

REFERENCE TITLE: **underground storage tank program**

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2296

Introduced by
Representative Pratt

AN ACT

AMENDING SECTIONS 49-1015.01 AND 49-1052, ARIZONA REVISED STATUTES; AMENDING LAWS 2004, CHAPTER 273, SECTIONS 8, 9 AND 14; RELATING TO UNDERGROUND STORAGE TANK REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 49-1015.01. Regulated substance fund; purpose

5 A. ~~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 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~~ A 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.

28 D. Monies in the fund may also be used for corrective actions related
29 to a work plan or corrective action plan approved by the department before
30 July 1, 2010 in which monitored natural attenuation is all or a portion of
31 the selected remedy, including corrective actions at sites ~~at which~~ WHERE
32 monitored natural attenuation is not adequate. Monies for monitored natural
33 attenuation shall be deposited in the monitored natural attenuation account
34 of the fund and shall only be used for those purposes.

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

38 Sec. 2. Section 49-1052, Arizona Revised Statutes, is amended to read:

39 49-1052. Coverage of corrective action costs

40 A. The department shall provide from the assurance account coverage in
41 the amounts authorized by subsection I of this section and sections 49-1017,
42 49-1022 and 49-1054 of the costs incurred after September 15, 1989 of the
43 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 B. The department may provide the coverage required by this section
39 either by paying the owner, the operator or a designated representative of
40 the owner or operator or any combination of these persons or a political
41 subdivision covered by subsection H of this section or by making direct
42 payments for eligible actions on behalf of the owner, operator or political
43 subdivision. If the department determines that an application for direct
44 payment or reimbursement is incomplete, the department within forty-five days
45 of the application shall notify the owner or operator of the missing
46 information as specifically as possible and shall permit the owner or

1 operator to provide the additional information within thirty days. On the
2 request of an applicant, the department shall grant an additional sixty days
3 to submit the missing information. The grant of additional time tolls the
4 period for making an interim determination on matters relating to direct
5 payment or reimbursement pursuant to section 49-1091.

6 C. An owner, an operator, a designated representative of an owner or
7 operator or a political subdivision covered by subsection H of this section
8 may apply to the department for coverage of the eligible costs pursuant to
9 this article and rules adopted pursuant to this article. Any employee of the
10 owner or operator may submit an application to the department on behalf of
11 the owner or operator.

12 D. The department shall not pay for eligible costs unless the
13 department determines that the eligible activities have met, or when
14 completed will meet, the applicable requirements of section 49-1004 or
15 49-1005. The department may require by rule that persons who perform payable
16 eligible activities meet specified standards of qualification and be approved
17 by the department.

18 E. The department shall not provide any coverage described in this
19 article to an owner or operator of underground storage tanks described in
20 section 49-1031, subsection C. The department shall not provide any coverage
21 described in this article with respect to the substances described in section
22 49-1031, subsection C, unless the tax imposed by article 2 of this chapter
23 applies to ~~such~~ THOSE substances.

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

27 1. The owner or operator is delinquent in the payment of any fee,
28 penalty or interest thereon imposed under this chapter and fails to cure that
29 delinquency within thirty days after receiving notice from the
30 department. If the owner or operator cures the delinquency more than thirty
31 days after receiving notice from the department, the owner or operator may
32 submit a new application for coverage. The new application shall be
33 prioritized for review and payment in the ordinary course of ranking. If the
34 owner or operator cures the delinquency within thirty days after receiving
35 notice from the department, the owner or operator retains the owner's or
36 operator's place in the priority system. The department shall provide notice
37 of the delinquency within thirty days after receiving an application for
38 payment from the assurance account or within sixty days after a work plan is
39 submitted for preapproval. If the department does not provide notice
40 pursuant to this paragraph, the department shall not withhold payment based
41 on that delinquency nor shall the department use that delinquency as a basis
42 for the department to delay preapproval of corrective actions and related
43 costs. An owner or operator remains eligible for coverage for other
44 underground storage tank sites if no fees, penalties or interest is
45 delinquent for those sites.

