

Table 4. Cost Control Measures/State Fund Updates 2020

State	<u>Cost Control Mechanisms Used</u>	<u>New or Proposed Legislative or Regulatory Changes</u>	<u>Current Status of Fund</u>	<u>COVID-19 Impact on Fund</u>	<u>Ideas for new survey data collection</u>
Alabama	Pre-Approval of Costs; Unit Rates established for most commonly used work efforts; Fee Schedule; Owners required to hire an Approved Response Action Contractor	The Trust Fund Management Board voted to increase the per gallon withdrawal from bulk fee to \$0.012 per gallon. Rulemaking is underway.	Funds are available to pay all incoming investigative/corrective action requests for payment and for third party claims.	A significant reduction in income occurred in May and June, but collections were restored to about 90 - 95% of normal by July. All cost proposals and payment requests are now submitted in pdf format via email. Very little paper correspondence is issued or received.	
Alaska			Fund is no longer active.		
Arizona	Pre-approval of costs.	The cleanup funding assistance (preapproval) program was expanded to allow for submittal of non-preapproved corrective actions and costs based on specific eligibility criteria (deadline to submit for time-barred - December 31, 2019).	Funds are available to pay all approved corrective action plans	We are currently projecting a 15% decrease in the total amount collected through the year from the \$0.01/gallon fee.	
Arkansas	Pre-approval of Costs; Require competitive bidding;	No legislative changes in 2020	Funds are available to pay all approved corrective action plans and third-party claims.	The Fund had a slight decrease in revenue for the month of May, but returned to normal revenue afterwards. Reimbursements continued without delay.	
California*	Annual Site Budgets; Project Execution Plan; Case Closure Reviews	No new or proposed legislation for FY 18/19	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. Significant cash balance as regulatory cases close, and unnecessary remediation not implemented.		

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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 competitive bidding for remediation costs > \$100,000, Require use of a fee schedule, Limit overhead paid, Certify contractors, Cover cleanups based on site-specific risk-based end points, Additional risk-based closure criteria were put into rule in October 2014 which allow for regulatory closure with dissolved phase impacts off property. This has allowed our program to effectively close low-risk sites that have undergone multiple remedial and mass reduction efforts. A beneficial result of this is that the Fund can focus spending on high-risk sites where remedial efforts can recognize much larger returns on investment. Money is also available to offer incentives for compliance upgrades.	The Geneneral Assembly swept cash funds throughout all state agencies in the summer/fall of 2020. This depleted our cash balance of the Petroleum Cleanup and Redevelopment Fund after we ran legislation to transfer \$4M to our Storage Tank Fund to maintain solvency. Starting October 2020 (FY21) the Fund is required to repay funds that should have gone to the General Assembly, in the amount of \$500K per month for 8 months.	The Colorado Petroleum Storage Tank Fund is solvent with a fiscal year 2020 year end fund balance of \$3.2 million The Environmental Response Surcharge (the source of greater than 90% of our revenue) was raised to \$100/tanker from January 2020 due to the Fund Balance expectancy to drop below \$3M. We have continued the incentives of waiving the \$10k deductible when finding contamination during permanent tank removal. Policy 29, the reimbursement for tank removal costs, has been very successful through this past fiscal year; reimbursing roughly \$1.6M. OPS is currently half way through the new database development with the expected go live date in March 2021.	OPS was required to halt inspections and work from home full time in March of 2020. Colorado was placed on a "stay at home order", which decreased a lot of travel and inevitably decreased our revenue to the Fund. OPS ran a bill to transfer \$4M from our Petroleum Cleanup and Redevelopment Fund (PCRF) to our Petroleum Storage Tank Fund (PSTF) to ensure solvency during COVID. This allowed us to continue to payout reimbursements timely, without holding or denying applications. This also allowed us to continuing working on our design and development of the new petroleum database.	
Connecticut*		None	Currently processing claims and making payments when funds are available.		
Delaware		Program closed on 12/31/2011 via statue change.	closed 12/31/2011. Tank owners and operators must comply with FR requirements through private mechanisms.		

