

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 114**  
**HOUSE BILL 2704**

AN ACT

AMENDING SECTIONS 49-1051, 49-1052, 49-1053, 49-1056 AND 49-1071, ARIZONA  
REVISED STATUTES; 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. Section 49-1051, Arizona Revised Statutes, is amended to  
3 read:

4 49-1051. Preapproval process; requirements; corrective action  
5 priority

6 A. An owner, an operator, ~~or~~ the designated representative of  
7 ~~either~~ THE OWNER OR OPERATOR or a person that meets the requirements of  
8 section 49-1016, subsection C must follow the preapproval process pursuant  
9 to this section to be eligible for reimbursement from the underground  
10 storage tank revolving fund for corrective actions taken pursuant to  
11 section 49-1053, subsection A. Preapproval applications must include a  
12 detailed scope of work that conforms to the requirements of sections  
13 49-1005 and 49-1053, a schedule for conducting corrective actions and a  
14 cost sheet. Beginning January 1, 2016 AND EXCEPT AS PRESCRIBED IN  
15 SUBSECTION J OF THIS SECTION, corrective actions and costs for activities  
16 that were completed before departmental approval of the scope of work are  
17 not eligible for reimbursement under section 49-1054. If the preapproved  
18 scope of work cannot be implemented as approved, the person seeking  
19 reimbursement shall submit a change notice to the department. To be  
20 eligible for reimbursement, a change notice must be approved by the  
21 department before implementation of the change notice.

22 B. This section does not relieve an owner, an operator or the  
23 designated representative of ~~either~~ THE OWNER OR OPERATOR from any of the  
24 requirements of this chapter.

25 C. While the application for preapproval is pending, the department  
26 may not take enforcement action or impose penalties against the owner,  
27 operator or designated representative who submitted the application for  
28 preapproval. The department may not consider the passage of time while  
29 the preapproval application is pending to be a basis for taking an  
30 enforcement action. For any corrective action submitted for preapproval  
31 pursuant to rule, the period of time for compliance with corrective  
32 actions associated with that preapproval begins to run ~~from~~ AFTER the date  
33 of preapproval of the corrective action.

34 D. On determination by the department or its designated contractor  
35 that the application for preapproval is complete, the department or its  
36 designated contractor shall determine whether the owner or operator was a  
37 small owner at the time of the application. For the purposes of this  
38 subsection, "small owner" means an owner that owns fewer than twenty  
39 underground storage tank facilities in this state.

40 E. In processing the application for preapproval, the department  
41 shall determine the corrective action priority of the release within  
42 ninety days after the receipt of the materials required by this section.  
43 The corrective action priority shall be based on all of the following:

44 1. The need for financial assistance, including the availability of  
45 coverage under insurance or other financial assurance mechanisms.

1           2. The extent to which a delay in reimbursement will affect the  
2 ability to conduct corrective actions.

3           3. The risk to human health and the environment.

4           4. The presence of preexisting contamination of groundwater by a  
5 hazardous substance as defined in section 49-281.

6           F. An owner, operator or person who meets the requirements of  
7 section 49-1016, subsection C may request reimbursement under section  
8 49-1053. Subject to the availability of monies allocated and the assigned  
9 priority of the site pursuant to subsection E of this section, the  
10 department may make reimbursements from the underground storage tank  
11 revolving fund.

12           G. An application for preapproval and reimbursement pursuant to  
13 this section shall be on a form provided by the department and shall  
14 contain sufficient information to allow the director to make a  
15 determination of priority for that request.

16           H. Any determination made by the department pursuant to this  
17 section constitutes a written interim determination relating to  
18 preapproval pursuant to section 49-1091.

19           I. The department may alter the corrective action priority of the  
20 release at any time based on the results of sampling and monitoring  
21 conducted pursuant to this section or any other information obtained by  
22 the department.

