26,784	26,261	\$30.7	\$307.0			\$30.7	\$307.0	\$157,948		\$157,948	\$157,948	2	35	395	
KS	4/1/90	25	5	34	x		2,396	2,297	2	unk	unk	\$11.00	\$135.00	\$1.50	\$11.50	\$12.50	\$146.50	\$54,313	\$56,271	\$54,460	\$45,000	0.5	<1	<5	
KY	4/9/90	0	7	7	X		4,750	4,511	8	38,939	36,837	\$13.80	\$299.70	NA	NA	\$13.80	\$299.70	\$67,366	NA	\$67,366	\$63,000	5	unk	unk	
LA	7/15/88	42	1	12			1,407	1,380	12	24,345	24,250	\$17.50	\$250.00	NA	NA	\$17.50	\$250.00	\$201,587	NA	\$201,587	\$294,000	0.5	0	2	
MA	1/2/91	4	3	10	-	x	2,054	1,801	5	25,950	25,087	\$26.90	\$320.00	NA	NA	\$26.90	\$320.00	\$156,000		\$156,000	\$114,000	7	131	2,101	

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TABLE 3. LEVEL OF ACTIVITY IN STATE FINANCIAL ASSURANCE FUNDS

State	Date Legislation Enacted	State Fund Staff					Total # of Sites	Claims Processing Experience to Date										Average Cost Per Site			Average Cost Per Site at completed cleanup sites	Estimated Processing Time (months - submission to payment)	# of Claims formally Appealed	
		Technical Staff	Financial Staff	Total # of State Fund Staff	Total includes regulatory Staff	State contracts with outside staff		# sites where claims have been paid to date	# sites where covered third party claims have been paid	# of Claims		Approximate Total Amount Paid (millions)						USTs	ASTs	Total			annual	total
										Received	Processed	USTs		ASTs		Total								
												annual	total	annual	total	annual	total							
MD	7/1/1993, 7/1/2000, 7/1/2005	down to 0.25	1	now 1.25	x		RCRA I + Commercial UST heating oil = 269; residential = 438; Total = 707	RCRA I + Commercial UST heating oil = 269; residential = 385; total = 654	NA	unk	unk	unknown	RCRA I + Commercial heating oil = 15.83	Residential AST + UST = 1.83	unknown	All reimbursement types = 17.66	unknown	unknown	unknown	unknown	9	0	1	
ME	4/19/90	28	1	29	x		2,734	2,734	393	2,734	2,734	\$0.9	\$37.52	\$1.4	\$29.0	\$2.3	\$66.52	unk	unk	unk	\$30,258	1	2 UST; 4 AST (2 withdrawn)	unk
MI	2005	1	2	3	3	0	600 under the Temporary Reimbursement Program created in 2005. 7167 in the old program	267 - new fund (7,135 - the number of sites reported last year which was reflective of MI's old fund which had been insolvent since June, 1995)	n/a	816	816	\$0.00	\$5.8 - new fund (last year's data reporting the old fund numbers indicated \$622.2)	N/A	N/A	N/A	\$5.8 - new fund (last year's data reporting the old fund numbers indicated \$622.2)	\$64,000 - the amount is the maximum reimbursement per site and is not reflective of actual cost to cleanup a site	n/a	\$64,000 - the amount is the maximum reimbursement per site and is not reflective of actual cost to cleanup a site	\$64,000 - the amount is the maximum reimbursement per site and is not reflective of actual cost to cleanup a site	4 months is allowed in the statute. Actual processing time is averaging 3 months.	96	98
MN	1987	29	9	38	x		15,973	11,306	unk	29,777	29,069	not tracked	not tracked	not tracked	not tracked	\$10.00	\$388.00	not tracked	not tracked	\$34,000	\$41,000	3	13	unk
MO	8/28/89			3.5		x	5,842	2,026	32	9,808	9,667	\$12.58	\$143.82	\$1.79	\$14.91	\$14.37	\$158.19	\$76,057	\$110,432	\$78,347	\$62,167	1.25	44	494
MS	5/18/88	7	4	11			936	930	9	unk	unk	\$8.00	\$122.45			\$8.00	\$122.45	\$130,831		\$130,831	\$95,151	1	3	93
MT	4/13/89	6	1	6		x	3,628	1,506	35	23,600	22,653					\$4.60	\$83.42			\$55,408	\$15,683	1.8	4	unk

