

Table 4. Cost Control Measures/State Fund Updates 2011

State	Fund Cost Control Measures	Legislative changes or proposed legislative changes to your Fund	Current status of Fund
Alabama	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require use of fee schedule limit overhead paid certify contractors cover cleanups based on site-specific risk-based end points	None	Fund has a growing equity balance and payment requests are being paid in a timely manner.
Alaska	require pre-approval of cleanup plans and/or budget prioritize claims to conserve funds		Fund is no longer active.
Arkansas	require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) limit overhead paid cover cleanups based on site-specific risk-based end points	Act 809 2011 provided provisions to transfer eligibility between owners and clarified procedures for trust fund reimbursement for equipment purchases.	Funds are available to pay all submitted corrective action plans and third party claims.
Arizona	use standard forms for site assessment and corrective action plans require use of fee schedule prioritize claims to conserve funds	Claim prioritization began March 2010. AZ fund ""phase out"" started with limit on release eligibility (only releases reported prior to June 30, 2006 were eligible to apply for coverage). Next step in phase out required preapproval applications to be submitted by June 30, 2009. Last date for claim submittal was June 30, 2010.	Claim submittal deadline has passed. State fund continues to be used to cover state led corrective actions.
California	use pay-for-performance require pre-approval of cleanup plans and/or budget prioritize claims to conserve funds certify contractors	Proposed legislative changes: AB 291 would continue the requirement to pay that increased amount of \$0.006 per gallon until January 1, 2014. By operation of existing law, the revenue resulting from the increased fee would be required to be deposited in the fund and be available, upon appropriation, for expenditure for the purposes authorized under existing law for money in the fund.	The Fund continues to accept claims for unauthorized releases. An annual appropriation of funds each fiscal year continues to provide for the payments of claims.

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Colorado	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require use of fee schedule limit overhead paid certify contractors cover cleanups based on site-specific risk-based end points	The A&B Operator training program is in place and functioning with 8 training providers approved to provide classroom training and online webinar training, in addition to ICC online testing. Currently there are 3,726 individuals that have successfully completed A&B Operator training in Colorado and 90% of active petroleum facilities in Colorado have a designated A&B Operator. In addition, Oil Inspection, Fund and Remediation staff are certified A&B Operators. Our AST regulations were revised and clarified effective April 14, 2011 and OPS management and staff are working on revising and clarifying all our regulations in accordance with Governor Hickenlooper's directives to make Colorado state government efficient, effective, elegant.	The Colorado Petroleum Storage Tank fund is solvent with a fund balance of \$3.4 million. The Environmental Response Surcharge (the source of greater than 90% of our revenue) is currently \$100/tanker.
Connecticut	use standard forms for site assessment and corrective action plans require competitive bidding (tank owner) require competitive bidding (state as agent of owner) limit overhead paid cover long-term monitoring/maintenance of engineering controls following risk-based closure	None	14.6M are awaiting payment 71.6M are currently awaiting review The projected claims budget for FY2012 is 258,000.00 and for FY2013 it's 215,000.00. Currently looking at a 70% reduction in staffing level.
Delaware	require pre-approval of cleanup plans and/or budget limit overhead paid use pay-for-performance cover cleanups based on site-specific risk-based end points		Sunsets 12/31/2011. Tank owners and operators must comply with FR requirements through private mechanisms.
Florida	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require use of fee schedule limit overhead paid use pay-for-performance prioritize claims to conserve funds certify contractors	Two significant changes in 2010 legislative session: The first (LTNAM) directs Department to transition sites from active cleanup to long term natural attenuation monitoring if certain limited risk based criteria are met, the second (LSSI) provides for voluntary participation in and limited state funding out of priority order for a risk based closure option for the lowest scored sites if certain limited risk based criteria are met.	The Inland Protection Trust Fund is sound and well funded, with a legislative appropriation this FY of \$128 M for cleanup at eligible sites. However, due to historically conservative cleanup target levels and ever rising costs, the number of sites being closed needs to be improved. The new administration is looking very hard at all options to improve the rate of cleanup closures.
Georgia	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget use pay-for-performance cover cleanups based on site-specific risk-based end points	None	Solvent

Based on responses to a survey conducted by the VTDEC and ASTSWMO. Responses not received from NJ, NY, NC and TN. Updated October 2011.

