

VETOES

~~3. FOR OWNERS OR OPERATORS OF MORE THAN 15 BUT NOT MORE THAN 30 TANKS, A DEDUCTIBLE OF \$35,000 FOR CORRECTIVE ACTION AND A DEDUCTIBLE OF \$70,000 FOR BODILY INJURY AND PROPERTY DAMAGE TO THIRD PARTIES;~~

~~4. FOR OWNERS OR OPERATORS OF MORE THAN 30 TANKS, A DEDUCTIBLE OF \$50,000 FOR CORRECTIVE ACTION AND A DEDUCTIBLE OF \$100,000 FOR BODILY INJURY AND PROPERTY DAMAGE TO THIRD PARTIES; AND~~

~~5. A LIMIT OF \$1,000,000 PER OCCURRENCE OR \$2,000,000 IN THE AGGREGATE IN ANY 1 YEAR, OR ANY LESSER LIMIT AS MAY APPLY TO AN OWNER OR OPERATOR UNDER 40 CFR PART 280.90 ET SEQ.~~

~~(II) AN OWNER OR OPERATOR SHALL DEMONSTRATE TO THE DEPARTMENT FINANCIAL ASSURANCE OF THE APPLICABLE DEDUCTIBLE AMOUNTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(3) TO BE ELIGIBLE FOR REIMBURSEMENT OR GUARANTEE TO A CONTRACTOR FROM THE UST FUND, AN OWNER OR OPERATOR SHALL:~~

~~(I) DEMONSTRATE THAT THE DISCHARGE IS NOT RELATED DIRECTLY OR INDIRECTLY TO A VIOLATION OF FEDERAL OR STATE LAW;~~

~~(II) DEMONSTRATE THAT THE CAUSE OF THE DISCHARGE WAS BEYOND THE CONTROL OF THE OWNER OR OPERATOR AND WAS NOT THE RESULT OF A WILLFUL OR NEGLIGENT ACTION BY A PERSON RESPONSIBLE FOR THE DISCHARGE;~~

~~(III) DEMONSTRATE THAT THE REQUIREMENT FOR IMMEDIATE NOTICE AND COMMENCEMENT OF CORRECTIVE ACTION UNDER SUBSECTION (B)(1) OF THIS SECTION HAS BEEN MET;~~

~~(IV) SUBMIT A CORRECTIVE ACTION PLAN, SCHEDULE, AND COST ESTIMATE TO THE DEPARTMENT WITHIN 30 DAYS AFTER CONFIRMING THAT A DISCHARGE HAS OCCURRED. ONLY COSTS THAT ARE COST EFFECTIVE, REASONABLE, AND CONSISTENT WITH A PLAN APPROVED BY THE DEPARTMENT MAY BE REIMBURSED; AND~~

~~(V) DEMONSTRATE THAT THE DISCHARGE IS FROM A REGISTERED TANK.~~

~~(4) UNLESS THE OWNER OR OPERATOR JUSTIFIES A SCHEDULE PROVIDING FOR PARTIAL PAYMENTS, A REIMBURSEMENT MAY NOT BE MADE UNTIL CORRECTIVE ACTIONS ARE COMPLETE.~~

~~(5) ANY PAYMENTS AND OBLIGATIONS OF THE DEPARTMENT~~