

COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1154

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 49-1015.01, Arizona Revised Statutes, is amended  
3 to read:

4 49-1015.01. Regulated substance fund; purpose

5 A. ~~THE~~ regulated substance fund is established. The director shall  
6 administer the fund. Monies in the fund **ARE CONTINUOUSLY APPROPRIATED AND**  
7 are exempt from the provisions of section 35-190 relating to lapsing of  
8 appropriations. On notice from the director, the state treasurer shall  
9 invest and divest monies in the fund as provided in section 35-313, and  
10 monies earned from investment shall be credited to the fund.

11 B. The regulated substance fund consists of monies appropriated by the  
12 legislature, underground storage tank tax revenues, assurance account monies  
13 encumbered by the director for implementing work plans and corrective action  
14 plans in which monitored natural attenuation is all or a portion of the  
15 selected remedy, monies reimbursed to the fund and gifts, grants and  
16 donations.

17 C. Monies in the fund ~~shall~~ **MAY** be used ~~for releases from underground~~  
18 ~~storage tanks. Monies in the fund are continuously appropriated and shall be~~  
19 ~~used at sites selected based on an analysis of risk to human health and the~~  
20 ~~environment~~ by the director as follows:

21 ~~1. For the reasonable and necessary costs of administering and taking~~  
22 ~~corrective actions of regulated substances if the department cannot locate an~~  
23 ~~owner or operator of the underground storage tank within ninety days or~~  
24 ~~within such shorter period as necessary to protect human health or the~~  
25 ~~environment.~~

26 ~~2. Notwithstanding paragraph 1, for the reasonable and necessary costs~~  
27 ~~of taking corrective actions of regulated substances.~~

1           1. TO REIMBURSE THE DEPARTMENT FOR REASONABLE AND NECESSARY COSTS  
2 INCURRED BY THE DEPARTMENT IN ADMINISTERING THE REQUIREMENTS OF THIS CHAPTER.

3           2. TO PAY FOR THE REASONABLE AND NECESSARY COSTS INCURRED BY THE  
4 DEPARTMENT IN TAKING CORRECTIVE ACTION UNDER SECTION 49-1017 FOR RELEASES  
5 FROM UNDERGROUND STORAGE TANKS.

6           D. Monies in the fund may also be used for corrective actions related  
7 to a work plan or corrective action plan approved by the department before  
8 July 1, ~~2010~~ 2013 in which monitored natural attenuation is all or a portion  
9 of the selected remedy, including corrective actions at sites at which  
10 monitored natural attenuation is not adequate. Monies for monitored natural  
11 attenuation shall be deposited in the monitored natural attenuation account  
12 of the fund and shall only be used for those purposes.

13           E. Monies in the fund shall not be used to implement the water quality  
14 assurance revolving fund program pursuant to chapter 2, article 5 of this  
15 title.

16           Sec. 2. Section 49-1052, Arizona Revised Statutes, is amended to read:  
17 49-1052. Coverage of corrective action costs

18           A. The department shall provide from the assurance account coverage in  
19 the amounts authorized by subsection I of this section and sections 49-1017,  
20 49-1022 and 49-1054 of the costs incurred after September 15, 1989 of the  
21 following:

22           1. Sampling, analysis and reporting that are initiated pursuant to  
23 section 49-1004 and that confirm the presence of a release that requires  
24 corrective action pursuant to section 49-1005.

25           2. Sampling, analysis and reporting that are initiated pursuant to  
26 section 49-1008 and that confirm the presence of a release that requires  
27 corrective action pursuant to section 49-1005.

28           3. Permanent closure pursuant to section 49-1008 before July 1, 1999,  
29 if the owner or operator satisfies both of the following requirements:

30           (a) A release associated with the tank being closed was reported to  
31 the department.

1 (b) The closure of the tank met all applicable closure requirements of  
2 section 49-1008 and rules adopted pursuant to that section.

3 4. Permanent closure of a tank pursuant to section 49-1008 on or after  
4 July 1, 1999, if the owner or operator satisfies all of the following  
5 requirements:

6 (a) The closure of the tank meets all applicable closure requirements  
7 of section 49-1008 and the rules adopted pursuant to that section.