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Idaho	require pre-approval of cleanup plans and/or budget limit overhead paid certify contractors cover cleanups based on site-specific risk-based end points	None	Non-profit insurance company which is solvent
Illinois	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require use of fee schedule cover cleanups based on site-specific risk-based end points		Despite a 15 month wait for payment to the tank owner, the fund pays a healthy \$50 million per year in claims.
Indiana	require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule limit overhead paid prioritize claims to conserve funds cover cleanups based on site-specific risk-based end points	None in progress right now	Very strong
Iowa	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (state as agent of owner) limit overhead paid use pay-for-performance certify contractors employ a third-party administrator cover cleanups based on site-specific risk-based end points cover long-term monitoring/maintenance of engineering controls following risk-based closure	\$3 million of annual revenue diverted to renewable fuel infrastructure fund	Solvent and in run off with 840 open claims.

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Kansas	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require competitive bidding (state as agent of owner) use pay-for-performance certify contractors employ a third-party administrator cover cleanups based on site-specific risk-based end points cover long-term monitoring/maintenance of engineering controls following risk-based closure	None.	Robust
Kentucky	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require use of fee schedule use pay-for-performance certify contractors	change in regulations, which affect the screening levels required for cleanup, and reimbursement rates. Hopefully be passed in Oct., 2011	Solvent
Louisiana	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule use pay-for-performance certify contractors	None	Actuary analysis planned by 1/2012

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Maine	<p>use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget limit overhead paid prioritize claims to conserve funds certify contractors cover cleanups based on site-specific risk-based end points</p>	<p>LD 671 Adjusted the make-up and responsibilities of the Fund Insurance Review Board. LD 721 Establishes an exception to the requirement to replace USTs upon expiration of the manufacturer warranty and extends from 12 to 24 months the length of time that a UST facility remain out of service before it must be removed. LD 1250 Requires that the department rules on UST operator training: (1) provide for re-certification every 2 years; and (2) allow the training to be conducted by a 3rd party if approved by the department. LD 1398 (1) requires that new tanks be registered within two years preceding installation; (2) allows flexibility in providing notice to the department in advance of UST removals ; (3) clarifies that the costs of cleaning up discharges from aboveground home heating oil tanks are eligible for Fund coverage whether or not the tank is constructed of fiberglass, cathodically protected steel or other noncorrosive material; (4) amends fund eligibility statute to require payment of deductibles; (5) limits the liability of municipalities that acquire USTs through tax delinquency proceedings; and (6) amends the wellhead protection law to address the removal and replacement of grandfathered facilities in wellhead protection zones.</p>	<p>Maine's Ground Water Oil Clean Up Fund continues to be closely monitored and managed to remain solvent</p>
Maryland			<p>(a) After 12/31/2007, only residential AST and UST heating oil systems are eligible for reimbursement from the Site Cleanup fund.(b) There have been 523 residential applications since the residential reimbursement program was initiated of which 188 applications remain open at this time. (c) Although no applications can be accepted for RCRA I and Commercial USTs, approximately 36 previously approved applications remain open (i.e. allocated funds remain - cleanup ongoing).(d) Reduction of application backlog while insuring the Fund balance remains "in-the-black"</p>
Massachusetts	<p>require competitive bidding (tank owner) require competitive bidding (state as agent of owner) require use of fee schedule limit overhead paid employ a third-party administrator cover long-term monitoring/maintenance of engineering controls following risk-based closure</p>	<p>Budgetary language for FY12 requires that claim reimbursement payments be prioritized based on the number of facilities owned by the claimant (i.e. paying the claimant with the fewest facilities first).</p>	<p>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. The UST Program budget for claim reimbursements has generally been sufficient to meet claim obligations. A \$25M Supplemental Appropriation was approved in FY2011 that has a provision to carry over unused funding to FY12.</p>

