

**TABLE 5. STATE FUND UPDATES**

Major Legislative Changes		Current Status of Fund	How Success is Measured
AK	Legislation has been introduced to sunset the grant program in June 2004. However, this bill has not yet been signed by the governor.	Currently funding cleanups, but not accepting new applications.	
AL	The Trust Fund statute was clarified during the Spring 2002 legislative session in regards to Third Party Claims.	The Fund is still a viable financial responsibility mechanism for tank owners.	Success is measured by cleanups completed and more sites moving into corrective action activities and/or no further action status.
AR	None	The fund is paying out an average of \$43,179 more per month this State fiscal year than the fund is currently generating.	Percentage of facilities in compliance
AZ			
CA			
CO	Legislation enacted to take \$4 million from the fund for the 2001-2002 fiscal year. This is a loan to be paid back next fiscal year.	Solvent. There hasn't been any change in the way we are doing business. Our revenues are keeping pace with the amount of applications that we are processing.	Processing time; ability to continually pay reimbursements; solvency of the fund.
CT	Residential Heating Oil Storage Tank Amnesty Program sunset December 1, 2001.	There is a proposed bill (House Bill #5211) that may change the current one-third of the quarterly sales tax total due to a flat three million per quarter.	
DE	Delaware has legislation pending to regulate ASTs. Financial responsibility will be required. There are no plans to implement a state fund for AST clean-ups.	The state fund (ECDI) is currently funded through 2010. Any site that did not submit a claim by 12/31/01 is no longer eligible for reimbursement.	\$1.35 million is allocated to the program each fiscal year. Success is measured through the process of expending the full amount each fiscal year.
FL	none	All current work is preapproved in priority order and within approved budget. No longer operate on a reimbursement claim basis. Note "claim" numbers in this survey include preapproval work orders which are paid timely similar to state contracts	Number of cleanup tasks completed and sites closed
GA			
IA	Raiding of Funding for \$30,075,000 with the potential for more during special session May 28th,	Currently solvent pending further raiding of funds. Have 2,044 sites with open eligible claims. I DNR has several hundred additional releases not currently eligible that may be addressed by UST Fund in the future pending sufficient monies.	Site closure in a cost effective manner.--Number of sites closed.

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Updated June 2002.

**TABLE 5. STATE FUND UPDATES**

Major Legislative Changes		Current Status of Fund	How Success is Measured
ID	None		
IL			
IN	\$9 million appropriated to fund UST/Brownfields Program, \$1 million appropriated to fund closure of abandoned oil wells.	The Fund is solvent, with a balance of \$87.5 million and annual revenues that are near equal to annual reimbursements. Potential legislation may appropriate remaining balance of the Fund for unspecified use. (special legislative session started 5/14/02)	Accurately review all claims and technical documents per the requirements in the State statutes and rules.
KS	None	Alive and solvent	Backlog of un-addressed sites, Lack of complaints, Number of sites being actively remediated, Spending more dollars and at the same time keeping the amount spent per site relatively steady.
KY	The Sunset Date for the PSTA account is set for July 15, 2009.	The Fund is financially solvent and continues to reimburse UST owners for the eligible and reasonable costs associated with corrective action.	Number & dollar amount of reimbursement claims processed. Timeliness of processing claims. Number of applications for financial assistance processed and amount obligated. Timeliness of processing applications for assistance. Maintaining positive Fund balance. Detection of erroneous or fraudulent claims. Positive financial audit report. Number of complaints from UST owners, contractors, legislators, attorneys & other stakeholders.
LA	Act 1121 of 2001 - Allows use of the interest monies from the Trust Fund to be used to close USTs, and assess/remediate sites deemed to be "Abandoned Motor Fuel UST Sites". Allows the department to place a lien against the property when interest monies have been used. Act 550 of 2001 - Requires that sites must be in "Substantial compliance" to be eligible for Trust Fund, re-defines substantial compliance, adds an additional RAC to the Advisory Board, and clarifies that the Trust Fund balance is calculated considering those unspent monies associated the approved CAP's.	The La. Motor Fuels Underground Storage Tank Trust Fund is solvent and pays out eligible claims in a timely manner. In addition, the interest monies from the Trust Fund is being used to close USTs and assess/remediate sites deemed abandoned tank sites.	We consider our fund successful as site cleanups are being completed, claims are processed in a timely manner and the fund is solvent.
MA	House Budget has proposed increases to fees.		

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Updated June 2002.