8 (b) A release to native soils was confirmed and reported to the  
9 department before closure activities were initiated.

10 (c) The source of the release is the tank that is being closed.

11 (d) The tank that is being closed met the temporary closure  
12 requirements or the new or upgraded tank requirements in rules adopted  
13 pursuant to section 49-1014 at the time of the release.

14 (e) The tank cannot be repaired under the rules adopted pursuant to  
15 section 49-1014.

16 5. Corrective actions initiated pursuant to section 49-1005.

17 6. Permanent closure pursuant to section 49-1008, for persons  
18 described in subsection I of this section, if all of the following are met:

19 (a) The underground storage tank being closed is the source of a  
20 release to native soil that requires corrective action.

21 (b) Permanent closure of the underground storage tank met all of the  
22 applicable closure requirements of section 49-1008 and the rules adopted  
23 pursuant to that section.

24 (c) A release to native soil associated with the underground storage  
25 tank being closed was reported to the department.

26 (d) The person described in subsection I of this section meets the  
27 requirements of section 49-1016, subsection C.

28 7. Costs incurred for professional fees directly related to the  
29 preparation of an assurance account application. The department shall credit  
30 these fees toward the applicant's copayment obligation.

1           B. The department may provide the coverage required by this section  
2 either by paying the owner, the operator or a designated representative of  
3 the owner or operator or any combination of these persons or a political  
4 subdivision covered by subsection H of this section or by making direct  
5 payments for eligible actions on behalf of the owner, operator or political  
6 subdivision. If the department determines that an application for direct  
7 payment or reimbursement is incomplete, the department within forty-five days  
8 of the application shall notify the owner or operator of the missing  
9 information as specifically as possible and shall permit the owner or  
10 operator to provide the additional information within thirty days. On the  
11 request of an applicant, the department shall grant an additional sixty days  
12 to submit the missing information. The grant of additional time tolls the  
13 period for making an interim determination on matters relating to direct  
14 payment or reimbursement pursuant to section 49-1091.

15           C. An owner, an operator, a designated representative of an owner or  
16 operator or a political subdivision covered by subsection H of this section  
17 may apply to the department for coverage of the eligible costs pursuant to  
18 this article and rules adopted pursuant to this article. Any employee of the  
19 owner or operator may submit an application to the department on behalf of  
20 the owner or operator.

21           D. The department shall not pay for eligible costs unless the  
22 department determines that the eligible activities have met, or when  
23 completed will meet, the applicable requirements of section 49-1004 or  
24 49-1005. The department may require by rule that persons who perform payable  
25 eligible activities meet specified standards of qualification and be approved  
26 by the department.

27           E. The department shall not provide any coverage described in this  
28 article to an owner or operator of underground storage tanks described in  
29 section 49-1031, subsection C. The department shall not provide any coverage  
30 described in this article with respect to the substances described in section  
31 49-1031, subsection C, unless the tax imposed by article 2 of this chapter  
32 applies to such substances.

1           F. The department shall not provide any coverage described in this  
2 article to an owner or operator or any person or entity employed or retained  
3 by an owner or operator, if any of the following applies:

4           1. The owner or operator is delinquent in the payment of any fee,  
5 penalty or interest thereon imposed under this chapter and fails to cure that  
6 delinquency within thirty days after receiving notice from the department.  
7 If the owner or operator cures the delinquency more than thirty days after  
8 receiving notice from the department, the owner or operator may submit a new  
9 application for coverage. The new application shall be prioritized for  
10 review and payment in the ordinary course of ranking. If the owner or  
11 operator cures the delinquency within thirty days after receiving notice from  
12 the department, the owner or operator retains the owner's or operator's place  
13 in the priority system. The department shall provide notice of the  
14 delinquency within thirty days after receiving an application for payment  
15 from the assurance account or within sixty days after a work plan is  
16 submitted for preapproval. If the department does not provide notice  
17 pursuant to this paragraph, the department shall not withhold payment based  
18 on that delinquency nor shall the department use that delinquency as a basis  
19 for the department to delay preapproval of corrective actions and related  
20 costs. An owner or operator remains eligible for coverage for other  
21 underground storage tank sites if no fees, penalties or interest is  
22 delinquent for those sites.