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Michigan	use standard forms for site assessment and corrective action plans require competitive bidding (tank owner) require use of fee schedule limit overhead paid certify contractors	None	Michigan currently has no reimbursement fund.
Minnesota	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule cover cleanups based on site-specific risk-based end points	Extension of 'sunset date' from June 30, 2012 to June 30, 2017	Minnesota's state fund continues to be financially sound.
Missouri	require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) limit overhead paid use pay-for-performance employ a third-party administrator cover cleanups based on site-specific risk-based end points	Legislature gave PSTIF Board responsibility for deciding whether to create and fund an UST Operator Training Program.	Very good. Cash reserves are adequate to respond to all incoming invoices, as well as any newly-reported releases. Fewer old releases are being found; very few new releases are occurring at operating facilities. Petroleum industry, public officials and private citizens support our programs. Recently-completed collaboration with UST regulator resulted in update and revision to all UST operating regulations; we are also collaborating with regulator to conduct joint inspection of all UST installations and operating facilities; both successes will lower risk of new leaks.
Mississippi	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule certify contractors		

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Montana	use standard forms for site assessment and corrective action plans require competitive bidding (tank owner) require use of fee schedule prioritize claims to conserve funds cover cleanups based on site-specific risk-based end points	Fund may reimburse costs of a petroleum mixing zone easement. Board may request CAP to include a mixing zone. CAPs prepared by owner/operator may include a mixing zone.	Continue to obligate available funds to releases which pose greatest threat to human health and the environment.
Nebraska	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require use of fee schedule limit overhead paid use pay-for-performance prioritize claims to conserve funds cover cleanups based on site-specific risk-based end points	During 2011 legislative session, LB29 expanded the use of the Fund to include ""direct and indirect costs incurred by the department in responding to spills and other environmental emergencies related to petroleum or petroleum products.""	RBCA Tier 1 & Tier 2 investigation program working well. PFP Program has 36 contracts at orphan sites with 11 completed successfully, 8 contracts terminated, and 17 in process.
New Hampshire	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule limit overhead paid prioritize claims to conserve funds certify contractors	2012 session, a bill will be introduced to extend heating oil import fee increase	All funds are active. We continue to prioritize cleanups to balance expenditure demand with revenues. Heating oil fund deficit improved with extension of fee increase in prior years. Further extension will be sought in 2012. ☐
New Jersey	require pre-approval of cleanup plans and/or budget certify contractors cover cleanups based on site-specific risk-based end points cover long-term monitoring/maintenance of engineering controls following risk-based closure		

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New Mexico	require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require competitive bidding (state as agent of owner) require use of fee schedule use pay-for-performance cover cleanups based on site-specific risk-based end points	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, close management of workplan approvals is required in order to effectively manage the Fund.
New York			
Nevada	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) limit overhead paid certify contractors cover cleanups based on site-specific risk-based end points	Petroleum Fund was capped at \$7.5 million. Any additional funds are now transferred to the Nevada Dept. of Transportation for highway funding	Active and Solvent
North Carolina			
North Dakota	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require competitive bidding (state as agent of owner) limit overhead paid cover cleanups based on site-specific risk-based end points cover long-term monitoring/maintenance of engineering controls following risk-based closure	no significant legislative changes.	Solvent - healthy
Ohio	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget limit overhead paid use pay-for-performance cover cleanups based on site-specific risk-based end points	None	The Fund continues to accept claims for releases occurring before and after 12/22/98. It is supported solely by annual tank fees, revenue bond proceeds and interest income. As of June 30, 2011, all previously issued revenue bonds were retired or refunded. No change in the Fund as the State's financial responsibility mechanism is anticipated.