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<p>District of Columbia¹</p>	<p>All UST Fees received by the UST Fund are scheduled in the DC UST Regulations, which is updated whenever there is a change or increase in fees - last updated 02.21.2020</p>	<p>February 21, 2020 pdate to our regulations include new fees for UST removal \$250 per tank and voluntary remediation application \$5,000 and \$500 per year and increases all other fees by 10% plus annually based on infiltration rate. All revenue collected will be directed to the reinstated UST Fines and Fees Fund, which can be used for staff salaries and administration of the UST-LUST Progrm, any future DC led contaminated site assessments, cleanups, emergency responses, UST removals, residents relocation, compensations, etc.</p>	<p>None Existant - Tank owners and operators must comply with FR requirements through private mechanisms.The DC UST Fund has been revived as of October 2020. Currently \$0 fund balance. All fund balance was spent prior to 2020 and new revenue generated from fines, registration, permits and certification fees will go into the reestablished UST Fund.</p>	<p>None, made about the same as it did last year. With increases in fees and new fees, ex expect a slight increase in FY21, even though the bulk is from registration and more tanks are being removed that installed. Online payment now possible to improve collections efficiency during telework.</p>	
<p>Florida</p>	<p>All cost preapproved by procurement per contract fee schedule, quotes for items not covered by fee schedule or negotiated pay for performance agreements.</p>	<p>Changes have been made to the Florida Statutes this past spring to the Petroleum Cleanup Participation Program, the owner cost sharing portion of the rule has been changed to include a combination of cost sharing and cost savings to the cleanup effort. On November 1st Ch.62-769, was updated reducing the \$500.00 restoration coverage deductible for the Abandoned Tank Program to \$0.00.</p>	<p>Given the decline in the revenue we are pausing future obligations. The Florida Petroleum Restoration Program is prioritizing continued operation of remediation systems, well abandonment for site closure, securing sites and safety issues, Remedial Action Planning, Pilot Tests and Post Active Remediation Monitoring..</p>	<p>Considering present circumstances, the state is experiencing a decline in revenue to the Inland Protection Trust Fund.</p>	

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Georgia	Pre Approval of Scope of Work Detailed cost review form State contractor pay for performance and fee schedule Robust Remediation Review Committee Greater Use of RBCA including Free Product. Detailed Evaluations of Mutliple Releases at Single Facility	None	Solvent. Due to fee increase in FY14, additional revenue is available to tackle more of the backlog.	So far we have had surprisingly very little impact on the fund. For the affected quarter collection was reduced by 10 %.	
Idaho	Most corrective action work on PSTF projects is performed by environmental contractors working under direct PSTF supervision. All work is authorized by PSTF prior to commencing. Contractor labor and equipment rates are renegotiated annually.	None	No changes	Revenue has been negatively impacted (about -20%). Operational costs increased to provide field staff with PPE. Office staff primarily working remote.	
Illinois	Pre-approval of Corrective Action costs. All costs incurred must be eligible costs as identified in the regulations	None	Solvent	Drop of \$1-2 million per month into the UST Fund however the impact has not hurt the overall solvency of the Fund.	
Indiana	Fee schedule, require competitive bidding for corrective action, preapproval of corrective action costs, and routine review all claims for reasonableness and cost effectiveness for work performed	None	Solvent.		
Iowa	Preapproval of costs and routine review all claims for reasonableness	Legislation proposed to end existing program; would create new program within Iowa DNR to address remaining claims until funds (approx. \$12.1 M) are depleted	Solvent and in run off with 76 claims.		

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Kansas	Pre-approve all Corrective Action costs, use of standardized forms and competitive bidding.	Regulations amended to meet new EPA regulatory requirements.	Solvent.	Decrease in revenue but have begun to rebound	
Kentucky	Preapproval worksheets, Use of Fee Schedule, Prioritizing claims, Use of Standard forms for Cost Estimates, Competitive Bidding	N/A	Solvent.		
Louisiana	Require pre-approval of site investigation and cleanup plans which include a defined budget, Require competitive bidding for cost over \$10,000, Require use of a guidance document which includes fee schedules and unit pricing, Utilize pay-for-performance contracts when appropriate, Use standard forms for site assessment and corrective action plans, Certify contractors	Legislation passed, which would change the Motor Fuel fee from \$0.008 / gallon to a maximum of \$0.008 / gallon with the Department Secretary having the ability to modify the rate on an annual basis. The Trust Fund Advisory Board are tasked with assessing the financial status of the Fund and making fee recommendations to the Secretary for his determination. Department Secretary at the recommendation of the Trust Fund Advisory Board reduced the in-compliance deductible from \$5,000 to zero (\$0) dollars effective 7/1/2017.	Fund is currently capable of meeting it's annual obligations to process reimbursement request for active eligible remediation sites.	To facilitate staff working remotely, management made modifications to its processing procedures, which utilize the Department's electronic document management system and electronic submittals of the reimbursement applications. The impact on application processing times has been minimal.	
Maine	Require pre-approval of clean-up plans and/or budgets. Require competitive bidding (state as agent of owner). Use clean-up standards based on site specific risk based end points. Amended rule to require standardized format for submittal of site assessments effective September 26, 2018.	Revised state rules incorporating the 2015 changes to federal rule became effective on September 26, 2018.	Currently sound but requires active monitoring and management.	No significant impact to Fund balance. Staff reported slightly longer claim processing times early on until staff adjusted to working remotely.	No suggestions.
Maryland					