23           2. The owner or operator is delinquent in filing any excise tax return  
24 required by section 49-1032, subsection B and fails to cure that delinquency  
25 within thirty days after receiving notice of the delinquency from the  
26 department. If the owner or operator cures the delinquency more than thirty  
27 days after receiving notice from the department, the owner or operator may  
28 submit a new application for coverage. The new application shall be  
29 prioritized for review and payment in the ordinary course of ranking. If the  
30 owner or operator cures the delinquency within thirty days, after receiving  
31 notice from the department, the owner or operator retains the owner's or  
32 operator's place in the priority system. The department shall provide notice

1 of the delinquency within thirty days after receiving an application for  
2 payment from the assurance account or within sixty days after a work plan is  
3 submitted for preapproval. If the department does not provide notice  
4 pursuant to this paragraph, the department shall not withhold payment based  
5 on that delinquency. The department shall not use a delinquency pursuant to  
6 this paragraph as a basis for the department to delay preapproval or  
7 corrective actions and related costs.

8 3. The underground storage tanks included in the application for  
9 coverage are located at a site that is the subject of an enforcement  
10 proceeding under section 49-1013. The owner or operator remains eligible for  
11 coverage for other sites where underground storage tanks are located if the  
12 owner or operator is not the subject of an enforcement proceeding regarding  
13 those sites. Payment from the assurance account will be withheld during the  
14 time that a final compliance order is in effect only for those costs directly  
15 associated with those activities that are the subject of the compliance  
16 order. Any payment costs that are incurred prior to a compliance order  
17 becoming final and that are not directly associated with the subject of that  
18 compliance order shall be eligible for payment pursuant to this section.  
19 Processing of payment from the assurance account shall not be delayed until a  
20 compliance order becomes final. An owner or operator shall not be considered  
21 to be the subject of an enforcement proceeding for purposes of eligibility  
22 for assurance account payments if any of the following applies:

23 (a) The department has filed an action in superior court unless the  
24 court determines in its discretion on the merits of the action that  
25 withholding payment is an appropriate sanction. Processing of payment shall  
26 be postponed until the court determines the owner's or operator's  
27 eligibility.

28 (b) The department takes corrective actions pursuant to section  
29 49-1017, subsection A, paragraphs 1 and 2, without the consent of the owner  
30 or operator.

1           (c) An owner or operator formally consents in writing to an  
2 administrative order. If the department determines that the owner or  
3 operator is in violation of the consent order, the owner or operator shall  
4 not be considered to be subject to an enforcement proceeding and processing  
5 of payment from the assurance account shall not be delayed until a final  
6 administrative decision is rendered finding that the owner or operator is in  
7 violation of the consent order. Payment from the assurance account shall be  
8 withheld only for those costs determined in the final administrative decision  
9 to be incurred for those activities that are the direct subject of the  
10 determined violation of the consent order. Any other payment costs that are  
11 incurred prior to a final administrative decision finding a violation of the  
12 consent order or payment costs that are not the direct subject of the consent  
13 order violation shall be eligible for payment pursuant to this section. For  
14 compliance orders and violated consent orders that become final on or before  
15 November 1, 2000, on satisfaction of a final compliance order or a final  
16 administrative decision on a violated consent order, an owner or operator  
17 regains eligibility of coverage for costs incurred for activities that are  
18 the subject of the final compliance order or final violated consent order.  
19 For compliance orders and violated consent orders that become final after  
20 November 1, 2000, an owner or operator regains coverage for costs incurred  
21 for activities that are the subject of the final compliance order or final  
22 violated consent order, except that the director may withhold coverage of up  
23 to twenty-five per cent of the eligible costs incurred for activities that  
24 are performed to cure the violation and that gave rise to the final  
25 compliance order or final violated consent order if the owner or operator has  
26 not demonstrated good faith attempts to meet the requirements of the final  
27 compliance order or to correct the violation of the consent order. Any  
28 decision by the director to withhold coverage under this subdivision is an  
29 appealable agency action.