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		Technical Staff	Financial Staff	Total # of State Fund Staff	Total includes regulatory Staff	State contracts with outside staff		# sites where claims have been paid to date	# sites where covered third party claims have been paid	# of Claims		Approximate Total Amount Paid (millions)						USTs	ASTs	Total			annual	total
										Received	Processed	USTs		ASTs		Total								
												annual	total	annual	total	annual	total							
NC	6/30/1988	49	5	57	x		16,247 regulated 6,865 nonreg.	3,315 comm 4,254 noncomm	21 comm	29,022 comm 11,049 noncomm	28,899 comm 10,945 noncomm	\$7.6 comm \$6.2 noncomm	\$404.0 comm \$86.4 noncomm	\$0.00	\$0.00	\$7.6 comm \$6.2 noncomm	\$404.0 comm \$86.4 noncomm	\$121,950 comm \$20,331 noncomm	\$0	\$121,950 comm \$17,343 noncomm	\$82,835 comm \$17,343 noncomm	2	10	40
ND	7/1/89	1	1	2			1641	698	0 ^D	704	698				\$0.86	\$8.05			\$28,602			1	2	2
NE	5/27/89	7	5	15	x		6,615	1,358	2	9,397	9,291	\$6.00	\$86.00	\$1.50	\$15.70	\$7.50	\$101.70	\$69,190	\$167,000	\$74,880	unk	2	2	9
NH	7/1/1988 for motor fuel, 8/93 for fuel oil, 7/95 for motor oil, 7/01 for MtBE	13	6	20	x		3,263	2,820	27	26,240	25,480		\$143.30		\$10.50	\$12.20	\$153.80	\$172,359	\$162,270	\$334,629	\$114,778	2.8	1.5	
NJ	8/31/97	75+	10	85			10,346	1,300	NA	1,313	1,300	\$11.00		NA	NA	\$11.00	\$97.00			\$135,000		4	NA	NA
NM	3/7/90	22	4	26	x		2,281	1,324	NA	22,484	19,896					\$10.60	\$190.00			\$135,144	\$130,000	2		1
NV	1989	3	3	3	x		1,307	1,134	5	Unk	Unk					\$7.40	\$140			\$110,000	unk	3	3	68
NY	4/1/78	123	NA	8		x	NA	NA		NA	NA							unk	unk	unk	unk	NA	NA	
OH	7/11/1989	4	4	16			7,500	2,569	13	10,937	9,140	\$9.00	\$178.10			\$9.00	\$178.10	\$69,326		\$69,326	\$64,779.00	8	70	475
OK	7/1/89	14	3	29		x	4,830	3,101	NA	41,677 ^E	41,666				\$22.60	\$309.98	NA	NA	\$99,962	\$94,643	0.5	NA	NA	
PA	7/89 amended 12/92	5	2	7		x	13,198	3,551	152	4,740	4,740	\$68.14	\$750.64			\$68.14	\$750.64	\$158,228		\$158,228	\$157,639	1	24	unk
RI	7/1/94	1.5	2	3.5	yes		312	222	4	1797	1,797	\$2.40	\$45.00			\$2.40	\$45.00	\$202,858		\$202,858	\$97,187	2	2	2
SC	5/88	21	3	24	no		9,028	6,958	15	58,431	56,863	\$17.36	\$248.52			\$17.36	\$248.52	56,337 ^F		\$56,337	52,604 ^G	0.49	0	6
SD	4/1/88	4.5	0	5.5			6,478	4,166	6	16,126	16,108					\$0.82	\$80.74			\$19,381	\$16,190	0.9	9.5	190
TN	7/1/88	1	5	6			5,813	2,635	6	33,061	33,023	\$5.51	\$298.21			\$5.51	\$298.21	\$113,174		\$113,174	\$93,737	1	63	3189
TX	5/31/89	35	16	57	x	x	22,750	13,359	0	63,300	62,440	\$29	\$1,051			\$40	\$1,051	\$73,580		\$73,580	\$73,500	3	618	29,650

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State	Date Legislation Enacted	State Fund Staff					Total # of Sites	Claims Processing Experience to Date										Average Cost Per Site at completed cleanup sites	Estimated Processing Time (months - submission to payment)	# of Claims formally Appealed				
		Technical Staff	Financial Staff	Total # of State Fund Staff	Total includes regulatory Staff	State contracts with outside staff		# sites where claims have been paid to date	# sites where covered third party claims have been paid	# of Claims		Approximate Total Amount Paid (millions)								Average Cost Per Site			annual	cumulative
										Received	Processed	USTs		ASTs		Total				USTs	ASTs	Total		
												annual	total	annual	total	annual	total							
UT	1989	7	2	9	x		1,631	551	2	7,850	7,850	\$6.00	\$81.50	\$0.00	\$0.00	\$6.00	\$81.50	\$50,000		\$50,000	\$25,000	1	0	1
VA	7/1/87	2	5	7		x	27,812	11,068	1	27,541	27,176	\$19.55	\$226.93	\$6.08	\$69.82	\$25.63	\$296.75	\$34,944	\$15,267	\$26,814	\$19,736	2	1	12
VT	7/1/88	11	3	14	x		3,089	1,616	165	unk	unk	\$5.10	\$74.10	\$0.40	\$3.40	\$5.90	\$77.50	\$70,053	\$11,326	\$46,720	\$27,466	2	2	12
WA ^H	1989	1	0.6	4			375	252	0	375	375	\$1.90	\$21.58	\$0.00	\$0.00	\$1.90	\$21.58	\$85,635	\$0	\$76,230	\$83,635		NA	NA
WA ^I	1995	2	0.4	2.6			1,683	1,215	72	1,220	1,215	\$1.80	\$12.68	\$0.01	\$0.19	\$1.81	\$12.87	\$10,659	\$7,402	\$10,592	\$11,365		1	5
WI	8/1/87	22	1	12	x		16,590	12,419	unk	33,557	28,619	\$12.04	\$1,288.64	\$4.08	\$139.29	\$16.12	\$1,427.93	\$131,682	\$160,846	\$134,053	\$110,289	3.5	78	2630
WV	4/22/91	0	0	0	x		NA	NA	NA	unk	unk	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15.00	\$0		\$0	\$0		unk	unk
WY	3/21/90	1	1.5	2.5			1,557	1,192	0	NA	NA	\$9.5	\$116.2	included	included	\$9.5	\$116.2	\$97,483	included	\$97,483	unk - WY does not track costs/individual site cleanup	1.5	NA	NA
TOTAL		696.75	213	919.9		16	299,763	162,827	1,443	754,091	757,341	\$710.56	\$11,169.49	\$20.35	\$309.87	\$995.49	\$16,260.91	\$125,297	\$88,799	\$128,023	\$95,210	3.25	1,730	42,416