1 2. The owner or operator is delinquent in filing any excise tax return
2 required by section 49-1032, subsection B and fails to cure that delinquency
3 within thirty days after receiving notice of the delinquency from the
4 department. If the owner or operator cures the delinquency more than thirty
5 days after receiving notice from the department, the owner or operator may
6 submit a new application for coverage. The new application shall be
7 prioritized for review and payment in the ordinary course of ranking. If the
8 owner or operator cures the delinquency within thirty days, after receiving
9 notice from the department, the owner or operator retains the owner's or
10 operator's place in the priority system. The department shall provide notice
11 of the delinquency within thirty days after receiving an application for
12 payment from the assurance account or within sixty days after a work plan is
13 submitted for preapproval. If the department does not provide notice
14 pursuant to this paragraph, the department shall not withhold payment based
15 on that delinquency. The department shall not use a delinquency pursuant to
16 this paragraph as a basis for the department to delay preapproval or
17 corrective actions and related costs.

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

33 (a) The department has filed an action in superior court unless the
34 court determines in its discretion on the merits of the action that
35 withholding payment is an appropriate sanction. Processing of payment shall
36 be postponed until the court determines the owner's or operator's
37 eligibility.

38 (b) The department takes corrective actions pursuant to section
39 49-1017, subsection A, paragraphs 1 and 2, without the consent of the owner
40 or operator.

41 (c) An owner or operator formally consents in writing to an
42 administrative order. If the department determines that the owner or
43 operator is in violation of the consent order, the owner or operator shall
44 not be considered to be subject to an enforcement proceeding and processing
45 of payment from the assurance account shall not be delayed until a final
46 administrative decision is rendered finding that the owner or operator is in

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

24 4. An individual, an owner or operator or any entity seeking coverage
25 is convicted of fraud relating to performance of eligible activities or to
26 any claim made for payment from the assurance account. This paragraph
27 applies only to the individual, the owner or operator or the entity that is
28 actually convicted of fraud relating to a corrective action or to a claim
29 made for payment.

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

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

36 (b) As of July 1, 1996, there are no preexisting conditions precluding
37 the ability to obtain financial responsibility ~~which~~ THAT would have covered
38 the release.

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

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

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

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

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

5 G. The department shall establish criteria for determining priorities
6 among the applications for coverage under this article. The criteria shall
7 include:

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

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

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

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

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

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

19 7. Whether the payment has been previously deferred because of
20 insufficient monies in the assurance account and, if deferred, the length of
21 ~~such~~ THE deferral.

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

28 I. The department may provide the coverage described in this article
29 for eligible activity costs with respect to a release from an underground
30 storage tank incurred by a person who currently owns the property or a person
31 with principal control of the property on which the underground storage tank
32 is or was located or the underground storage tank and who undertakes to meet
33 the requirements of section 49-1005, but who is not an owner or operator.
34 For claims paid on or after August 25, 2004, a person who undertakes to meet
35 the requirements and who is not an owner or an operator is eligible for
36 ninety per cent coverage, except that if the ten per cent per application
37 that is not covered exceeds the assessed valuation of the real property, the
38 person is eligible for one hundred per cent coverage in an application. If
39 that person is not eligible for one hundred per cent coverage and does not
40 pay the ten per cent remaining and notwithstanding the limitations prescribed
41 in section 49-1017, the department shall take corrective action with respect
42 to that release. A person who takes corrective action pursuant to this
43 subsection shall submit certification to the department that the person has
44 paid the remaining costs or has agreed to pay those remaining costs as
45 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
33 work plan. Failure to submit a timely claim or work plan shall result in
34 denial of the claim. Any monies encumbered or set aside regarding the claim
35 shall be returned to the assurance account, except for those monies
36 encumbered or set aside for the purpose of well abandonment or site
37 restoration. The time limit prescribed by this subsection does not apply to
38 closed releases that are subsequently reopened for the performance of
39 additional corrective actions, ~~OR~~ CLOSED RELEASES at which corrective actions
40 are proceeding pursuant to a work plan for preapproval submitted before the
41 release was closed OR TO RELEASES REPORTED ON OR AFTER JULY 1, 2006 THAT ARE
42 SUBJECT TO COVERAGE.