30           4. An individual, an owner or operator or any entity seeking coverage  
31 is convicted of fraud relating to performance of eligible activities or to  
32 any claim made for payment from the assurance account. This paragraph

1 applies only to the individual, the owner or operator or the entity that is  
2 actually convicted of fraud relating to a corrective action or to a claim  
3 made for payment.

4 5. The owner or operator has failed to comply with the financial  
5 responsibility requirements of 40 Code of Federal Regulations part 280,  
6 subpart H with respect to the underground storage tanks included in the  
7 application for coverage and all of the following conditions are met:

8 (a) On or after July 1, 1996, the person seeking coverage is an owner  
9 or operator of the tank.

10 (b) As of July 1, 1996, there are no preexisting conditions precluding  
11 the ability to obtain financial responsibility which would have covered the  
12 release.

13 (c) The release is reported on or after July 1, 1996.

14 (d) The owner or operator fails to provide information to refute both  
15 of the following conditions:

16 (i) The tank was not pumped before July 1, 1996 for the purposes of  
17 removing free product.

18 (ii) Regulated substances were placed in or dispensed from the tank on  
19 or after July 1, 1996.

20 The owner or operator remains eligible for coverage for other sites where the  
21 owner or operator has complied with the financial responsibility requirements  
22 of this paragraph. The conditions described in subdivision (d) of this  
23 paragraph shall not apply to releases reported after January 1, 2000.

24 G. The department shall establish criteria for determining priorities  
25 among the applications for coverage under this article. The criteria shall  
26 include:

27 1. The need for financial assistance. The financial need evaluation  
28 shall include the owner's or operator's corrective action liabilities at all  
29 of the owner's or operator's underground storage tank sites in the state.

30 2. The risk to human health and the environment.

31 3. Whether the coverage is provided as a direct payment to a person  
32 performing an eligible activity.

1           4. The extent to which a delay in providing coverage will affect an  
2 eligible activity in progress.

3           5. The date on which an application for coverage is made.

4           6. The date on which an eligible activity for which coverage is sought  
5 is to be or was taken.

6           7. Whether the payment has been previously deferred because of  
7 insufficient monies in the assurance account and, if deferred, the length of  
8 such deferral.

9           H. The department may provide the coverage described in this article  
10 for eligible activity costs incurred by a political subdivision with respect  
11 to a release from an underground storage tank if the underground storage tank  
12 or the property where the underground storage tank is located comes into the  
13 possession or control of the political subdivision under either title 12,  
14 chapter 8, article 2 or 3.

15           I. The department may provide the coverage described in this article  
16 for eligible activity costs with respect to a release from an underground  
17 storage tank incurred by a person who currently owns the property or a person  
18 with principal control of the property on which the underground storage tank  
19 is or was located or the underground storage tank and who undertakes to meet  
20 the requirements of section 49-1005, but who is not an owner or operator.  
21 For claims paid on or after August 25, 2004, a person who undertakes to meet  
22 the requirements and who is not an owner or an operator is eligible for  
23 ninety per cent coverage, except that if the ten per cent per application  
24 that is not covered exceeds the assessed valuation of the real property, the  
25 person is eligible for one hundred per cent coverage in an application. If  
26 that person is not eligible for one hundred per cent coverage and does not  
27 pay the ten per cent remaining and notwithstanding the limitations prescribed  
28 in section 49-1017, the department shall take corrective action with respect  
29 to that release. A person who takes corrective action pursuant to this  
30 subsection shall submit certification to the department that the person has  
31 paid the remaining costs or has agreed to pay those remaining costs as  
32 demonstrated in an existing agreement.

