

4-411.1.

~~(A) IN THIS SUBSECTION, "UNDERGROUND OIL STORAGE TANK" MEANS ANY TANK SUBJECT TO THE FINANCIAL ASSURANCE REQUIREMENTS OF 40 CFR PART 280.90 ET SEQ.~~

~~(B) (1) UPON CONFIRMING THAT A DISCHARGE HAS OCCURRED FROM AN UNDERGROUND OIL STORAGE TANK, THE OWNER OR OPERATOR OF THE UNDERGROUND OIL STORAGE TANK OR OTHER PERSON RESPONSIBLE FOR THE DISCHARGE SHALL IMMEDIATELY NOTIFY THE DEPARTMENT AND COMMENCE CORRECTIVE ACTION, UNDER THE REGULATIONS ADOPTED BY THE DEPARTMENT.~~

~~(2) THE DEPARTMENT MAY UNDERTAKE OR CONTRACT FOR CORRECTIVE ACTION IF:~~

~~(I) AFTER NOTIFICATION AND REQUEST BY THE DEPARTMENT TO TAKE APPROPRIATE CORRECTIVE ACTION CONSISTENT WITH REGULATIONS ADOPTED BY THE DEPARTMENT, THE OWNER OR OPERATOR OR OTHER PERSON RESPONSIBLE FOR THE DISCHARGE IS UNWILLING OR FINANCIALLY UNABLE TO TAKE THE ACTION OR FAILS TO TAKE APPROPRIATE ACTION PROMPTLY;~~

~~(II) THE DEPARTMENT DETERMINES THAT AN IMMEDIATE RESPONSE TO A DISCHARGE IS NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, OR THE ENVIRONMENT; OR~~

~~(III) A PERSON RESPONSIBLE FOR THE DISCHARGE CANNOT BE LOCATED.~~

~~(C) (1) UPON APPLICATION AND APPROVAL BY THE DEPARTMENT, THE OWNER OR OPERATOR OF AN UNDERGROUND OIL STORAGE TANK MAY APPLY TO THE FUND FOR:~~

~~(I) REIMBURSEMENT FOR COSTS INCURRED IN TAKING CORRECTIVE ACTION OR IN COMPENSATING A THIRD PARTY FOR BODILY INJURY OR PROPERTY DAMAGE; OR~~

~~(II) A GUARANTEE OF PAYMENT TO A QUALIFIED CONTRACTOR FOR THE COSTS OF TAKING CORRECTIVE ACTION.~~

~~(2) (1) ANY REIMBURSEMENT OR GUARANTEE TO A CONTRACTOR FROM THE UST FUND IS SUBJECT TO:~~

~~1. FOR OWNERS OR OPERATORS OF 6 TANKS OR LESS, A DEDUCTIBLE OF \$20,000;~~

~~2. FOR OWNERS OR OPERATORS OF MORE THAN 6 BUT NOT MORE THAN 15 TANKS, A DEDUCTIBLE OF \$25,000 FOR CORRECTIVE ACTION AND A DEDUCTIBLE OF \$50,000 FOR BODILY INJURY AND PROPERTY DAMAGE TO THIRD PARTIES;~~