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Massachusetts	Schedule of Acceptable Costs Competitive bidding List of ineligible costs, computer assisted claim processing	None	Financially sound.	All staff working remotely. Initial productivity rates were down, but have resumed to near normal as new technology was rolled out. State budgets have not been finalized and are uncertain for FY21 due to COVID impacts.	
Michigan	Schedule of Costs Competitive bidding Pre-approval of excavation costs List of ineligible costs	None	Financially sound.	Slightly fewer work invoices were submitted due to some work being limited, the impact on the fund was minimal.	Does your state pay for land use restrictions on off-site properties?
Minnesota	Fee schedule. Competitive bidding. Pre-approval of active remediation costs. Use of standard forms for proposing/invoicing costs.	Proposing legislation to extend or eliminate the Program 'sunset date' (currently 6/30/2022).	Fiscally sound.	All staff working from home. Because of funding mechanism, no apparent fiscal impact to Program.	
Mississippi	Pre-approval of costs, use of standardization of hours for assessment and remediation, use of a fee schedule, use of standard forms for cost estimates, require competitive bidding	None	Solvent.	Only minor negative impacts have been made to our fund during COVID-19. We only saw a slight decline in revenue. On September 30, 2020, the fund reached the ceiling of unencumbered funds per state law. Therefore, the fund mechanism has been turned off until it reaches the low balance per state law requirements.	
Missouri*	Pre-approval of costs; require competitive bids if needed; personnel onsite to observe field work; use pay-for-performance in some cases	None	Excellent. Collaborative work with regulator and industry minimizes number of new leaks. Funding is available for all claims. Time from release to closure is reasonable for recent claims; sill working on very old "legacy" releases.		

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Montana	Preapproved costs, approved rates, competitive Bids, appropriate Technology, established standards, statistical analysis, cost estimating tools.	None	Solvent: Continue to obligate available funds to releases which pose greatest threat to human health and the environment.		
Nebraska	Cost estimates are a required part of work plans. Statute requires the use of a reasonable rate schedule. Bidding for larger projects is also an option. PFP was tried and no longer used.	The legislature appropriated up to \$1.5 million from the Fund for Superfund. The Fund sunset date was extended from June 30, 2020 to June 30, 2024. Fund regulations were streamlined from 7 chapters to 1 chapter.	RBCA Tier 1 & Tier 2 investigation program working well.	Petroleum fee revenue did decrease around 20% in May and June but is returning to normal. Applications continued to be paid when staff worked from home April to June.	
Nevada	Reference CEM Cost Guidelines and Policy Resolutions on our website at: https://ndep.nv.gov/environmental-cleanup/petroleum-fund/board-policy-resolutions	None for state FY 2020	Fund is solvent.	No measurable impact with regard to revenue or paying cleanup claims yet.	
New Hampshire	Pre-Approval of All Reimbursable Work Except Emergency Response, Competitive Bidding on Large Remediation Projects	None	Fund is active. We continue to prioritize work based on site risk.		
New Jersey*	Cost Guidance Document Used for processing of estimates/ invoices	None since 2009	Current requests for funding exceed available funding. Requests for funding are prioritized for regulated UST facilities and Petroleum UST discharges that pose a threat to Human Health and the Environment. Unregulated UST requests for financial assistance are not reviewed for a period of 3-4 years as these requests for funding are prioritized based on actual available funds.		

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Updated Winter 2021.