1           J. Subject to section 38-503 and other applicable statutes and rules,  
2           the department may contract with a private consultant for the purpose of  
3           assisting the department in reviewing work plans, site characterization  
4           reports, corrective action plans, monitoring reports and other information to  
5           determine whether corrective actions meet the criteria and requirements of  
6           this chapter and the rules adopted by the director. If the department  
7           contracts with a consultant pursuant to this section, an owner or operator  
8           may request that the department expedite the review or inspection process by  
9           requesting that the department use the services of the consultant and by  
10          agreeing to pay to the department the costs of the consultant's services.  
11          The department shall not use a private consultant if the fee charged for that  
12          service would be more than the fee the department would charge to provide  
13          that service. The department shall pay the consultant for the services  
14          rendered by the consultant from fees paid by the applicant to the department  
15          pursuant to this section.

16          K. Claims for coverage that are not paid within one hundred eighty  
17          days after receipt by the department of a complete and correct claim accrue  
18          interest at the rate of eight per cent per year. Interest shall not accrue  
19          on any claim that is unpaid as a result of insufficient monies in the area  
20          account for that claim.

21          L. Requests by the department for additional information from  
22          claimants shall be reasonably related to the determination of the validity of  
23          the claim as prescribed by this article.

24          M. Except for claims for appeals costs authorized pursuant to section  
25          49-1091.01, claims for coverage, or a work plan for preapproval, at a site  
26          shall be submitted to the department no more than one year after the claimant  
27          receives a closure letter sent by the department by certified mail with  
28          notice that the claimant has one year to submit a claim for that release. If  
29          the claim is submitted in a timely manner, the claimant may correct or  
30          supplement the claim within a reasonable time as specified by the department  
31          without loss of coverage. If a work plan is submitted in a timely manner,  
32          the claimant, at any time thereafter, may correct, supplement or resubmit the

1 work plan. Failure to submit a timely claim or work plan shall result in  
2 denial of the claim. Any monies encumbered or set aside regarding the claim  
3 shall be returned to the assurance account, except for those monies  
4 encumbered or set aside for the purpose of well abandonment or site  
5 restoration. The time limit prescribed by this subsection does not apply to  
6 closed releases that are subsequently reopened for the performance of  
7 additional corrective actions or at which corrective actions are proceeding  
8 pursuant to a work plan for preapproval submitted before the release was  
9 closed.

10 N. The department shall provide coverage for the costs of corrective  
11 actions relating to soil remediation that are consistent with remediation  
12 standards developed pursuant to chapter 1, article 4 of this title. Payment  
13 may be made for the most cost-effective corrective actions to remediate soil  
14 either to the predetermined residential soil clean up levels or site specific  
15 residential soil clean up levels for unrestricted use of the property as  
16 determined by a risk based health assessment performed pursuant to rules  
17 adopted pursuant to article 1 of this chapter. The department shall provide  
18 coverage for the costs of corrective actions relating to groundwater  
19 remediation and for approved corrective action plans that are submitted on or  
20 after August 25, 2004 and for work plans that are associated with an approved  
21 corrective action plan that is submitted to the department on or after August  
22 25, 2004, and payment shall be made only for the most cost-effective risk  
23 based corrective action in accordance with rules adopted under article 1 of  
24 this chapter. On adoption of rules and after a request to the department,  
25 the department shall issue a no further action letter on completion of source  
26 removal and source control and approval of a groundwater monitored natural  
27 attenuation corrective action plan. The department shall provide coverage  
28 for corrective actions related to the control and removal of a source of  
29 contamination but shall not provide coverage for permanent closure of an  
30 underground storage tank. A source of contamination includes any one or more  
31 of the following:

- 1           1. Free product.
- 2           2. A regulated substance present in soil that causes or threatens to  
3 cause an exceedance of the aquifer water quality standards.
- 4           3. A regulated substance present in groundwater at levels that would  
5 prevent timely reduction of contaminant concentrations in comparison with the  
6 performance of active remediation.
- 7           4. Any other presence of a regulated substance causing an ongoing  
8 source of contamination, as determined by the department.
- 9           O. If a person intends to seek payment from the assurance account, the  
10 corrective action selected in a corrective action plan shall be the most  
11 cost-effective alternative that meets the requirements of section 49-1005.  
12 Monies from state appropriations shall not be used for administrative costs.  
13 If the most inexpensive corrective action alternative is not selected, the  
14 person shall demonstrate to the department the criteria supporting the  
15 corrective action selected in the corrective action plan. Nothing in this  
16 subsection shall affect the department's review of corrective action costs  
17 pursuant to article 3 of this chapter.
- 18           P. The coverage provided by this section is available only to the  
19 extent of the monies available in the assurance account. If there are  
20 insufficient monies available in the assurance account to pay all eligible  
21 costs which the department has determined should be paid, the department  
22 shall defer such payment until sufficient monies are available to pay such  
23 eligible costs. The department shall not provide any coverage and the  
24 assurance account is not liable for compensating third parties for bodily  
25 injury or property damage caused by releases from underground storage tanks.
- 26           Q. The department shall not accept an application to the assurance  
27 account for coverage from an applicant for costs associated with a single  
28 facility more frequently than once each calendar month and the department  
29 shall not accept an application for costs associated with a single facility  
30 for an amount of less than five thousand dollars unless any of the following  
31 applies:

1           1. The reimbursement or preapproval application is the final  
2 application associated with the release.

3           2. The application for direct payment is the final application  
4 associated with the preapproved work plan.

5           3. The application is the last application submitted by that applicant  
6 on or before June 30, ~~2010~~ 2013.

7           Sec. 3. Laws 2004, chapter 273, section 8 is amended to read:

8           Sec. 8. Regulated substance fund; deposit of monies

9           On July 1, ~~2011~~ 2014, after payment of all claims that were timely  
10 submitted to the department of environmental quality, the director of  
11 environmental quality shall transfer all of the following from the  
12 underground storage tank assurance account established pursuant to section  
13 49-1015, Arizona Revised Statutes, into the regulated substance fund  
14 established pursuant to section 49-1015.01, Arizona Revised Statutes, ~~as~~  
15 ~~added by this act:~~

16           1. An amount equal to the amount of copayments made by claimants  
17 pursuant to section 49-1052, subsection I, Arizona Revised Statutes, ~~as~~  
18 ~~amended by this act,~~ and section 49-1054, subsection A, Arizona Revised  
19 Statutes, ~~as amended by this act,~~ and retained by the underground storage  
20 tank assurance account.

21           2. Any monies remaining in the underground storage tank assurance  
22 account after all claims are paid or extinguished, or both, pursuant to LAWS  
23 2004, CHAPTER 273, section 9 ~~of~~, AS AMENDED BY this act, up to a maximum of  
24 sixty million dollars. Any monies remaining in the underground storage tank  
25 assurance account in excess of sixty million dollars shall be deposited in  
26 the state general fund.

27           3. Any assurance account monies encumbered by the director on or  
28 before June 30, ~~2011~~ 2014 for corrective actions related to a work plan or  
29 corrective action plan approved by the department before June 30, ~~2010~~ 2013  
30 in which monitored natural attenuation is all or a portion of the selected  
31 remedy and for which monies may be necessary to meet the standards for case  
32 closure. Nothing in this paragraph shall be construed to affect the existing

1 statutory claims process for claims involving monitored natural attenuation.  
2 Monies encumbered for monitored natural attenuation pursuant to this  
3 paragraph shall be deposited in the monitored natural attenuation account of  
4 the regulated substance fund.

5 Sec. 4. Laws 2004, chapter 273, section 9 is amended to read:

6 Sec. 9. Underground storage tank assurance account; termination  
7 of eligibility

8 Notwithstanding any other law:

9 1. From and after June 30, 2006, only releases of a regulated  
10 substance that are reported before July 1, 2006 as provided in section  
11 49-1004, Arizona Revised Statutes, are subject to coverage for corrective  
12 action costs from the underground storage tank assurance account.

13 2. An application for reimbursement for or direct payment of eligible  
14 reasonable and necessary costs from the underground storage tank assurance  
15 account shall be filed with the department of environmental quality no later  
16 than 5:00 p.m. on June 30, ~~2010~~ 2013.

