

WILLIAM DONALD SCHAEFER, Governor

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 ONE 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) ~~(i)~~ TO BE ELIGIBLE FOR REIMBURSEMENT OR GUARANTEE TO A CONTRACTOR FROM THE UST FUND, AN OWNER OR OPERATOR SHALL BE ~~IN--SUBSTANTIAL--COMPLIANCE--WITH--STATE--AND--FEDERAL--PETROLEUM STORAGE-TANK-REGULATIONS-~~ :

(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; ~~AND~~

~~(vi) --HAVE BEEN CERTIFIED BY THE DEPARTMENT THAT THE OWNER OR OPERATOR HAS BEEN IN SUBSTANTIAL COMPLIANCE WITH FEDERAL AND STATE REGULATIONS.~~

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