23           J. CORRECTIVE ACTIONS AND COSTS FOR ACTIVITIES THAT WERE COMPLETED  
24 BEFORE THE DEPARTMENT'S APPROVAL OF THE SCOPE OF WORK ARE ELIGIBLE FOR  
25 REIMBURSEMENT UNDER SECTION 49-1054 IF THE APPLICANT OTHERWISE COMPLIES  
26 WITH SUBSECTION A OF THIS SECTION, THE CORRECTIVE ACTIONS AND COSTS FOR  
27 ACTIVITIES COULD NOT REASONABLY HAVE BEEN INCURRED THROUGH THE PREAPPROVAL  
28 PROCESS AND ANY OF THE FOLLOWING APPLY:

29           1. FOR CORRECTIVE ACTIONS AND COSTS FOR ACTIVITIES THAT ARE  
30 COMPLETED FROM AND AFTER DECEMBER 31, 2015 THROUGH DECEMBER 31, 2019 AND  
31 THAT ARE NOT THE SUBJECT OF A PREAPPROVAL OR REIMBURSEMENT UNDER TIME-  
32 BARRED CLAIMS PROVISIONS BECAUSE THE APPLICANT'S FINANCIAL RESPONSIBILITY  
33 MECHANISM WAS DEFECTIVE AT THE TIME OF THE RELEASE OR THE RELEASE OCCURRED  
34 BEFORE FINANCIAL RESPONSIBILITY WAS IN PLACE, THE APPLICANT IS ELIGIBLE  
35 FOR REIMBURSEMENT FOR THOSE CORRECTIVE ACTIONS AND COSTS FOR ACTIVITIES  
36 THAT ARE INCURRED FROM AND AFTER THE DATE THE APPLICANT DEMONSTRATES TO  
37 THE DEPARTMENT THAT THE APPLICANT IS IN COMPLIANCE WITH FINANCIAL  
38 RESPONSIBILITY REQUIREMENTS AND THE FINANCIAL RESPONSIBILITY IS  
39 DEMONSTRATED TO THE DEPARTMENT BEFORE JANUARY 1, 2019. FROM AND AFTER  
40 DECEMBER 31, 2018, THE APPLICANT IS ONLY ELIGIBLE FOR REIMBURSEMENT FOR  
41 CORRECTIVE ACTIONS AND COSTS INCURRED IN RESPONSE TO RELEASES CONFIRMED  
42 AFTER THE DATE THE APPLICANT HAS DEMONSTRATED COMPLIANCE WITH FINANCIAL  
43 RESPONSIBILITY REQUIREMENTS.

44           2. FOR CORRECTIVE ACTIONS AND COSTS FOR ACTIVITIES COMPLETED FROM  
45 AND AFTER DECEMBER 31, 2015 THROUGH DECEMBER 31, 2019, AND FOR WHICH THE

1 APPLICANT'S COMPLIANCE WITH THE PREAPPROVAL PROCESS WAS IMPRACTICABLE DUE  
2 TO:

3 (a) THE URGENCY OF THE CORRECTIVE ACTION TO ADDRESS NEWLY  
4 DISCOVERED CONTAMINATION.

5 (b) THE NEED FOR CORRECTIVE ACTION TO AVOID RISK TO PUBLIC HEALTH  
6 AND THE ENVIRONMENT.

7 3. FOR CORRECTIVE ACTIONS AND COSTS FOR ACTIVITIES COMPLETED FROM  
8 AND AFTER DECEMBER 31, 2015 THROUGH DECEMBER 31, 2018, THE CORRECTIVE  
9 ACTIONS AND COSTS ARE NOT THE SUBJECT OF A TIME-BARRED CLAIM OR WERE NOT  
10 OTHERWISE REIMBURSED BY THE DEPARTMENT.

11 4. ONLY FOR CORRECTIVE ACTIONS AND COSTS OF ACTIVITIES COMPLETED  
12 BEFORE JANUARY 1, 2019, THE CLAIM FOR REIMBURSEMENT IS RECEIVED BY THE  
13 DEPARTMENT BEFORE JANUARY 1, 2020 AND PARAGRAPH 1, 2 OR 3 OF THIS  
14 SUBSECTION APPLIES.

15 K. THE DEPARTMENT SHALL DEVELOP AN EXPEDITED PREAPPROVAL PROCESS  
16 NOT LATER THAN DECEMBER 31, 2019 TO ADDRESS THOSE CORRECTIVE ACTION COSTS  
17 INCURRED FOR NEWLY DISCOVERED CONTAMINATION AND TO ADDRESS THOSE  
18 CORRECTIVE ACTION COSTS NECESSARY TO AVOID RISK TO PUBLIC HEALTH AND THE  
19 ENVIRONMENT.

