

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2636

AN ACT

AMENDING LAWS 2004, CHAPTER 273, SECTION 9, AS AMENDED BY LAWS 2013, CHAPTER 244, SECTION 4 AND LAWS 2014, CHAPTER 14, SECTION 5; AMENDING LAWS 2004, CHAPTER 273, SECTION 14, AS AMENDED BY LAWS 2013, CHAPTER 244, SECTION 5; RELATING TO UNDERGROUND STORAGE TANKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Laws 2004, chapter 273, section 9, as amended by Laws 2013,
3 chapter 244, section 4 and Laws 2014, chapter 14, section 5, is amended to
4 read:

5 Sec. 9. Underground storage tank assurance account: termination
6 of eligibility: nonliability

7 Notwithstanding any other law:

8 1. ~~From and after June 30, 2006, only~~ Releases of a regulated
9 substance that are reported before July 1, ~~2006 as provided in section~~
10 ~~49-1004, Arizona Revised Statutes, 2016~~ are subject to coverage for
11 corrective action costs from the underground storage tank assurance account.

12 2. An application for reimbursement for or direct payment of eligible
13 reasonable and necessary costs from the underground storage tank assurance
14 account shall be filed with the department of environmental quality no later
15 than 5:00 p.m. on December 31, ~~2015~~ 2016.

16 3. An application for preapproval made pursuant to section 49-1052,
17 subsection I, Arizona Revised Statutes, or section 49-1053, Arizona Revised
18 Statutes, shall be filed with the department of environmental quality no
19 later than 5:00 p.m. on December 31, ~~2014~~ 2016.

20 4. Any application made or expense incurred after December 31, ~~2015~~
21 2016 is not eligible for coverage from the underground storage tank assurance
22 account and all such claims are extinguished.

23 ~~5. The department of environmental quality is not required to take any~~
24 ~~action on an application for coverage, reimbursement or payment from the~~
25 ~~underground storage tank assurance account or on an application for~~
26 ~~preapproval until a new revised underground storage tank corrective action~~
27 ~~program is effective.~~

28 ~~6.~~ 5. If the underground storage tank assurance account does not have
29 sufficient monies to pay all ELIGIBLE claims SUBMITTED, THE DEPARTMENT OF
30 ENVIRONMENTAL QUALITY MAY DEFER PAYMENT ON OTHERWISE ELIGIBLE CLAIMS UNTIL
31 THERE ARE SUFFICIENT MONIES IN THE UNDERGROUND STORAGE TANK ASSURANCE
32 ACCOUNT. IF THE UNDERGROUND STORAGE TANK ASSURANCE ACCOUNT DOES NOT HAVE
33 SUFFICIENT MONIES FOR ALL ELIGIBLE CLAIMS by the date of the termination of
34 the account as otherwise provided by law, any claims unpaid on the date of
35 termination of the account are extinguished without regard to whether those
36 claims were eligible for coverage from the account.

37 6. THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE UNDERGROUND STORAGE
38 TANK ASSURANCE ACCOUNT ARE NOT LIABLE FOR AND MAY NOT PAY ANY CLAIMS FROM
39 THIRD PARTIES ALLEGING PERSONAL INJURY OR PROPERTY DAMAGE CAUSED BY RELEASES
40 FROM UNDERGROUND STORAGE TANKS.

1 Sec. 2. Laws 2004, chapter 273, section 14, as amended by Laws 2013,
2 chapter 244, section 5, is amended to read:

3 Sec. 14. Effective date

4 Section 7 of this act, relating to the repeal of title 49, chapter 6,
5 articles 2 and 3, Arizona Revised Statutes, is effective December 31, ~~2015~~
6 2030.