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New Mexico	Costs must be pre-approved prior to commencing work.	None	Constant oversight and reconciliation is required and prioritization of sites activity as necessary to ensure obligations are within available fund balance.	Unpredictable fund revenue - seeing record monthly highs (possibly due to more driving) and lows (possibly due to lockdowns).	
New York	All contract expenditures are competitively bid in accordance with State Finance Law and procurement guidelines. All contract expenditures are pre-audited by the State Comptroller's office. Cleanups are prioritized based on impact to human health and environment, including presence of off-site impacts. Third party claims are rigerously evaluated on legal and technical merit.	None related to USTs	Fund is solvent.		
North Carolina*		Commercial Fund continuation review by legislature determine current funding mechanism appropriate; Noncommercial claims no longer accepted after 6/30/16, terminated 12/31/16	Comm - Active & Solvent Noncomm - Terminated 12/31/16 (final liabilities transferred to Commercial Fund for payment)		

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North Dakota	North Dakota Department of Environmental Quality (NDDEQ) administrative rules require bidding of excavation, environmental consultant, and remediation work at reasonable and necessary rates determined by the overseeing division of the NDDEQ.	Moved the administration of Fund to new NDDEQ on July 1, 2019.	Fund is active and solvent.		
Ohio	<ul style="list-style-type: none"> 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	Through the negotiation of a Settlement and Release Agreement during fiscal year 2020, 1,093 payment requests (claims) with a face value of \$26 million were resolved for \$12.6 million payable in four installment payments between February 2020 and July 2022	In March 2020, the Board's staff moved to a teleworking schedule and as a result, experienced delays in the claim reimbursement and cost pre-approval response times. In an effort to reduce these response times, a hybrid teleworking schedule was implemented permitting in office work one to three days per week.	None

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Oklahoma	<ul style="list-style-type: none"> 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 	<p>PSTD added new rules (effective 10/1/20) requiring: E15 tank lid updates. Price per gallon charged at the dispenser must be the same price that is advertised on facility marquee and/or remote billboards. Price per gallon that is advertised on facility marquee and/or remote billboards must be same price charged at dispenser. Requires PST owners & operators to use online PST Portal to submit scheduling and registration forms. Vent risers must be located or protected & anchored to prevent damage. On new installs, containment sumps used for interstitial monitoring of piping must be tested at installation using PSTD approved testing method that tests the sump above the highest penetration or sump sidewall seam. After initial testing, sumps must be tested every 3 years or use dw containment sumps with periodic int mont every 30 days.</p>	<p>Active and Solvent: 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>		

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Pennsylvania	Initial Site Characterization Workplan; Competitive Bidding;	Act 10 of 2020, Section1735-A.1"COVID-19 response transfers for assistance to the Commonwealth's health care system."	Per Act 10 of 2020, \$30 million was transferred from USTIF to a restricted account for COVID. There is an unfunded liability of \$45,003,043.	<ul style="list-style-type: none"> •Lack of laptops at the beginning of the pandemic; •Sending US Mail, Certified Letters. •Encouraged use of ACH for remediation reimbursements. •\$30 million Fund transfer to assist with COVID-19 health related payments. Fund is solvent and processes eligible claim payments as they are received. •Loss of revenue due to decline in traveling. If trend continues, loss in revenue could be \$4-\$5 million for FY20/21. •Increased remediation costs for traveling (one truck, one tech, through duration of Governor's Order). •Transitioned to a virtual board meeting using Skype. •Inability to process paper checks from owners, operators and installers. •\$2 million loss in investments. 	For consideration: 1) Amount paid during FY and cumulative totals for releases in post remedial care.
Rhode Island	Work is approved by the Department and the LUST project managers review the claims	None	The RI UST Fund disburses quarterly and is currently up to date on payment of claims.	none	

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South Carolina	<ul style="list-style-type: none"> •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) <ul style="list-style-type: none"> •require use of fee schedule •use pay-for-performance •prioritize claims to conserve funds <ul style="list-style-type: none"> •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	Solvent		
South Dakota	<ul style="list-style-type: none"> require pre-approval of cleanup plans and/or budget require competitive bidding (state as agent of owner) 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 	None	The PRCF is able to pay all claims in a timely manner and has sufficient revenue to handle future claims.	Not appreciable	

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Tennessee	Use standard forms for site assessment and corrective action plans require use of fee schedule certify contractors cover cleanups based on site-specific risk-based end points require pre-approval of cleanup plans and/or budget. Cost have also been controlled by the State/Division owning Corrective Action systems.	2 proposals currently under review: First proposal: The current rules make fund coverage for a fund eligible release dependent upon an owner or operator’s compliance history. A new proposal would now make all fund eligible releases entitled to reimbursement from the fund; however, an owner or operator’s compliance history will now determine the amount of the fund deductible. Second proposal: It is proposed to suspend annual tank fees from July 1, 2021 through June 30, 2026.	Solvent	None	
Texas	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), require use of fee schedule, limit overhead paid, certify contractors, cover cleanups based on site-specific risk-based end points	None	The fund is able to pay all invoices in a timely manner and has sufficient revenue to handle future invoices.	Unknown	None at this time.
Utah	Work Plans & Budgets must be pre-approved by the PST Fund. Labor categories and the basic activities that can be used on a Work Plan & Budget are incorporated by rule.	A set price for preparation of Work Plan & Budgets are being used for common scopes of work like groundwater sampling, subsurface investigation, etc. Reimbursement rules for the fund are being updated to include a Cost Guide and will set a single rate for each labor category to be reimbursed instead of individual rates for each consulting company. Updating common equipment rates.	Positive cash balance. Last year had an increase in the fund balance from the previous year.	COVID-19 impact to the Fund was limited. The Fund balance continued to increase during this time while cleanup efforts also continued.	

