

(I) MONEY IN THE MARYLAND OIL DISASTER CONTAINMENT, CLEAN-UP AND CONTINGENCY FUND, RESERVED FOR THE CIRCUMSTANCES SET FORTH IN SUBSECTION (D)(3) OF THIS SECTION, FALLS BELOW \$250,000 BECAUSE OF OIL SPILL INCIDENTS, PROVIDED THAT THE RESERVE BALANCE OF THE FUND MAY NOT EXCEED \$1 MILLION AFTER THE TRANSFER; OR

(II) THERE IS A MAJOR OIL SPILL AND SUFFICIENT FUNDS ARE NOT AVAILABLE IN THE MARYLAND OIL DISASTER CONTAINMENT, CLEAN-UP AND CONTINGENCY FUND.

(3) THE MONEY TRANSFERRED TO THE MARYLAND OIL DISASTER CONTAINMENT, CLEAN-UP AND CONTINGENCY FUND, AS PROVIDED FOR IN PARAGRAPH (2)(II) OF THIS SUBSECTION, MAY NOT EXCEED THE DEPARTMENT'S DIRECT COSTS TO REMEDIATE THE MAJOR OIL SPILL.

(4) IF MONEYS TRANSFERRED UNDER PARAGRAPH (2) OF THIS SUBSECTION ARE RECOVERED, THE DEPARTMENT SHALL RETURN THE RECOVERED MONEYS TO THE FUNDS IN THE FOLLOWING ORDER:

(I) TO THE MARYLAND OIL DISASTER CONTAINMENT, CLEAN-UP AND CONTINGENCY FUND AS NEEDED TO MAINTAIN A RESERVE BALANCE NOT TO EXCEED \$1 MILLION;

(II) TO THE OIL CONTAMINATED SITE ENVIRONMENTAL CLEANUP FUND, IN AN AMOUNT NOT TO EXCEED THE AMOUNT TRANSFERRED TO THE MARYLAND OIL DISASTER CONTAINMENT, CLEAN-UP AND CONTINGENCY FUND UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

(III) TO THE UNDERGROUND STORAGE TANK UPGRADE AND REPLACEMENT FUND, ANY REMAINING RECOVERED MONEYS.

[(b)](D) (1) On or after January 1, 1999 BUT NO LATER THAN JUNE 30, 1999, any funds remaining in the Underground Storage Tank Upgrade and Replacement Fund shall be credited IN THE FOLLOWING MANNER:

(I) 50% to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; AND

(II) 50% TO THE OIL CONTAMINATED SITE ENVIRONMENTAL CLEANUP FUND.

(2) ANY FUTURE LOAN REPAYMENTS MADE ON OR AFTER JANUARY 1, 1999 SHALL BE CREDITED TO THE MARYLAND OIL DISASTER CONTAINMENT, CLEAN-UP AND CONTINGENCY FUND.

(3) THE FUNDS IDENTIFIED IN PARAGRAPHS (1)(I) AND (2) OF THIS SUBSECTION SHALL ONLY [to] be used by the Department for cases in which a responsible party cannot be located or the responsible party does not have sufficient assets to take adequate remedial action OR REFUSES TO TAKE REMEDIAL ACTION for:

[(1)](I) The clean-up and removal of an underground storage tank; or

[(2)](II) The clean-up of a petroleum release.