

WILLIAM DONALD SCHAEFER, Governor

WHEREAS, Subtitle I of RCRA directs the United States Environmental Protection Agency (EPA), among other things, to develop financial responsibility requirements for owners and operators of underground storage tanks; and

WHEREAS, Subtitle I of RCRA, at 42 U.S.C. § 6991b(d), as well as the EPA's proposed implementing regulations at 52 Federal Register 12786 (April 17, 1987) require that an owner or operator of an underground storage tank containing petroleum products must ensure that there will be at least \$1,000,000 available in the event of a leak to pay for cleanup and third-party damages; and

WHEREAS, A spokesman for the EPA stated on November 4, 1987 in testimony before a workgroup of the Environmental Matters Committee that the financial responsibility requirement will be effective as of October 1, 1988; and

WHEREAS, A significant number of owners and operators of underground storage tanks containing petroleum products will be unable to comply with the financial responsibility requirement because pollution liability insurance for owners and operators of underground storage tanks is not available in the market place at this time; and

WHEREAS, The EPA acknowledges the unavailability of insurance and intends to grant suspensions from enforcement of the October 1, 1988 deadline when there is a bona fide effort by the State to establish a program to assist owners and operators unable to meet the financial responsibility requirements; and

WHEREAS, The State of Maryland is willing to establish a State program and give its fair share in the national effort to address the problem of leaking underground storage tanks; and

WHEREAS, The State of Maryland must be given guidelines in order to ensure that its program meets federal requirements, is adequate in assisting the owners and operators of underground storage tanks in meeting the financial responsibility requirement, and will be sufficient to qualify owners and operators within the State for postponement of the October 1, 1988 deadline; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the federal Environmental Protection Agency is requested to give the State of Maryland guidelines for a State program designed to assist owners and operators of underground storage tanks containing petroleum products in meeting the federally mandated financial responsibility requirements; and be it further

RESOLVED, That such guidelines include a preferred State program and alternative programs with appropriate consideration being given to protecting the needs and interests of the State