17 3. An application for preapproval made pursuant to section 49-1052,  
18 subsection I, Arizona Revised Statutes, or section 49-1053, Arizona Revised  
19 Statutes, shall be filed with the department of environmental quality no  
20 later than 5:00 p.m. on June 30, ~~2009~~ 2012.

21 4. Any application made or expense incurred after June 30, ~~2010~~ 2013  
22 is not eligible for coverage from the underground storage tank assurance  
23 account and all such claims are extinguished.

24 Sec. 5. Laws 2004, chapter 273, section 14 is amended to read:

25 Sec. 14. Effective date; condition; notice

26 A. LAWS 2004, CHAPTER 273, section 7 ~~of this act~~, relating to the  
27 repeal of title 49, chapter 6, articles 2 and 3, Arizona Revised Statutes, is  
28 effective on the earlier of the following:

29 1. Receipt of sixty million dollars into the regulated substance fund  
30 established by section 49-1015.01, Arizona Revised Statutes, ~~as added by this~~  
31 ~~act~~, after payment and extinguishment of all claims that were timely

1 submitted and transfer of monies as prescribed by LAWS 2004, CHAPTER 273,  
2 section 8, paragraph 2 ~~of~~, AS AMENDED BY this act.

3 2. Receipt of sixty million dollars into the regulated substance fund  
4 established by section 49-1015.01, Arizona Revised Statutes, ~~as added by this~~  
5 ~~act~~, from monies transferred pursuant to this paragraph. If the regulated  
6 substance fund does not receive sixty million dollars pursuant to paragraph 1  
7 of this section, the director of environmental quality shall deposit into the  
8 regulated substance fund monies collected by the department pursuant to  
9 section 49-1031, Arizona Revised Statutes, until a total of sixty million  
10 dollars of tax revenues collected pursuant to section 49-1031, Arizona  
11 Revised Statutes, in addition to monies encumbered and deposited in the  
12 monitored natural attenuation account, is received by the regulated substance  
13 fund.

14 3. December 31, ~~2013~~ 2018.

15 B. The director of environmental quality shall immediately provide  
16 written notice to the director of the Arizona legislative council when the  
17 regulated substance fund has received a total of sixty million dollars of tax  
18 revenues as prescribed by this section.

19 Sec. 6. Laws 2010, seventh special session, chapter 7, section 3 is  
20 amended to read:

21 Sec. 3. Underground storage tank assurance account; transfer of  
22 monies; uses

23 Notwithstanding any other law, ~~the administrative cap established in~~  
24 ~~section 49-1051, subsection B, paragraphs 2 and 3, Arizona Revised Statutes,~~  
25 ~~is suspended~~ for fiscal year 2010-2011, ~~and~~ the department of environmental  
26 quality may transfer ~~\$6,531,000~~ MONIES ALLOCATED FOR USE PURSUANT TO SECTION  
27 49-1051, SUBSECTION B, PARAGRAPHS 2 AND 3, ARIZONA REVISED STATUTES, from the  
28 assurance account of the underground storage tank revolving fund for  
29 administrative costs of the underground storage tank leak prevention program  
30 and for the used oil program.

1           Sec. 7. Intent

2           Notwithstanding any other law, any fees or other monies collected and  
3           deposited in the assurance account of the underground storage tank revolving  
4           fund shall be held in trust. Monies in the fund may only be used for the  
5           purposes prescribed by statute and shall not be appropriated or transferred  
6           by the legislature to fund the general obligations of the department of  
7           environmental quality or this state or to otherwise meet the obligations of  
8           the general fund of this state.

9           Sec. 8. Retroactivity

10           A. Sections 1 through 5 and 7 of this act are effective retroactively  
11           to from and after June 29, 2010.

12           B. Section 6 of this act is effective retroactively to from and after  
13           June 14, 2010."

14 Amend title to conform

and, as so amended, it do pass

BILL KONOPNICKI  
Chairman

1154-se-nrra  
4/1/10  
H:jmb

1154BK  
03/30/2010  
10:58 AM  
C: MYR