20 L. DIRECT COSTS INCURRED BY THE DEPARTMENT IN CONDUCTING CORRECTIVE  
21 ACTION PURSUANT TO SECTION 49-1017 THAT ARE IN EXCESS OF THE COVERAGE  
22 LIMITS APPLICABLE TO TIME-BARRED CLAIMS AS OTHERWISE PROVIDED BY LAW SHALL  
23 REDUCE THE AMOUNT OTHERWISE PAYABLE TO AN OWNER OR OPERATOR PURSUANT TO  
24 SECTION 49-1054 BUT ANY AMOUNT REMAINING UNDER SECTION 49-1054 SHALL BE  
25 AVAILABLE TO THE OWNER OR OPERATOR FOR ADDITIONAL CORRECTIVE ACTION COSTS.

26 M. FOR DIRECT COSTS INCURRED BY THE DEPARTMENT IN CONDUCTING  
27 CORRECTIVE ACTION PURSUANT TO SECTION 49-1017 AFTER DECEMBER 31, 2016, THE  
28 OWNER OR OPERATOR IS LIABLE TO THE DEPARTMENT FOR ANY AMOUNT INCURRED  
29 EXCEPT FOR THE AMOUNT THAT IS ELIGIBLE AND WITHIN THE AMOUNT ALLOWABLE  
30 UNDER SECTION 49-1054.

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

33 49-1052. Noncorrective actions; baseline assessment

34 A. A baseline period of seven years ~~from~~ AFTER January 1, 2016 is  
35 established for underground storage tanks. Beginning January 1, 2016,  
36 during the baseline period, an owner, operator or person who meets the  
37 requirements of section 49-1016, subsection C may do the following:

38 1. Elect to conduct a baseline assessment pursuant to this section.

39 2. Request ~~a grant~~ MONIES to cover costs associated with the  
40 baseline assessment pursuant to section 49-1071.

41 3. Request the department to perform the baseline assessment under  
42 section 49-1017.02.

43 B. The department shall establish standards for conducting baseline  
44 assessments pursuant to this section. Until the department establishes  
45 standards by rule or by guidance documents, baseline assessment work plans

1 shall be submitted to the department for approval and shall be considered  
2 for preapproval on a case-by-case basis, based on compliance with  
3 subsection D of this section.

4 C. Baseline assessments shall be conducted under the direction of a  
5 person who is a professional engineer or a registered geologist who is  
6 registered under title 32, chapter 1 or a remediation specialist ~~who is~~  
7 ~~certified under title 32, chapter 1 and the rules adopted under that~~  
8 ~~chapter.~~

9 D. The scope of the baseline assessment shall address likely  
10 release areas and shall include a collection of sufficient information to  
11 allow for a determination of the current environmental condition of the  
12 property. Samples shall be collected in areas where contamination is most  
13 likely to have occurred and sample locations shall consider site-specific  
14 conditions, location of potential receptors and preexisting contamination.  
15 The baseline assessment must include the registered or certified  
16 professional's interpretation regarding confirmation of an unknown release  
17 and evaluation of potential risk for the purpose of prioritizing  
18 corrective actions.

19 E. If unknown contamination is identified in the baseline  
20 assessment, all of the following apply:

21 1. The owner, operator or person that meets the requirements of  
22 section 49-1016, subsection C shall comply with the reporting requirements  
23 pursuant to section 49-1004 and shall initiate corrective actions pursuant  
24 to section 49-1005.

25 2. Unless documentation is provided to the department that  
26 demonstrates that the operating underground storage tank is not the source  
27 of the release, the department shall require tightness testing.

28 3. If continued operation of the underground storage tank may  
29 result in a continued release, the department may initiate delivery  
30 prohibition as prescribed in section 49-1023.

31 Sec. 3. Section 49-1053, Arizona Revised Statutes, is amended to  
32 read:

33 49-1053. Reimbursement of corrective action costs; definition

34 A. The department may provide reimbursement from the underground  
35 storage tank revolving fund under the preapproval process prescribed in  
36 section 49-1051 in the amounts authorized by section 49-1054 of the costs  
37 incurred for the following:

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

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

44 3. Corrective actions initiated pursuant to section 49-1005.