- ^A AK's Program ended June 30, 2004.
- ^B AR's average cost per site at completed cleanup sites that exceeded the state's deductible.
- ^C FL - # of claims represents combination of reimbursement claims prior to 1997 and preapproval work orders and task assignments from 1996 to date.
- ^D ND does not separate 1st party and 3rd party.
- ^E OK-# of Claims Received is now compiled differently, and only relates to claims for actual Cases
- ^F Amount indicated is the amount per site. Payments were made for 4,394 sites since 1988.
- ^G Amount as reported on the State UST Fund Soundness Data Form for period ending June 30, 2006; amount not determined for period after this date but cost should be similar.
- ^H Commercial Underground Storage Tank Program.
- ^I Oil Heat Program

Table 3 Definitions:

Total # of State Fund Staff: The total number of staff that have responsibility for managing your state fund including technical staff, plus financial staff and administrative staff.

Total # of sites: Any location where there has been a release of petroleum from a UST (and above ground tanks if included in your fund).

claim: Any request for reimbursement or payment from a fund. Some states allow for claims to be filed on an ongoing basis during site cleanup, while others require claims to be filed only after certain milestones are reached (e.g. - site investigation completed claim, site cleanup completed claim). For this survey, any request for payment is considered a claim and includes both cleanup and third party claims. Please put unknown if your state does not track individual claims.

Average cost per site: this is the total funds expended on federally regulated UST sites divided by the total number of sites where there were expenditures. This is not a measure of the average cost per site at site closure (closure means the point when the site has been cleaned up to the state's criteria, and not tank closure).

Average cost per site at completed cleanup sites: this is the total spent from the fund on federally regulated UST closed sites divided by the total number of sites in the fund that have reached closure (closure means the point when the site has been

TABLE 3. LEVEL OF ACTIVITY IN STATE FINANCIAL ASSURANCE FUNDS

State	Date Legislation Enacted	State Fund Staff					Total # of Sites	Claims Processing Experience to Date						Average Cost Per Site			Average Cost Per Site at completed cleanup sites	Estimated Processing Time (months - submission to payment)	# of Claims formally Appealed					
		Technical Staff	Financial Staff	Total # of State Fund Staff	Total includes regulatory Staff	State contracts with outside staff		# sites where claims have been paid to date	# sites where covered third party claims have been paid	# of Claims		Approximate Total Amount Paid (millions)							USTs	ASTs	Total	annual	cumulative	
										Received	Processed	USTs		ASTs		Total								
												annual	total	annual	total	annual								total

the site has been cleaned up to the state's criteria, and not tank closure).

Average cost per site at completed cleanup sites: this is the total spent from the fund on federally regulated UST closed sites divided by the total number of sites in the fund that have reached closure (closure means the point when the site has been cleaned up to state's criteria, and not tank closure). This does not include any deductible amounts paid by the tank owner.

Estimated processing time: this is the total time it takes from when a claim is received to the time it takes to issue payment. This should include all the review time necessary before the claim is processed for payment.

TABLE 4. COST CONTROL MEASURES AND MANAGEMENT PRACTICES USED BY STATE FINANCIAL ASSURANCE FUNDS

State	Use Standard Forms for Site Assessment and Corrective Action Plans	Approve Cleanup Plans and/or Budget Prior to Implementation (preapproval)	Specify Cleanup Plans	Requires Competitive Bidding		Payment Limits for Site Assessment/ Receptor Assessment	Certify Contractors or Set Contractor Qualification Requirements	Limit Types of Activities at Sites	Limit Extent or Amounts of Allowed Activities	Limit Overhead Paid	Require Use of a Fee Schedule	Oversee Cleanups	Use Pay-For-Performance	Prioritize Claims to Conserve Funds	Employ a Board to Oversee Fund Activities	Employ a Third Party Administrator	Risk-based Cleanups			Cover Corrective Actions undertaken only as a result of a capital improvement
				Tank Owner	State as Agent of Owner												Cover cleanups based on site specific Risk-based end points	Costs incurred for cleanups more stringent than Risk-based end points	Cover long-term monitoring/maintenance of engineering controls following risk-based closure	
AK																				
AL	x	x		Highly recommended		x	x	x	x	x	x	x			x		x	No. But may if there is still a nuisance.		
AR		x				allowable reasonable necessary			x	x	x	x			x		x			
AZ		Pre-approval is an option			x	x		x	x	x	x						x			
CA		Pre-approval is optional		x		Reasonable Necessary	x	x			x		Only existing PFP/Ceased new PFP 6/2007	x						
CO	x	x				x	x	x	x	x	x	x			x		x			
CT		x		x		reasonable costs		x							x					
DE		x					x	x	x	x		x			x		x			
FL	x	x			x	x	x	x	x	x	x	x	x	x				x		
GA	x	x				reasonable costs		x	x	x	x	x	x	x						

Based on a survey conducted by the Vermont Department of Environmental Conservation. Data received from all States with Financial Assurance Funds. Updated May 2008.