**TABLE 5. STATE FUND UPDATES**

Major Legislative Changes		Current Status of Fund	How Success is Measured
MD	none in 2001	1. We are still paying out on claims for sites discovered before 12/22/98; 2. More than 25 residential heating oil applications have been approved and there is a minimal backlog of applications at this time; 3. We are continuing to review and approve applications as funding allows; 4. Regulations approved July 2001 to address July 2000 legislation opening fund to commercial UST and residential AST and UST heating oil releases; 5. We have approximately 50 commercial applications waiting to be processed.	The Fund ,as of July 2000, was expanded to include both commercial and residential heating oil systems in addition to the already existing motor fuel systems. Additionally the July 2000 legislation approved a funding source for this fund. We are beginning to see more applications for heating oil releases and have simplified the residential application process to assist the homeowner.
ME	Effective May 1,2002 deliveries to unregistered and /or non conforming tanks is prohibited.Effective July 1, 2003 all ust's subject to annual inspection by independent certified inspector. Results must be submitted to DEP. Failure to submit may result in order to cease deliveries.	*Emergency increase in fees from .38 /barrel gas to .58/barrel and .19/barrel #2 to .29/barrel in effect since Jan 1, 2002.Managing fund to prevent overspending and maintain solvency.	One day at a time !
MI			
MN	amended consultant/contractor registration to require annual renewal	the fund remains fiscally strong - demand on the fund is decreasing somewhat as represented in fewer applicantions received. Currenly averaging about 120 applicantions per month, down from 160 per month.	
MO	None this year	Insuring approx. 85% of operating USTs and 17% of eligible ASTs; providing substantial impetus to USTfield redevelopment efforts; broad support for Fund;working with regulator to implement RBCA cost-saving procedures, since revenues are insufficient to support future liabilities.	Tank owners/operators and landowners receiving timely, professional services from us; cleanups proceeding expeditiously; and money being spent efficiently and economically.

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Updated June 2002.

**TABLE 5. STATE FUND UPDATES**

Major Legislative Changes		Current Status of Fund	How Success is Measured
MS	None	Within the past year the fund has been significantly impacted with expenditures for groundwater treatment systems. We have 78 groundwater treatment systems in operation as of April 30, 2002. Currently our obligations are \$730,000 more than our cash balance.	
MT	Several legislative changes are being considered by the Petroleum Tank Release Compensation Board.	Board is applying for a \$2.5 million line of credit from State Board of Investments.	
NC	PfP passed in Oct 2001 - rulemaking completed in April 02	Commercial Fund obligations exceed balance by approx. \$1 million. Noncommercial Fund (home heating oil USTs) balance exceeds obligations by over \$4 million. Noncommercial Fund may be raided again this year to help balance state budget.	Feedback from customers; turn around time from claim receipt to check mailout; fund balances in the black and at or near breakeven; positive comments from legislators.
ND			
NE			
NH	In 2001, legislation was approved to extend the UST/AST motor fuel (federal) program import fee collection until 7/1/2010. This bill also created a new fund for remediation of gasoline ether (MtBE) sites. \$.0025 per gallon of UST feed are dedicated to this new fund. In 2002, legislation will be approved to extend the motor oil fund until 7/1/2010.	All of NHs fund are solvent, and a high level of activity continues in the UST motor fuel and residential fuel oil areas. The new MtBE fund is expected to "ramp up" very rapidly and produce a significant workload for the next few years, depending on how soon MtBE is phased-out of the gasoline supply.	Success in measured by the number of sites moved to regulatory closure, and the number of claims processed monthly.
NJ			
NM			
NV	None	Functional	Claims Processing Time
NY			

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Updated June 2002.

**TABLE 5. STATE FUND UPDATES**

Major Legislative Changes		Current Status of Fund	How Success is Measured
OH	None	The Fund continues to accept claims for releases occurring before and after 12/22/98. The Board has issued revenue bonds totaling \$65 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.	As 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.
OK	\$38 Million will be taken from the assessment over the next four years to two major universities.	The Fund is solvent but has to prioritize the cleanup work.	Remaining solvent, closing as many sites as possible, although the reduced funding over the next four years will slow down out expectation.
PA	1) The Funds new coverage limit is \$1.5 million per tank occurrence. 2) New eligibility requirement passed, effective 12/13/01. Claim must be reported to the Fund within 60 days of the known release.	Last year we paid 98% of all calims presented. Have a surplus of \$152 million after all claims were paid.	1) Low interest loans for upgrading. 2) All claims paid within 30 days. 3) \$152 million surplus after all current claims are paid.
RI	RI has two major legislative issues pending:1)becoming a quasi-public entity 2) levying a tank registration fee	RI is currently evaluating its program to determine if an alternative means of FR should be introduced	For a small fund, with a small staff, we have managed to get quite a bit of money out the door.