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Oklahoma	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule limit overhead paid use pay-for-performance prioritize claims to conserve funds certify contractors cover cleanups based on site-specific risk-based end points	As of 07/01/06, 8% of the \$.01 assessment is apportioned to the Okl Dep of Environmental Quality (ODEQ). As of 05/01/08, \$51M of the assessment will go to Okla Dept of Transportation (ODOT) over a span of 9-10 years, per O.S. 17 Â§ 354 C.3.	Active & Solvent
Pennsylvania	require pre-approval of cleanup plans and/or budget limit overhead paid use pay-for-performance certify contractors employ a third-party administrator cover cleanups based on site-specific risk-based end points cover long-term monitoring/maintenance of engineering controls following risk-based closure corrective actions undertaken only as a result of a capital improvement	There are no current proposed changes to the Fund. Fund operates based on an Environmental Covenant Act that was modeled after national legislation.	Fund is viable and processes claims as they are submitted and confirmed for eligibility.
Rhode Island	require pre-approval of cleanup plans and/or budget limit overhead paid		Currently, claims outweigh fund balance. The fund has been behind approximately 1.5 million the last two years.
South Carolina	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require competitive bidding (state as agent of owner) require use of fee schedule use pay-for-performance prioritize claims to conserve funds certify contractors cover cleanups based on site-specific risk-based end points	Bill H.3270 increases tank fees \$100 each per year over the next four years, ultimately reaching \$500 per tank, and maintains the fee at this level until an additional \$36 million is generated and deposited into the SUPERB Account. When the account is credited with the additional \$36 million, the annual tank fee will revert back to \$100 per tank the following January. Fee increase becomes effective January 1, 2012. Funds cannot be used for any administrative costs for running the program and can only be used for site rehabilitation costs.	South Carolina prioritizes releases based on risk and directs site rehabilitation as funding allows.

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South Dakota	require pre-approval of cleanup plans and/or budget require use of fee schedule cover cleanups based on site-specific risk-based end points cover long-term monitoring/maintenance of engineering controls following risk-based closure corrective actions undertaken only as a result of a capital improvement	Fund transferred from Department of Revenue to the Department of Environment	The PRCF is able to pay all claims in a timely manner and has sufficient revenue to handle projected future claims.
Texas	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require competitive bidding (state as agent of owner) require use of fee schedule limit overhead paid certify contractors employ a third-party administrator cover cleanups based on site-specific risk-based end points	Legislation was passed in 2011 that would extend the collection of petroleum product fees indefinitely. Legislation was also passed that would expand the use of the petroleum storage tank remediation account for expenses associated with certain critical tank removals when the tank owner/operator is financially unable to do so.	The Fund is able to pay all claims in a timely manner and has sufficient revenue to handle future claims.
Tennessee			
Utah	require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require competitive bidding (state as agent of owner) require use of fee schedule limit overhead paid certify contractors cover cleanups based on site-specific risk-based end points cover long-term monitoring/maintenance of engineering controls following risk-based closure	None	Sound. Positive cash balance.

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Vermont	require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule limit overhead paid use pay-for-performance prioritize claims to conserve funds cover cleanups based on site-specific risk-based end points	There were no legislative changes made to the fund over the past year.	The Fund continues to provide resources to address petroleum releases from USTs and ASTs. Future releases remain covered under the program.
Virginia	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule limit overhead paid employ a third-party administrator cover cleanups based on site-specific risk-based end points	None	Claims are released for payment once a month due to continued cash flow limitations. Over the past year the average time between claim processing completion and payment has grown to 181 days.
Washington (Heating Oil tanks)	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require use of fee schedule limit overhead paid certify contractors	Legislation was recently proposed to merge the agency with the Department of Ecology. The legislation was not successful.	Fee set to expire in 2013. Renewal next year may be difficult.
Washington (Commercial USTs)	use standard forms for site assessment and corrective action plans require pre-approval of cleanup plans and/or budget require use of fee schedule limit overhead paid certify contractors employ a third-party administrator	Legislation was recently proposed to merge the agency with the Department of Ecology. The legislation was not successful.	Tax set to expire in 2013. Renewal next year may be difficult.
West Virginia			Fund is no longer active.

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Wisconsin	require pre-approval of cleanup plans and/or budget require competitive bidding (tank owner) require use of fee schedule	Reduced our annual funding from \$9.1 million to \$4.5 million	We no longer fund new releases. Recent state budget reduced funding which could delay payments for old cleanups that are still active.
Wyoming		None	The state cleans up sites based on priority (highest impact to the environment). The state groups several (up to 20 sites) together into a single project based on geographic location to a high-priority site. Consultants are hired to complete investigation, design of remedial alternative, O&M, and closure.