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IA	x	x	x	reserve discretion to require	x		x	x	x	x		x	x	have authority if necessary	x	x	x	no reimbursement	x	only if supported by RBCA
ID	x	x					x		x		Fee negotiated annually in contract with contractor				x		x			
IL	x	x						x	x	x	x						x			
IN		x	x	x		x		x	x	x	x			x	x	x				
KS	x	x	x	x	x	x	x	x	x			x	x	prioritize work		x				
KY	x	x				x	x			x	x	x	x	x						
LA	x	x		x RAC obtains bids for certain activities	x Abandoned Tank Fund Only	x	x	x	x	x	x	x	x		x		x		x	x
MA				x		x		x	x	x	x			x	x	x	x	x	x	
MD		x	x			x		x	x			x		x						
ME	x	x	x					x	x	x		x		x	x					

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MI	x		a separate statute provides the elements of site investigation and cleanup	x			x	x	x	x	x	x									
MN	x	active rem. only		x		x			x	x	x	x			x			x			
MO		x		x				x	x	x		x	x		x	x		x			
MS	x	x	x	x		x	x	x	x	x	x	x									
MT		x	x								x				x						
NC		x		x		x		x	x	x	x							x			
ND	x	x	x	x				x	x	x		x									
NE	x	x		optional	PFP contracts are bid		no but other NE agencies licenses required.	x	x	x	x	x	x	x				x			case by case

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TABLE 4. COST CONTROL MEASURES AND MANAGEMENT PRACTICES USED BY STATE FINANCIAL ASSURANCE FUNDS

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				Tank Owner	State as Agent of Owner												Cover cleanups based on site specific Risk-based end points	Costs incurred for cleanups more stringent than Risk-based end points	Cover long-term monitoring/maintenance of engineering controls following risk-based closure	
NH	x	x	x	Case-by-case		x	Consultant must be PE or PG, no requirements for contractors	x	x	x	standard costs	x	x	x	x					
NJ		x				x	x	x	x		x	x					x	x	x	
NM				x	x		x	x	x		x	x	x		x					
NV		x		x			x	x	x		x				x		x			
NY	x	x	x						x	x	x				x					
OH		x						x	x						x		x			
OK	x	x				x	x	x	x	x	x	x	x	x						
PA		on occasion		option of the Fund					x				x		x	x	x	x	x	x
RI		x					consultant must be PE		x		x				x					
SC	x	x		x	x	x	x	x	x	x	x	x	x	x			x			
SD		x	x	option of the Fund		x	x	x	x		x	x			x		x		x	x
TN	x	x	x	sometimes		x	x	x	x	x	x	x			x					
TX	x	x	x		x	x	x	x	x	x	x	x				x				

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				Tank Owner	State as Agent of Owner												Cover cleanups based on site specific Risk-based end points	Costs incurred for cleanups more stringent than Risk-based end points	Cover long-term monitoring/maintenance of engineering controls following risk-based closure	
UT		x		x	x		x	x	x	x	x	x	x				x	x		
VA	x	x	x	x		x		x	x	x	x	x				x				
VT		x	x	sometimes		x		x	x	x	x	x	x	x			x			
WA ^A	x	x	x			x	x	x	x	x	x	x				private insurance				
WA ^B	x	x	x			x	x	x	x	x	x	x								
WI	x	x	x	x	x	x	x	x	x	x	x	x	x							
WV																				
WY	x	x	x		x		x	x		x	x	x								
TOTAL	27	45	20	26	12	29	27	36	38	39	35	36	16	14	22	9	22	6	6	5

^A Commercial Underground Storage Tank Fund.

^B Oil Heat Program.

TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
AK	**no update in 2008**	Fund is no longer active.	
AL	No new legislation.	Funds are available to pay incoming payment requests./ The Fund is successful based on the number of cleanups funded and brought to NFA status. Emergencies and sensitive receptors are addressed appropriately. The timely approval of cost proposals and payment requests for all eligible sites indicates a successful program.	
AR	No new legislation	Funds available to pay all submitted corrective action plans and third party claims. / Number of confirmed releases received, sites closed.	
AZ	New legislation limits number of claim submittals. An applicant may only submit one claim per LUST site, per calendar month.	Funds are available to pay claims.Fund "phase out" began with the June 30, 2006 deadline for release reporting. Only releases reported before July 1, 2006 were eligible for coverage from the fund. The next stage of the phase out requires preapproval applications to be received no later than June 30, 2009. No applications will be accepted after June 30, 2010. / Success is measured by the number of claims processed within the statutory timeframes.	None
CA	Effective January 1, 2008, Assembly Bill 1437 expanded the availability and changed the criteria for requesting a waiver of the permitting requirements.	The Fund continues to accept claims for unauthorized releases. An annual appropriation of funds each fiscal year continues to provide for the payment of claims. / Key measurements of the Fund's success is the timely processing of claims and payments.	

TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
CO	<p>The following passed during the legislative session in 2007:</p> <p>1) The Division of Oil and Public Safety (OPS) is now allowed to be more stringent than Federal regulations on tank closure requirements.</p> <p>2) The Fund may now be used to provide incentives for voluntary UST system leak detection upgrades.</p>	<p>Environmental surcharge has remained at \$100/tanker. Payments are being made within the statutory requirement of 90 days and Fund balance has remained below \$3 million, allowing the surcharge to remain at \$100/tanker.</p> <p>How quickly claims are paid; level of participation by the regulated community; cost savings for remediation costs negotiated up front.</p>	<p>Modifications to our rules and regulations were made to comply with the Energy Act. The draft was presented to stakeholders and their input was obtained during a series of meetings beginning in October 2007. A public hearing regarding the final rules and regulations is scheduled for May 2008 with possible implementation date of June or July 2008.</p>
CT		<p>/</p> <p>Streamlining application processing, fund solvency, and ensuring clean-ups are completed in cost effective manner and in accordance with state remediation standards.</p>	
DE		<p>Fund is currently solvent. /</p> <p>Completed site remediation activity resulting in closed claims</p>	<p>Anticipate that increased inspection frequency will result in increased number of cleanups required.</p>
FL	<p>(Recently passed, pending governor's approval)</p> <p>Legislative funding appropriation for cleanup in FY 08-09 reduced by \$10.5 M (6.4%) from same at beginning of FY 07-08. Funding caps for certain cleanup eligibility programs increased as follows: \$1.0 M to \$1.2M, \$300K to \$400K, and \$150K to \$300K.</p>	<p>The fund is sound and revenues remain steady. Of the 17,787 eligible sites, 32% have cleanups completed, 22% have cleanups underway and the remaining 46% are awaiting cleanup in priority order.</p> <p>By the number of sites cleanup up and the number of potable wells in the vicinity of contaminated sites that have been protected (through periodic surveys, sampling and analysis and , if necessary, filters or alternate water supplies.</p>	
GA		<p>Fund is currently solvent./</p> <p>We consider our fund successful as remediation of sites is being accomplished, claims are processed in a timely manner and the fund remains solvent.</p>	

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Data received from all States with Financial Assurance Funds. Updated May 2008 .

TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
IA	Legislature changed DOT funding which affected UST Fund source. Result required UST Fund Board to retire all debt by 6/30/08. Total balance drops from \$60 Million to roughly \$28 million. Also a transfer of \$1.725 million is pending Governor signature that would divert clean up monies for snowmobile and ATV trails.	Fund is currently solvent./ Closure of LUST sites. There are ~1,500 (1,048 eligible claims) LUST sites currently open in the state. About 500 of the LUST sites have active tanks. Majority are just LUST sites.	
ID	None	Fund is solvent / Completed site remediation activity resulting in closed claims	Unknown
IL	Legislation passed in 2007 which allows for third party purchase of unpaid claims (at discount value) from owner thereby providing immediate liquidity to owner.	Cash balance has been depleted. Currently, fund is operating on a cash-in, cash-out basis. Incoming revenues are not high enough to prevent delays in the payment of claims. Revenues received prior to Fund sunset date will not be sufficient to pay all claims. Formal Measure: mandated time frames for technical/budget approvals and for complete claims approval. Informal Measure: The number of sites remediated.	
IN	Legislation was recently passed limiting the amount that can be spent from the fund for administrative expenses. This limitation is 10% of the previous years fees collected.	Since legislation was passed in 2005 increasing the fund revenue the balance has slowly increased and we are now out of priority payment. At the start of each fiscal year the LUST section establishes goals which are monitored through out the year. The success for these established goals are measured thru implementation dates.	
KS	The Kansas Storage Tank Act amended to require Operator Training, and Financial Responsibility for UST installers and manufacturers in accordance with provisions of the Energy Policy Act of 2005. Broadened use of the fund to include expenditures for enforcement and reporting of UST compliance and costs for UST operator training.	Following directives from the legislature, the Underground Fund now works from a cash balance without being able to encumber funds for approved work. Encumbrances are still possible for the Above ground Fund. / Prevention of a backlog and lack of 3rd party actions.	Broadened use of the fund to include expenditures for enforcement and reporting of UST compliance and costs for UST operator training.