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Updated June 2002.

**TABLE 5. STATE FUND UPDATES**

Major Legislative Changes		Current Status of Fund	How Success is Measured
SC	None	The state fund of South Carolina is accepting claims and has sufficient revenues to fund all class 1 and 2 releases. We are still paying out on claims for sites discovered before the 12/22/98 EPA deadline.	The number and percent of confirmed releases that are closed per year which were funded by the state fund is a measure of success. The number and percent of cases closed where costs were based on competition is another measure of success as it reflects an effective use of state funds. Efficiency of account administration is another indicator of success. Maintaining a steady cash flow (and account balance) reflects that monthly revenues are promptly being committed for new work (which maximizes cleanup activities in the State) and invoices are being processed in a timely fashion (ensuring accountability). The indicators listed in the Environmental Protection Agency Report IV solvency report (which includes claim payments, processing times, outstanding debt) are used to determine relative success.
SD	The 2002 legislature transferred \$15 million from the Petroleum Release Compensation Fund to the SD Dept, of Transportation in order to offset a budget shortfall.	The SD Petroleum Release Compensation Fund is still able to pay all claims and provide acceptable financial assurance for regulated tank owners. We expect to be able to meet future cleanup needs for at least two years despite the transfer of \$15 million from the fund to the SD Dept. Transportation by the 2002 legislature.	Success is generally measured by the number of cleanups completed with all claims settled. The celerity of the cleanup along with cost are also taken into account. With regards to the special Abandoned Tank Cleanup Program, success has been measured by the number of applications, speed of the tank removal activitite, cost and c the minimal number of problems arising from this high profile program.
TN			
TX	None this year. in FY03 will update Reimbursement Rules	Solvent. Fund to Sunset in 9/1/06.	No. of claims processed. Reduction of protested claim backlog. \$ expended.
UT	None. Fund was not raided.	Positive cash balance. However, actuarial balance is a negative \$63 million. We will be requesting a per gallon fee increase in the next legislative session.	Yearly actuarial study. Sites cleaned up. Claims processing time. Input from owners and legislators.

**TABLE 5. STATE FUND UPDATES**

Major Legislative Changes		Current Status of Fund	How Success is Measured
VA	None anticipated.	Virginia is currently accepting and paying claims on a first in, first out basis with no anticipation of a Fund sunset. Monthly income is relatively stable. Claim payment delays result during periods where total approved claims exceed Fund's monthly income. Current approvals are approximately equal to income; however, waiting list for payments is about 8 months due to large claim volumes approved in previous years. An "accelerated payment" option was recently introduced for claimants who prefer a "speedy but discounted" reimbursement over a "delayed but full" reimbursement.	Timely review and payment of claims, and overall "reasonableness" of costs approved. These parameters are indicators of whether or not the Fund is acting as a catalyst for cleaning up releases which pose significant risk.
VT	No legislative changes. Fund was raided for \$1.7 M.	The State Fund of Vermont is still accepting claims for new and old releases. We reimburse all eligible uninsured costs for releases from USTs and ASTs. We are working to move all our cleanup sites to PFP.	A solvent fund with effective forecasting of long term needs. Good working relationship with stakeholders. Enabling effective environmental cleanups. Providing protection to affected third parties.
WA			
WI			
WV			

**TABLE 5. STATE FUND UPDATES**

Major Legislative Changes		Current Status of Fund	How Success is Measured
WY	None anticipated	Corrective action account is healthy with no anticipated changes	<p>The WDEQ funds and manages 100% of eligible LUST remediation work in Wyoming. Success is measured as the number of contaminated sites in remediation projects which steadily decrease by achieving State soil and/or groundwater remediation standards. Success is also measured as existing contaminated sites within each operational project advance to the next remediation phase. Currently, Wyoming has 32 operational remediation projects involving 406 contaminated LUST sites and almost an equal number of contaminated adjacent 3rd party locations. Each project includes five phases; namely, subsurface investigation, engineering design, construction, operation &amp; maintenance, and project or site closure. Each project requires about 5 years to complete all phases. WDEQ has also completed 4 contract projects involving 275 lower priority LUST sites to determine if future remediation work is required at these locations. All LUST contaminated site prioritization ranking scores are periodically revised as more technical data is collected. All work is accomplished by pre-qualified State consultants/contractors with the WDEQ serving as contract administrators.</p>

Based on responses to a survey conducted by the Vermont Department of Environmental Conservation. Updated June 2002.