43 N. The department shall provide coverage for the costs of corrective
44 actions relating to soil remediation that are consistent with remediation
45 standards developed pursuant to chapter 1, article 4 of this title. Payment
46 may be made for the most cost-effective corrective actions to remediate soil

1 either to the predetermined residential soil clean up levels or site specific
2 residential soil clean up levels for unrestricted use of the property as
3 determined by a risk based health assessment performed pursuant to rules
4 adopted pursuant to article 1 of this chapter. The department shall provide
5 coverage for the costs of corrective actions relating to groundwater
6 remediation and for approved corrective action plans that are submitted on or
7 after August 25, 2004 and for work plans that are associated with an approved
8 corrective action plan that is submitted to the department on or after August
9 25, 2004, and payment shall be made only for the most cost-effective risk
10 based corrective action in accordance with rules adopted under article 1 of
11 this chapter. On adoption of rules and after a request to the department,
12 the department shall issue a no further action letter on completion of source
13 removal and source control and approval of a groundwater monitored natural
14 attenuation corrective action plan. The department shall provide coverage
15 for corrective actions related to the control and removal of a source of
16 contamination but shall not provide coverage for permanent closure of an
17 underground storage tank. A source of contamination includes any one or more
18 of the following:

19 1. Free product.
20 2. A regulated substance present in soil that causes or threatens to
21 cause an exceedance of the aquifer water quality standards.
22 3. A regulated substance present in groundwater at levels that would
23 prevent timely reduction of contaminant concentrations in comparison with the
24 performance of active remediation.

25 4. Any other presence of a regulated substance causing an ongoing
26 source of contamination, as determined by the department.

27 0. If a person intends to seek payment from the assurance account, the
28 corrective action selected in a corrective action plan shall be the most
29 cost-effective alternative that meets the requirements of section
30 49-1005. Monies from state appropriations shall not be used for
31 administrative costs. If the most inexpensive corrective action alternative
32 is not selected, the person shall demonstrate to the department the criteria
33 supporting the corrective action selected in the corrective action
34 plan. Nothing in this subsection shall affect the department's review of
35 corrective action costs pursuant to article 3 of this chapter.

36 P. The coverage provided by this section is available only to the
37 extent of the monies available in the assurance account. If there are
38 insufficient monies available in the assurance account to pay all eligible
39 costs ~~which~~ ~~THE~~ the department has determined should be paid, the department
40 shall defer ~~such~~ ~~THE~~ payment until sufficient monies are available to pay
41 ~~such~~ ~~THE~~ eligible costs. The department shall not provide any coverage and
42 the assurance account is not liable for compensating third parties for bodily
43 injury or property damage caused by releases from underground storage tanks.

44 Q. The department shall not accept an application to the assurance
45 account for coverage from an applicant for costs associated with a single
46 facility more frequently than once each calendar month and the department

1 shall not accept an application for costs associated with a single facility
2 for an amount of less than five thousand dollars unless any of the following
3 applies:

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

6 2. The application for direct payment is the final application
7 associated with the preapproved work plan.

8 3. The application is the last application submitted by that applicant
9 on or before June 30, 2010.

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

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

12 A. On July 1, 2011, after payment of all claims that were timely
13 submitted to the department of environmental quality, the director of
14 environmental quality shall transfer all of the following from the
15 underground storage tank assurance account established pursuant to section
16 49-1015, Arizona Revised Statutes, into the regulated substance fund
17 established pursuant to section 49-1015.01, Arizona Revised Statutes, as
18 added by this act:

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

24 2. Any monies remaining in the underground storage tank assurance
25 account after all claims are paid or extinguished, or both, pursuant to
26 section 9 of this act up to a maximum of sixty million dollars. Any monies
27 remaining in the underground storage tank assurance account in excess of
28 sixty million dollars shall be deposited in the state general fund.

29 3. Any assurance account monies encumbered by the director on or
30 before June 30, 2011 for corrective actions related to a work plan or
31 corrective action plan approved by the department before June 30, 2010 in
32 which monitored natural attenuation is all or a portion of the selected
33 remedy and for which monies may be necessary to meet the standards for case
34 closure. Nothing in this paragraph shall be construed to affect the existing
35 statutory claims process for claims involving monitored natural
36 attenuation. Monies encumbered for monitored natural attenuation pursuant to
37 this paragraph shall be deposited in the monitored natural attenuation
38 account of the regulated substance fund.

39 B. BEGINNING ON JULY 1, 2014 AND EACH YEAR ANNUALLY THEREAFTER, THE
40 DIRECTOR OF ENVIRONMENTAL QUALITY SHALL TRANSFER TWENTY-FIVE PER CENT OF THE
41 MONIES COLLECTED IN THE UNDERGROUND STORAGE TANK ASSURANCE ACCOUNT
42 ESTABLISHED PURSUANT TO SECTION 49-1015, ARIZONA REVISED STATUTES, DURING THE
43 PREVIOUS FISCAL YEAR TO THE REGULATED SUBSTANCE FUND ESTABLISHED PURSUANT TO
44 SECTION 49-1015.01, ARIZONA REVISED STATUTES.