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Vermont	Work Plans & Budgets must be pre-approved, and comply with our Procedures for Reimbursement, which includes a Fee Schedule for labor rates and equipment costs.	In May 2018, the Governor signed legislation that extended the PCF sunset dates by 10 years for both claims and fee collections. On August 15, 2017, new AST Rules went into affect that required inspections of all ASTs within 3 years and every three years thereafter. Tank systems failing inspection are red-tagged preventing deliveries until repaired/replaced. The rules are expected to reduce the number of releases and help stabilize the heating oil account.	As of October 2019, the fund is in excellent shape, with both the motor fuel and heating fuel accounts both running a positive balance. The heating fuel account is showing positive response to the new AST Rules requiring inspections. AST claims continue to decline and the heating oil account has been running a surplus for the first time since inception. The extra monies will eventually be transferred back to the motor fuel account to repay past transfers required to keep the heating fuel account solvent.	Vermont experienced an 8% decrease in motor fuel licensing fee revenue in FY20 vs. FY19, and a 23% decrease in revenue when just comparing March - June of each fiscal year.	Perhaps data on any legislative raids or other statutory or regulatory countermeasures that affected the fund due to COVID-19
Virginia	Require pre-approval of cleanup plans and/or budget; require competitive bidding (tank owner); require use of fee schedule; limit overhead paid; cover cleanups based on site-specific risk-based end points.	No new or recent legislative activity.	The Fund's balance continues to grow, since revenue exceeds claim demand and other Fund obligations	Initial revenue drop was 16%	
Washington		Effective July 2018 the Petroleum Technical Assistance Program was expanded to allow PLIA to provide technical assistance for qualifying petroleum sites.	Tax extended until 2030.	n/a	

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Washington-heating oil only	Pre-approval for costs Use of standard forms	In March 2018, legislation passed limiting program expenditures to \$15,000,000 each calendar year for claims. Beginning July 2, 2020 will only accept transfers of existing registrations. Legislation passed in 2020 authorizing PLIA to transition to a loan and grant program.	Fee extended until 2030.	n/a	
West Virginia	NA	NA	Fund is no longer active.	NA	
Wisconsin	Usual and customary cost standards.	These changes have been adopted: No new claimants allowed into the program as of 7/20/2015. All claims must be submitted within 180 days of incurring costs. Program will sunset and all claims must be submitted by 6/30/2020	Sufficient funding until 2020.		
Wyoming	Prequalify engineers and construction contractors; cost negotiations with engineer after qualifications-based selection; bid for construction work.	Excess funds may be used for landfill remediation or orphan site cleanups at the director's discretion. Tank work is priority of use of fund.	Fund is used to pay for cleanups based on priority. Third-party affected sites are also cleaned up using the fund. Majority of remediation funding is from a mineral severance offset equal to one cent per gallon of gasoline or diesel sold (not a tax collected at the pump).		

¹ Washington, DC does not have a reimbursable state fund program, all RPs must comply with corrective action requirements through other FR mechanisms, usually private/self insurance. DOEE can administer state lead cleanup using LUST Trust Funds for emergency response and pursue cost recovery from the RPs.

*** No response for 2020. Responses shown are from the last year the State provided a response.**

2020 State Fund Survey Instructions/Definitions

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Cost Control Mechanisms Used: Describe how costs are controlled for your fund. Examples include pre-approval of costs, use of a fee schedule, prioritizing claims, use of standard forms for cost estimates, require competitive bidding, pay-for-performance, etc. Please list all state-specific measures currently in use.

New or Proposed Legislative or Regulatory Changes: Briefly describe.

Current Status of Fund: Briefly describe any interesting information not captured elsewhere in the survey.

COVID-19 Impact on Fund: Describe impacts on your fund to date, and any impacts projected for the future due to COVID-19.

Ideas for new data collection: Provide any ideas on data you would like collected in future State Fund Surveys.