1           4. PREPARATION OF THE INITIAL APPROVED PREAPPROVAL APPLICATION AND  
2 THE CONSULTING EXPENSES INCURRED IN PARTICIPATING IN THE INITIAL  
3 PREAPPROVAL MEETING BUT NOT MORE THAN TWO PERCENT OF THE AMOUNT INCURRED  
4 FOR THE PROJECT COST IN THE FIRST YEAR. COSTS MUST BE SUBMITTED IN THE  
5 FIRST REIMBURSEMENT REQUEST FOR CORRECTIVE ACTIONS THAT IS SUBMITTED  
6 PURSUANT TO SECTION 49-1054.

7           B. The department may provide the reimbursement required by this  
8 section either by paying the owner, the operator or a designated  
9 representative of the owner or operator or any combination of these  
10 persons, a political subdivision pursuant to subsection F of this section  
11 or a person who meets the requirements of section 49-1016, subsection C.  
12 If the department determines that an application for reimbursement is  
13 incomplete, the department within forty-five days after RECEIVING the  
14 application shall notify the applicant of the missing information as  
15 specifically as possible and shall permit ALLOW the applicant to provide  
16 the additional information within thirty days. On the request of an  
17 applicant, the department shall grant an additional sixty days to submit  
18 the missing information. The grant of additional time tolls the period  
19 for making an interim determination on matters relating to reimbursement  
20 pursuant to section 49-1091.

21           C. The department may 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 that perform  
25 payable eligible activities meet specified standards of qualification and  
26 be approved by the department.

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

33           E. The department shall establish criteria for determining  
34 priorities among the applications from small owners for reimbursement  
35 under this article. For all other owners that are eligible for  
36 reimbursement from the fund through the cost sharing prescribed in section  
37 49-1006.02, subsection B, priority shall be based on the date of  
38 completion of the work. The criteria for small owners shall include:

- 39           1. The need for financial assistance.
- 40           2. The extent to which a delay in providing reimbursement will  
41 affect an eligible activity in progress.
- 42           3. The date on which an application for reimbursement is submitted  
43 to the department.

1           4. Whether the payment has been previously deferred because of  
2 insufficient monies in the underground storage tank revolving fund and, if  
3 deferred, the length of the deferral.

4           F. The department may provide the reimbursement described in this  
5 article for eligible activity costs incurred by a political subdivision  
6 with respect to a release from an underground storage tank if the  
7 underground storage tank or the property where the underground storage  
8 tank is located comes into the possession or control of the political  
9 subdivision under title 12, chapter 8, article 2 or 3.

10          G. Subject to section 38-503 and other applicable statutes and  
11 rules, the department may contract with a private consultant for the  
12 purpose of assisting the department in reviewing preapproval and  
13 reimbursement applications, site characterization reports, corrective  
14 action plans, monitoring reports and other information to determine  
15 whether corrective actions meet the criteria and requirements of this  
16 chapter and the rules adopted by the director.

17          H. Requests by the department for additional information from  
18 applicants shall be reasonably related to the determination of the  
19 validity of the claim as prescribed by this article.

20          I. Except for appeals costs authorized pursuant to section  
21 49-1091.01, applications for reimbursement under a preapproved scope of  
22 work shall be submitted to the department not more than one year after the  
23 applicant receives a closure letter sent by the department by certified  
24 mail with notice that the applicant has one year to submit a claim for  
25 that release. Failure to submit a timely reimbursement request under a  
26 preapproved scope of work shall result in denial of the claim. The time  
27 limit prescribed by this subsection does not apply to closed releases that  
28 are subsequently reopened for the performance of additional corrective  
29 actions or at which corrective actions are proceeding pursuant to a work  
30 plan for preapproval submitted before the release was closed.

31          J. The department may provide reimbursement under a preapproved  
32 scope of work for the reasonable, necessary, cost-effective and  
33 technically feasible costs of corrective actions relating to soil  
34 remediation that are consistent with remediation standards adopted  
35 pursuant to chapter 1, article 4 of this title or site-specific,  
36 risk-based levels as determined under rules adopted pursuant to this  
37 chapter. The department may provide reimbursement under a preapproved  
38 scope of work for the reasonable, necessary, cost-effective and  
39 technically feasible costs of corrective actions relating to groundwater  
40 remediation to predetermined standards or site-specific, risk-based levels  
41 as determined under rules adopted pursuant to this chapter. The  
42 department may provide reimbursement for corrective actions related to the  
43 control and removal of a source of contamination. A source of  
44 contamination includes any one or more of the following:

- 1           1. Free product.
- 2           2. A regulated substance present in soil that causes or threatens  
3 to cause an exceedance of the aquifer water quality standards.
- 4           3. A regulated substance present in groundwater at levels that  
5 would prevent timely reduction of contaminant concentrations in comparison  
6 with the 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           K. On preapproval by the department or its designated contractor of  
10 corrective action costs for small owners, the department or its designated  
11 contractor shall encumber monies in the corrective action allocation for  
12 that year. If monies are available in the corrective action allocation  
13 for that year, reimbursement shall be made when the corrective action for  
14 which the monies were encumbered is completed as determined by the  
15 department or its designated contractor.
- 16           L. The department or its designated contractor shall preapprove  
17 reimbursement of corrective action costs for an owner that is not a small  
18 owner without encumbering monies. If monies are available in the  
19 corrective action allocation for that year at the end of the corrective  
20 action allocation year, reimbursement shall be based on the date the  
21 corrective action is completed as determined by the department or its  
22 designated contractor.
- 23           M. If there are insufficient monies to pay for approved corrective  
24 action in any annual corrective action allocation, the department shall  
25 reimburse the corrective action from the next annual corrective action  
26 allocation, with the priority that reimbursements first go to small  
27 owners.
- 28           N. The department may not accept an application to the underground  
29 storage tank revolving fund for reimbursement from an applicant for costs  
30 associated with a single facility more frequently than once each calendar  
31 month, and the department may not accept an application for costs  
32 associated with a single facility for an amount of less than ~~five thousand~~  
33 ~~dollars~~ \$5,000 unless the reimbursement is the final application  
34 associated with the facility.
- 35           O. An application for reimbursement pursuant to this section shall  
36 be on a form provided by the department and shall contain sufficient  
37 information to allow the director to make a determination of priority for  
38 that request.
- 39           P. For the purposes of this section, "small owner" means an owner  
40 that owns fewer than twenty underground storage tank facilities in this  
41 state.



1           Sec. 4. Section 49-1056, Arizona Revised Statutes, is amended to  
2 read:

3           49-1056. Lien rights; unrecovered corrective action costs;  
4                                   lien amount

5           A. If the department or this state incurs unrecovered corrective  
6 action costs from a corrective action undertaken on behalf of a volunteer,  
7 a property owner, a person other than the underground storage tank owner  
8 or an owner or operator that did not have the required financial  
9 responsibility mechanism at the time the release is discovered or the  
10 claim is filed, the department has a lien on the property ~~for the~~  
11 ~~unrecovered corrective action costs~~, or, by agreement with the responsible  
12 party, may obtain a lien on any other property or other financial  
13 responsibility mechanism of the responsible party.

14           B. THE LIEN SHALL BE IN THE AMOUNT OF THE ESTIMATED INCREASE IN THE  
15 MARKET VALUE OF THE PROPERTY AS DETERMINED BY A COMMERCIAL REAL ESTATE  
16 APPRAISER WHO SHALL DETERMINE THE DIFFERENCE BETWEEN THE CURRENT MARKET  
17 VALUE OF THE PROPERTY AND THE ESTIMATED MARKET VALUE OF THE PROPERTY AFTER  
18 CORRECTIVE ACTION IS COMPLETE. THE DIRECTOR SHALL USE AN APPRAISER WHO IS  
19 A MEMBER OF A NATIONALLY RECOGNIZED REAL ESTATE APPRAISAL ASSOCIATION,  
20 INSTITUTE OR SOCIETY.

21           C. THE DEPARTMENT SHALL REDUCE THE AMOUNT OF THE LIEN AS FOLLOWS:

22           1. TO THE AMOUNT OF THE TOTAL UNRECOVERED CORRECTIVE ACTION COSTS  
23 IF THAT AMOUNT IS LESS THAN THE DIFFERENCE BETWEEN THE CURRENT MARKET  
24 VALUE OF THE PROPERTY AND THE ESTIMATED MARKET VALUE OF THE PROPERTY AFTER  
25 CORRECTIVE ACTION IS COMPLETE.