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

2 Sec. 9. Underground storage tank assurance account; termination
3 of eligibility

4 Notwithstanding any other law:

5 1. From and after June 30, 2006, only releases of a regulated
6 substance that are reported before July 1, 2006 as provided in section
7 49-1004, Arizona Revised Statutes, are subject to coverage for corrective
8 action costs from the underground storage tank assurance account **UNLESS THE**
9 **RELEASE THAT IS REPORTED ON OR AFTER JULY 1, 2006 IS A RELEASE REPORTED AT A**
10 **SITE THAT IS IN COMPLIANCE WITH TITLE 49, ARIZONA REVISED STATUTES, AND THE**
11 **RELEASE COULD NOT HAVE BEEN REPORTED WITH REASONABLE DILIGENCE BEFORE JULY 1,**
12 **2006. IF THE UNDERGROUND STORAGE TANK ASSURANCE ACCOUNT DOES NOT HAVE**
13 **ADEQUATE MONIES TO PAY FOR ALL RELEASES, RELEASES REPORTED ON OR AFTER JULY**
14 **1, 2006 ARE ELIGIBLE FOR COVERAGE FOR CORRECTIVE ACTION COSTS FROM THE**
15 **UNDERGROUND STORAGE TANK ASSURANCE ACCOUNT IN PRIORITY AFTER RELEASES OF A**
16 **REGULATED SUBSTANCE THAT ARE REPORTED BEFORE JULY 1, 2006.**

17 2. An application for reimbursement for or direct payment of eligible
18 reasonable and necessary costs from the underground storage tank assurance
19 account shall be filed with the department of environmental quality no later
20 than 5:00 p.m. on June 30, ~~2010~~ 2023.

21 3. An application for preapproval made pursuant to section 49-1052,
22 subsection I, Arizona Revised Statutes, or section 49-1053, Arizona Revised
23 Statutes, shall be filed with the department of environmental quality no
24 later than 5:00 p.m. on June 30, ~~2009~~ 2022.

25 4. Any application made or expense incurred after June 30, ~~2010~~ 2023
26 is not eligible for coverage from the underground storage tank assurance
27 account and all such claims are extinguished.

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

29 Sec. 14. Effective date; condition; notice

30 ~~A-~~ Section 7 of this act, relating to the repeal of title 49, chapter
31 6, articles 2 and 3, Arizona Revised Statutes, is effective on ~~the earlier of~~
32 ~~the following-~~

33 ~~1. Receipt of sixty million dollars into the regulated substance fund~~
34 ~~established by section 49-1015.01, Arizona Revised Statutes, as added by this~~
35 ~~act, after payment and extinguishment of all claims that were timely~~
36 ~~submitted and transfer of monies as prescribed by section 8, paragraph 2 of~~
37 ~~this act.~~

38 ~~2. Receipt of sixty million dollars into the regulated substance fund~~
39 ~~established by section 49-1015.01, Arizona Revised Statutes, as added by this~~
40 ~~act, from monies transferred pursuant to this paragraph. If the regulated~~
41 ~~substance fund does not receive sixty million dollars pursuant to paragraph 1~~
42 ~~of this section, the director of environmental quality shall deposit into the~~
43 ~~regulated substance fund monies collected by the department pursuant to~~
44 ~~section 49-1031, Arizona Revised Statutes, until a total of sixty million~~
45 ~~dollars of tax revenues collected pursuant to section 49-1031, Arizona~~
46 ~~Revised Statutes, in addition to monies encumbered and deposited in the~~

1 ~~monitored natural attenuation account, is received by the regulated substance~~
2 ~~fund.~~

3 ~~3.~~ December 31, ~~2013~~ 2028.

4 ~~B. The director of environmental quality shall immediately provide~~
5 ~~written notice to the director of the Arizona legislative council when the~~
6 ~~regulated substance fund has received a total of sixty million dollars of tax~~
7 ~~revenues as prescribed by this section.~~

8 Sec. 6. Underground storage tank assurance account; committee
9 of reference review

10 Beginning in 2017, the appropriate committee of reference for the
11 department of environmental quality shall meet and consider whether the
12 submittal deadlines for applications to the underground storage tank
13 assurance account prescribed in Laws 2004, chapter 273, section 9, as amended
14 by section 5 of this act, should be shortened, and the committee shall issue
15 its report containing its recommendations no later than September 1, 2017.
16