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TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
KY	A biennial budget for FY07 and FY08 was passed that provides \$25 million for claim payments for each year. The \$25 million for FY07 is to be generated from bond sale proceeds, and the \$25 million for FY08 is to be generated from fee receipts, along with an additional transfer from the PSTEAF to the General Fund of \$59.5 million over the biennium.	The backlog of unpaid claims should be effectively eliminated by the close of FY06 (June 30, 2006) which will allow for the initiation of new reimbursable SI and CAP directives. Administrative regulations have been passed to institute a pre-established fixed cost approach to reimbursement to bring about more cost effective and expeditious cleanups. / By evaluating the number of NFA's issued, site investigations completed, and the timeliness of payments compared to past trends.	
LA	Regulation change recently allows the state to choose one contractor in cases where there are two Responsible Parties, each with a release, and each with a contractor and they cannot agree on a single contractor to perform work and submit reimbursement applications.	The Louisiana Trust Fund continues to be solvent. / We consider our fund successful as remediation of sites is being accomplished, claims are processed in a timely manner.	Since any activity in excess of collected fees and federal grants are offset by the Louisiana fund, an additional \$500,000.00 will be taken out of the fund this fiscal year. In future years, we estimate the offset will increase to \$1 million per year unless Energy Act activities are funded.
MA	Regulations were modified to remove reductions in claim payments as a result of late filings. This has resulted in more funding being returned to the Claimant which can be re-invested back into the site cleanup. In addition, the reimbursement fee schedule was updated to be aligned with current regulations, industry practice, and costs.	The dedicated UST Fund was repealed in 2003. Current funding of the UST Program is provided by annual legislative appropriations as part of the overall state budget. To date, the UST program budget for claim reimbursement has been sufficient to meet claim obligations. However, the budget is expected to be under funded at year-end based on the projected number of claims received by the end of the fiscal year. The budget shortfall projected for FY08 is expected to be approximately \$5 million. / No formal method	Possible effect may be how EPA evaluates and determines FUND soundness. As noted, the dedicated Fund was repealed and the funding source for claim reimbursement is now through annual legislative appropriations, which are currently insufficient to meet claim applications. EPA may view this as a not being a sound funding source.

TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
MD		a) As of April 2007 the remaining applications awaiting funding are primarily residential tank systems (approximately 6 commercial applications are remaining and awaiting review/funding approval) b) After 12/31/2007, only residential AST and UST heating oil systems will be eligible for reimbursement from the Site Cleanup Fund. / Reduction of application backlog while insuring the Fund balance remains "in-the-black"	
ME	none	Maine's Ground Water Oil Clean Up Fund continues to be closely monitored and managed to remain solvent. / Completed site remediation, protection of human health and the environment. Compliance with operation, maintenance and upgrade requirements.	
MI	No Legislative Activity	Currently processing invoices submitted under the Temporary Reimbursement Program that was established in 2005. Program is expected to end in 2009.	
MN	None	Minnesota's state fund continues to be financially sound. / Fund solvency & claim processing time.	Negligible, to date.
MO	Bill enacted by 2008 legislature will -- if signed by Governor -- extend Fund's sunset date to 2020; will require AST owners to have "FR;" will allow Trust Fund Board to increase annual premiums; will give "red tag" authority to MDNR; and will allow the Board to require extra premium payment and/or site assessment if a new applicant previously had no FR.	Excellent. Cash reserves are sufficient to complete all ongoing cleanups and pay for new claims as they are filed. Board is considering lowering the transport load fee. Fewer old releases are being found; few new releases are occurring at insured facilities. Enjoy broad support from petroleum industry and public officials. / Tank o/o's receiving timely, professional services; cleanups proceeding expeditiously; efficient and cost-effective expenditures from trust fund.	Little or no financial impact on Trust Fund. FR req't for equipment companies may allow more/better recovery of monies spent to clean up releases caused by defective workmanship.

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TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
MS	None	Increase in cash balance from the last year. / Fund balance and processing reimbursement requests in 30 days or less.	
MT	None	Beginning July 1, 2007, Board decided that funds would be obligated to cleanup releases which pose the greatest threat to human health and the environment. Since July the fund has obligated \$2.9 million and non-obligated \$2.2 million. The fund has \$800,000 in claims awaiting revenue. Fund continues to receive approximately \$395,000 per month for claims. / Fund balance & claim processing time.	
NC	None	Considering all obligations of trust fund monies (administration, state-lead contracted work, etc) Commercial fund is in the black by \$17.8 million, Noncommercial fund is in the red by 2.2 million. / Number of complaints received, sites closed.	Not yet known
ND	During the 2007 Legislative session, HB1106 passed which requires a phase II environmental study and a tank integrity test completed for existing tank site that were not previously and continuously registered with the Fund. If contamination exists, the site <u>must</u> be remediated prior to participation in the Fund is approved.	Solvent	
NE	LB1145 - extended the release reporting date from June 30, 2009 to June 30, 2012 for fund coverage	RBCA Tier 1 and Tier 2 investigation program working well. PFP program has 24 contracts at orphan tank sites with 5 completed successfully, 2 did not meet SSTLs with remainder in process. Slowing work at sites to manage fund balance. / The number of sites closed. Expenditures keeping pace with revenues. Application payment in less than 60 days.	none