26           2. IF A VOLUNTEER, A PROPERTY OWNER, A PERSON OTHER THAN THE  
27 UNDERGROUND STORAGE TANK OWNER OR AN OWNER OR OPERATOR THAT DID NOT HAVE  
28 THE REQUIRED FINANCIAL RESPONSIBILITY MECHANISM AT THE TIME THE RELEASE IS  
29 DISCOVERED OR THE CLAIM IS FILED MAKES A DETERMINATION AT ANY TIME AFTER  
30 CORRECTIVE ACTION BEGINS THAT A CHANGE IN CIRCUMSTANCES HAS SUBSTANTIALLY  
31 REDUCED THE INCREASE IN THE MARKET VALUE OF THE PROPERTY.

32           Sec. 5. Heading change

33           The article heading of title 49, chapter 6, article 4, Arizona  
34 Revised Statutes, is changed from "GRANTS" to "NONCORRECTIVE ACTION TANK  
35 SITE IMPROVEMENT".

36           Sec. 6. Section 49-1071, Arizona Revised Statutes, is amended to  
37 read:

38           49-1071. Noncorrective action tank site improvement;  
39                                   purposes; priority

40           A. Subject to the availability of monies in the underground storage  
41 tank revolving fund that are annually allocated by the director for each  
42 of the following types of actions, an owner, operator or person that meets  
43 the requirements of section 49-1016, subsection C may request that the  
44 department provide monies for that person to conduct one or more of the

1 following actions, up to a maximum of ~~one hundred thousand dollars~~  
2 **\$300,000** per site:

3 1. Actions necessary to ensure that the underground storage tank,  
4 its piping and its under-dispenser containment comply with standards for  
5 new installations prescribed by section 49-1009 or other applicable  
6 federal requirements, including replacement of system components, up to a  
7 maximum of ~~one hundred thousand dollars~~ **\$200,000**.

8 2. Removal of underground storage tanks for purposes of permanent  
9 closure or replacement, up to a maximum of ~~twenty thousand dollars~~ **\$25,000**  
10 per tank. **IF PETROLEUM CONTAMINATED MEDIA THAT REQUIRE OVER-EXCAVATION**  
11 **ARE ENCOUNTERED DURING REMOVAL OF THE UNDERGROUND STORAGE TANK, UP TO AN**  
12 **ADDITIONAL \$15,000 PER SITE IS AVAILABLE FOR REIMBURSEMENT.**

13 3. Confirmation of a suspected release at a tank or site, up to a  
14 maximum of ~~ten thousand dollars~~ **\$20,000**.

15 4. Obtaining a baseline assessment of a site as prescribed in  
16 section 49-1052, up to a maximum of ~~thirty thousand dollars~~ **\$40,000**.

17 B. In determining the priority for requests under subsection A of  
18 this section, the director may consider the following factors:

19 1. The age, construction and operational history of the underground  
20 storage tank.

21 2. The hydrogeologic characteristics of the site where the  
22 underground storage tank is located and the surrounding area.

23 3. The proximity, quality and current and future uses of nearby  
24 surface water and groundwater.

25 4. The potential effects of residual contamination on nearby  
26 surface water and groundwater.

27 5. The degree of exposure.

28 6. The financial resources of the ~~grant~~ applicant.

29 C. ~~A request for a grant of monies~~ **AN APPLICATION FOR FUNDING AND**  
30 **REQUEST FOR REIMBURSEMENT** under this section **SHALL BE ON A FORM PROVIDED**  
31 **BY THE DEPARTMENT AND** shall include:

32 1. Detailed information about the site, including the type, number  
33 and location of tanks.

34 2. Information about the owner and operator, including the type of  
35 financial responsibility.

36 3. A description of the evidence of any release or suspected  
37 release.

38 4. The proposed actions necessary to meet tank and system  
39 performance standards.

40 D. Monies may not be provided under this section for work that  
41 takes place more than one year after the date that monies are approved.

1           E. AN APPLICATION FOR MONIES PURSUANT TO THIS SECTION MAY BE FILED  
2 WITH THE DEPARTMENT AT ANY TIME DURING THE ACTIONS PRESCRIBED BY  
3 SUBSECTION A OF THIS SECTION BUT ONLY THOSE COSTS INCURRED AFTER THE  
4 DEPARTMENT APPROVES THE APPLICATION ARE ELIGIBLE FOR REIMBURSEMENT. THE  
5 MAXIMUM AMOUNTS PRESCRIBED IN THIS SECTION APPLY TO APPLICATIONS APPROVED  
6 BY THE DEPARTMENT WHETHER BEFORE OR AFTER THE EFFECTIVE DATE OF THIS  
7 AMENDMENT TO THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2019.