

COMMITTEE ON COMMERCE AND PUBLIC SAFETY

SENATE AMENDMENTS TO H.B. 2310

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Laws 2015, chapter 247, section 25 is amended to read:

3 Sec. 25. Previously time-barred underground storage tank
revolving fund claims: requirements: limitations:
appeals

4 Notwithstanding any other law:

5 1. For releases of a regulated substance that were properly reported
6 before July 1, 2006:

7 (a) Costs for corrective action are eligible for reimbursement up to
8 five hundred thousand dollars per facility for an applicant who satisfies
9 federal financial responsibility obligations prescribed in 40 code of
10 federal regulations part 280 through a financial assurance mechanism other
11 than insurance and one million dollars per facility for an applicant who
12 satisfies federal financial responsibility obligations through insurance,
13 without regard to the number of releases at the facility.

14 (b) If reimbursement eligibility for a facility was exhausted
15 through claims submitted on or before June 30, 2010 as a result of payment
16 or eligibility limits in place on that date, that facility is not eligible
17 for any additional reimbursement under this section.

18 (c) If claims for reimbursement at a facility were made on or before
19 June 30, 2010, the total amount of payment on those claims shall reduce
20 eligibility for reimbursement under this section by the amount paid on the
21 claims.

22 2. For releases of a regulated substance that were properly reported
23 on or after July 1, 2006, but before January 1, 2016, costs for corrective

1 actions are eligible for reimbursement up to five hundred thousand dollars
2 per facility for an applicant who satisfies federal financial
3 responsibility obligations prescribed in 40 code of federal regulations
4 part 280 through a financial assurance mechanisms other than insurance and
5 one million dollars per facility for an applicant who satisfies federal
6 financial responsibility obligations through insurance, without regard to
7 the number of releases at the facility.

8 3. The department of environmental quality is not required to take
9 any action on an application for reimbursement until January 1, 2017.

10 4. The department of environmental quality shall pay all compensable
11 claims for corrective action costs arising from releases that were reported
12 before July 1, 2006 and that are submitted on or before December 31, 2016,
13 before paying any claims under this section for corrective action costs
14 arising from releases reported on or after July 1, 2006. Claims submitted
15 pursuant to this section are compensable only for costs incurred after
16 June 30, 2010.

17 5. Subject to paragraph 4 of this section, the department of
18 environmental quality shall pay all compensable claims submitted by
19 December 31, 2016 in equal proportion based on the amount of the claim,
20 without regard to who the applicant is or the time that the claim is
21 submitted, if the claim is timely submitted. The department of
22 environmental quality shall determine the percentage of each claim to be
23 paid based on the monies available in the underground storage tank
24 revolving fund established by section 49-1015, Arizona Revised Statutes.

25 6. Only claims that are approved by the department of environmental
26 quality are eligible for payment under this section. The department shall
27 reimburse costs that are reasonable and were actually incurred for
28 corrective actions that were actually performed. The costs for the
29 corrective actions shall be documented in an application by the facility
30 for payment from the underground storage tank revolving fund that shall be
31 submitted by December 31, 2016, EXCEPT THAT CLAIMS SUBMITTED PURSUANT TO
32 PARAGRAPH 9 OF THIS SECTION SHALL BE SUBMITTED BY DECEMBER 31, 2018. The

1 department shall provide reimbursement for ninety percent of the reasonable
2 and necessary costs of eligible activities pursuant to this section.
3 Applications for reimbursement shall include a declaration that is signed
4 by the owner or operator and that affirms that the submitted costs are true
5 and accurate, have not previously been submitted to the department and have
6 not been reimbursed to the owner or operator by insurance or an alternative
7 financial assurance mechanism. A provider of insurance or an alternative
8 financial assurance mechanism that is not an owner or operator with respect
9 to that facility is not eligible for payment under this section.

10 7. The department of environmental quality shall determine the
11 amount of monies in the underground storage tank revolving fund prescribed
12 by section 49-1015, Arizona Revised Statutes, as ~~added~~ AMENDED by ~~this act~~
13 LAWS 2016, CHAPTER 120, SECTION 2, on December 31, 2016 that is available
14 to pay claims under this section. The department is not required to
15 evaluate available monies from the fund and issue payments more than once
16 per year thereafter.

17 8. An owner or operator is not eligible to receive payment from the
18 department of environmental quality unless the owner or operator is in
19 compliance with the financial responsibility obligations under 40 code of
20 federal regulations part 280.

21 9. NOTWITHSTANDING PARAGRAPH 8 OF THIS SECTION, FOR RELEASES OF A
22 REGULATED SUBSTANCE THAT WERE PROPERLY REPORTED AND CONFIRMED BEFORE
23 FINANCIAL RESPONSIBILITY WAS REQUIRED BY 40 CODE OF FEDERAL REGULATIONS
24 PART 280:

25 (a) COSTS FOR CORRECTIVE ACTIONS THAT WERE CONDUCTED BETWEEN JULY 1,
26 2010 AND DECEMBER 31, 2016 ARE ELIGIBLE FOR REIMBURSEMENT OF UP TO ONE
27 MILLION DOLLARS PER FACILITY, WITHOUT REGARD TO THE NUMBER OF RELEASES AT
28 THE FACILITY.

29 (b) IF PREVIOUS REIMBURSEMENT FOR A FACILITY EXCEEDS ONE MILLION
30 DOLLARS FOR CLAIMS SUBMITTED ON OR BEFORE DECEMBER 31, 2016, THAT FACILITY
31 IS NOT ELIGIBLE FOR ANY ADDITIONAL REIMBURSEMENT UNDER THIS PARAGRAPH.

1 (c) IF CLAIMS FOR REIMBURSEMENT AT A FACILITY WERE MADE ON OR BEFORE
2 DECEMBER 31, 2016 AND WERE PREVIOUSLY REIMBURSED, THE TOTAL AMOUNT OF
3 PAYMENT ON THOSE CLAIMS SHALL REDUCE ELIGIBILITY FOR REIMBURSEMENT UNDER
4 THIS PARAGRAPH BY THE AMOUNT PAID ON THE CLAIMS.

5 (d) THE COSTS FOR THE CORRECTIVE ACTIONS SHALL BE DOCUMENTED IN AN
6 APPLICATION BY THE FACILITY FOR PAYMENT FROM THE UNDERGROUND STORAGE TANK
7 REVOLVING FUND ESTABLISHED BY SECTION 49-1015, ARIZONA REVISED STATUTES,
8 THAT SHALL BE SUBMITTED BY DECEMBER 31, 2018.

9 (e) PARAGRAPHS 5, 6, 7 AND 10 OF THIS SECTION APPLY TO ANY CLAIMS
10 FOR REIMBURSEMENT PRESCRIBED BY THIS PARAGRAPH.

11 ~~9-~~ 10. Any appeals of reimbursement decisions made under this
12 section are subject to title 41, chapter 6, article 10, Arizona Revised
13 Statutes."

14 Amend title to conform

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C: myr