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TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
NH	A bill to increase motor fuel import fees from \$.015 per gallon to \$.01725 per gallon and extend the fund sunset date(s), passed the NH House. The NH Senate amended the bill to remove the import fee increase, but did retain the sunset date extension from 2010 to 2015. The bill now goes back to the House and is expected to be approved and eventually become law. At this time, it is not clear if an import fee increase will be sought in the 2009 legislative session.	Fund(s) is active, we are re-prioritizing AST/UST cleanups to avoid soundness problems/ # of claims processed and cleanups completed	UST delivery prohibition legislation passed in 2007. Operator training legislation will be proposed for 2009. Current income is not sufficient to meet motor fuel AST/UST cleanup demand, so work is being re-prioritized to avoid soundness problems.
NJ		Fund is being utilized more than ever. Number of applications greatly increased from 2006 (357 applications) to 2007 (666 applications), and is projected to exceed 1,000 applications in 2008. Increase is believed to be mostly due to the initiation of funding for non-leaking, non-regulated heating oil tanks in 2006, as we have found that many tanks thought to be non-leaking have been found to be leaking upon removal, and thus the increase of applications to our program.	No financial impact to the fund from the Energy Act.
NM	In the Laws of 2004, Chapter 88, the legislature may appropriate up to 30% of the annual distribution to Fund for federal funds match, for underground contamination cleanup, and to address water needs. July 1, 2001 was the effective date for Fund coverage for ASTs.	Since Corrective Action Fund revenues will also be used for other department needs, closer management of workplan approvals is required in order not to over obligate the Fund / Protection of drinking water, public health and safety, use of technological and cost effective methods to clean up sites, progress in closure of sites.	
NV	Summer 2008 revision to Nevada Administrative Code adopting delivery prohibition and dispenser secondary containment as per Energy Policy Act of 2005	Active & solvent. / 1. Number of cleanups concluded. 2. Reduction of cleanup costs by technology reevaluation of sites. 3. Identification, through inspections, of sites eligible for reduced cleanup funding due to operational non-compliance to regulations.	New legislation currently being implemented and expected in the future. Evaluation of Fund applications will include compliance with new legislative mandates.
NY	None	The fund is currently solvent, but the cash balance has been decreasing every year for the last several years.	

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TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
OH	None	<p>The Fund continues to accept claims for releases occurring before and after 12/22/98. The Board issued revenue bonds for the second time in 1998 in the amount of \$35 million. These bonds do not mature until 2013 and no change in the Fund as the State's financial responsibility mechanism is anticipated before that date. /</p> <p>The Financial Assurance Fund is supported solely by annual tank fees, revenue bond proceeds and interest income. The Board's challenge is to strike a balance between reasonable fee levels and timely reimbursements. Revenue bond debt was created to allow timely claim reimbursements without excessive fee rates. The Fund's success is measured by the 1) maintenance of an affordable fee structure that generates sufficient revenues to maintain Fund Solvency; 2) maintenance of claims submissions standards that encourage cost-effective remediations; 3) timely reimbursement of eligible claimed costs; and 4) conformance to all bond trust agreement covenants.</p>	
OK	As of 07/01/06, 8% of the \$.01 assessment is apportioned to the OK Dept of Environmental Quality (ODEQ). As of 05/01/08, \$54M of the assessment will go to OKla Dept of Transportation (ODOT) over a span of 9-10 yrs, per an MOU.	<p>Active & solvent. /</p> <p>We consider our fund successful as remediation of sites is being accomplished, claims are being processed in a timely manner and the fund remains solvent.</p>	
PA	Uniform Environmental Covenant Act adopted in february 2008. DEP enlarged "short list" to include TMBs	<p>Fund is viable and paying claims as they are submitted /</p> <p>The Fund undergoes a statutory review every 5 years by an outside entity. In addition, the Fund measures success by a combination of sites remediated and financial status which allows all sites to be addressed.</p>	
RI	Supplemental budget for FY 09 is seeking a 2 million dollar redirect from fund revenues with potential for another 2 million redirect in FY 10	<p>Fund is viable and paying claims as they are submitted/</p> <p>Continued solvency, improving cost efficiency, closing sites</p>	

TABLE 5. STATE FUND UPDATES

Major Legislative Changes		Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
SC	House Bill 3292 was introduced in January 2007 to amend SECTION 44-2-60 Code of Laws of South Carolina, Registration of underground storage tanks; environmental impact fee. If passed in current form, initial UST registration fees would be increased by \$35 (from \$100 to \$135) and the environmental impact fee would increase from ½ cent per gallon to one cent per gallon. Bill H.3292 currently resides in the House Committee on Agriculture, Natural Resources and Environmental Affairs.	South Carolina prioritizes releases based on risk and directs site rehabilitation as funding allows. The number and percent of confirmed releases that are closed per year which were funded by the State fund and fund administration efficiency are measures of success.	In 2007, the South Carolina Legislature approved a one-time \$5 Million appropriation for FY 2008 to assist with UST cleanup for high priority sites and in part to address the fund solvency concern.
SD	Senate Bill 203 transfers \$2.5 million from the PRCF to the state highway fund on July 1, 2008.	The PRCF is able to pay all claims in a timely manner and has sufficient revenue to handle future claims. / Success is measured by the efficiency, timeliness and cost-effectiveness of the corrective action. Success is also measured by the speed of claims approval and maintenance of the fund's solvency.	None

TABLE 5. STATE FUND UPDATES

	Major Legislative Changes	Current Status of Fund/How Success is Measured	Impacts/Consequences of the Energy Act
TN	<p>Amendments to the TN Petroleum UST Act will take effect July 1, 2008.</p> <p>Changes include:</p> <p>1) Amendment of language for a clear statement that the fund is the FR mechanism for all registered tank owners in TN. Fund eligibility for future releases (on or after the effective date of the amendment) will be based solely on registration prior to the release and not on fee payment.</p> <p>2) Language allowing the commissioner to reimburse a tank owner/operator or petroleum site owner for the cost of property improvements currently prohibited if, and only if, the expenditure would save the fund money. [For example, removing and replacing a canopy or signage if that would allow over-excavation of soil contamination in lieu of very costly in situ soil remediation.]</p>	<p>The most recent UST legislative change in TN took effect July 1, 2005. The provisions that impacted the TN Fund were an increase in the annual fee paid by tank owners from \$125 per tank to \$250 per compartment. Also, the legislation provided for changes to the fund deductibles for both corrective action and third party claims. The deductible for both corrective action and third party claims for all tank owners is an up-front \$20,000 per occurrence to be paid before any reimbursement is paid by the fund.</p>	<p>Amendments to the TN Petroleum UST Act will take effect July 1, 2008. Changes include:</p> <p>1) Removal of certificates for delivery from the law. Delivery prohibition will rest solely on the Do Not Deliver list on the UST Web site and on red tags on fill prots and/or dispensers.</p> <p>2) Addition of the authority for the Board to promulgate rules requiring product drop records to be retained and/or supplied to the division. It is anticipated that the regulatory requirements for secondary containment and interstitial monitoring for all tanks and lines and for under-dispenser containment for all motor fuel dispensers will result in fewer releases. These regulations took effect July 24, 2007. It is also anticipated that at least three aspects of the Energy Act will contribute to indentifying releases more quickly and to better operations compliance for preventing releases, both of which will save state fund dollars: (1) the frequency of inspections; (2) the red tag program for non-compliant tanks; (3) operator eductaion and training.</p> <p>The TN Fund pays for all UST Division operating costs, salaries, etc. The Energy Act costs to the TN Fund include: (1) funding three additional inspector positions, (2) purchasing red tags and tamper resistant cable ties, (3) staff time to develop new policies and new regulations and train staff on the delivery prohibition policy, and (3) staff time, production costs and mailing costs for an instructional CD mialled to all tank owners as a part of operator training.</p>
TX	<p>Sunset date for the Fund was extended two years during the last legislative session in 2007. New sunset date is Sept. 1 2012. Any sites in the program that have not been closed at that time will be transferred to the State Lead contracting program where cleanups will be completed.</p>	<p>The Fund is able to pay all claims in a timely manner and has sufficient revenue to handle future claims. /</p> <p>By the number of of cleanups completed, timely review and payment of claims and reimbursing costs in line with the rules.</p>	

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UT	The Utah Underground Storage Tank Program was reauthorized to 2018 by the Utah State Legislature.	<p>Utah's Petroleum Storage Tank (PST) Trust Fund is in sound financial condition based on an October 19, 2007 Actuarial Report prepared by Deloitte Consulting. The report stated that the PST Trust Fund cash balance will remain positive until beyond 2018. A legislative performance audit was conducted on the PST Trust Fund in 2007. The audit found no significant concerns.</p> <p>The Utah DEQ has cleaned up and closed 4,125 LUST sites since the inception of the program in 1989. We still have 481 open LUST sites: 261 are on the PST Trust Fund and 220 are RP lead or LUST Trust.</p>	
VA	None	<p>Claims are released for payment twice a month due to cash flow limitations. Over the past year the average time between claim processing completion and payment has grown from 6 to 14 days. Overall success is measured through: Number of cleanups completed; Average cleanup cost; Claims processing time; Overall reasonableness of cost approved.</p>	The VPSTF has not been directly impacted by the Energy Act. However, there have been indirect cost increases associated with Inspector's travel in order to meet the Act's inspection deadlines.
VT	<p>Passed a bill that creates a fund ceiling at \$6 million in the motor fuel account and \$3 million in the heating fuel account. When the ceiling is reached, the fee will turn off for one year. Also, the Vermont UST Regs adopted on August 1, 2007 now require registration of all heating oil tanks located at public buildings, regardless of size.</p> <p>\$2.9 million was transferred from the fund to help offset lost revenue proposed for a July weekend sales tax holiday.</p>	<p>The Fund continues to provide resources to address petroleum releases from USTs and ASTs. Future releases remained covered under the program. / Success of fund is measured by ability to pay claims, solvency and support of stakeholders.</p>	The increased inspection frequency has resulted in an increase in the discovery of releases from UST systems. Fortunately, secondary containment prevented most releases from impacting the environment.
WA	None	Active and solvent	

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Data received from all States with Financial Assurance Funds. Updated May 2008 .

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WI	None at this time	Fund no longer provides financial responsibility for owners, they must have other means of meeting the FR requirements, such as self insurance or private sector insurance. Program continues to fund old releases or newly reported releases from systems taken out of service before 12/22/1998 that did not meet the new or upgrade requirements. / Reduction in new sites reported, closure of existing sites, and timely payments of ongoing cleanups.	None at this time
WV		Fund is no longer active.	
WY	Completed revisions to Chapter 17 concerning storage tanks to incorporate Energy Policy Act requirements. Chapter 17 goes before the Environmental Quality Council on May 29, 2008. Likely will be signed by the Governor later this year.		Required revisions to Chapter 17.