

TABLE 1 (Part 2). Design Characteristics of State Financial Assurance Funds 2016

State	<u>Factors affecting limits of coverage</u>	Time limit for submitting costs for reimbursement or direct payment	Reimbursement or direct payment	Transitioned to another financial assurance mechanism	% of each FR mechanism being utilized for facilities with in-use USTs						<u>Fund Sunset Date</u>
					% State Fund	% Self Insurance	% Private Insurance	% Letter of Credit	% Local Government	% Other (guarantee, trust fund)	
Alabama	Tank size Tank type Tank owner Extent of regulatory compliance Date of release	18 months from approval of the cost proposal	Both	No	Estimate of 98%	Estimate of 1% or less	No				
Alaska*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	6/30/2004
Arizona	Tank type Date of release ¹	12/31/2030	reimbursement	Yes	N/A	7	62.7	0.1	2.2	28	12/31/22 ¹
Arkansas	Tank size Extent of regulatory compliance Date of release	1 year after the issuance of a "No further action" letter by the Division.	reimbursement	No	>99	<1	<1	<1			No

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California	Tank type Tank owner Extent of regulatory compliance Date of release	1 year after case closure or after letter of commitment issued, whichever occurs later (deadline created in statute 10/2011)	Reimbursement	No	UNK	UNK	UNK	UNK	UNK	UNK	1/1/2026 (statute extended in September 2014 from 1/1/2016)
Colorado	Tank size Tank type Tank owner Extent of regulatory compliance Date of release	5 years as of 1/1/2016, 3 years as of 1/1/2018, 2 years as of 1/1/2020	Reimbursement	No	99.6	0.05	0.27	0	0.03	0	9/1/2023
Connecticut	Extent of regulatory compliance Date of release	Large Station owner's deadline was 10/2012, Mid-size station owners is 10/2013 and Small station owners, other applicants and municipalities is 10/2014	Reimbursement	Yes	0	UNK	UNK	UNK	UNK	UNK	10/1/2014
Delaware	Extent of regulatory compliance Date of release	Yes. Program sunset 12/31/2011	Reimbursement	Yes	0	12	77	8	1	2	12/31/2011

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District of Columbia	NA	NA	NA	Yes	0	5%	93%	0	2%	0	NA
Florida*	Extent of regulatory compliance, date of release and eligibility program	reimbursement ended 12/31/1996, current procurement program uses contracts and purchase orders, invoices must be submitted within 30 days of deliverable approval	Direct payment	Yes	0	14	81	0.3	2	3	n/a
Georgia	Number of tanks extent of regulatory compliance date of release	30 days from submission of corrective action completion report	Reimburse Tank Owners Two-Party Reimbursement (Tank Owners & Their Consultant) Direct Pay State Lead Contractors Only	No	74%	8%	13%	<1%	n/a	5%	None
Idaho	Extent of regulatory compliance Date of release	No	Direct	No	93%	NA%	NA%	NA%	NA%	NA%	None

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Illinois	Number of tanks	One year from the date of issuance of No Further Remediation Letter.	Reimbursement	No	100							1/1/2025
Indiana	Tank type Extent of regulatory compliance Date of release	nine months after "No Further Action"	Reimbursement	No	94.5	3	0.5	0	2	0	No	
Iowa	Tank type Date of release	None	reimbursement	Yes	0	2	95	0	3	0	12/31/2016	
Kansas	Number of tanks Tank owner Extent of regulatory compliance Date of release	No	reimbursement	No	100							7/1/2024
Kentucky	Tank type Tank owner Extent of regulatory compliance	2 years after "No further action" date	Reimbursement	No	approx 95%	1% or less	1% or less	1% or less	1% or less	1% or less	No	

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Louisiana	Date of release	2 Years	reimbursement	No	95-99%							None
Maine	Number of tanks Tank size Tank type Extent of regulatory compliance Date of release	No	Either/both	No	100%							None
Maryland	# of tanks tank owner extent of regulatory coverage date of release	6 months after completion of corrective action	reimbursment									
Massachusetts	Extent of regulatory compliance	Claims must be submitted within 365 days of payment for reimbursement and with 365 days of the services being performed for Direct Pay.	Both	No	53.68%	5.42%	33.21%	0.00%	3.89%	3.81%		None
Michigan	Extent of regulatory compliance Date of release	No	Reimbursement	State fund is optional as FR. Owners may rely on other mechanisms.	10% and increasing	unk	unk	unk	unk	unk		None

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Minnesota	Tank size Extent of regulatory compliance Date of release	Within seven years of work being performed.	Reimbursement	No	100						6/30/2022
Mississippi	Extent of regulatory compliance Date of release	The tank owner has a one year time limit from the written MDEQ due date for the final work product to submit the reimbursement request, including re-submittals.	Reimbursement	No	100 (Trust Fund)						No
Missouri	Date of release. (Regulatory compliance is verified annually before FR is provided, but is not used to limit coverage after claim is made.)	2 years after work is done	Reimbursement	No	87.5						12/31/2020
Montana	Tank type Tank size Compliance	within 5 years of work being performed	Both	No	58	35	30	3	4	5	No

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Nebraska	Extent of regulatory compliance Date of release	1 year	reimbursement	No	100						6/30/2020
Nevada	Number of tanks Tank type Extent of regulatory compliance	1 Year After Release and 1 Year Following Site Closure	Reimbursement	No	95		5				No
New Hampshire	Extent of regulatory compliance	1-year for costs incurred after 9/1/11	Both	No	100% (assumed)						7/1/2025

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New Jersey	Number of tanks tank type tank owner extent of regulatory compliance financial eligibility requirements	Program sunset date of 06/30/2010 for existing regulated USTs. Currently accepting requests for newly discovered Regulated USTs (Request for financial assistance must be made within 18 months from the date of discovery), requests for financial assistance for unregulated USTs and supplemental funding request for existing applications are still allowed to be submitted.	Reimbursement	Yes	0	5	87	4	2	2	6/30/2010 - Existing Regulated USTs only.
New Mexico*	Tank size Tank owner Extent of regulatory compliance	90 days after deliverable has been approved and accepted.	Both. Reimburses RP-lead and direct pay to state-lead contractors.	No	100						None
New York*	Tank owner	None	NA	NA	100						None

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North Carolina	Tank type; Extent of regulatory compliance; Date of release	One year from completion of service	Reimbursement	No	100						None
North Dakota	Extent of regulatory compliance	One year from performance of service	Reimbursement	No	100						None
Ohio	Number of tanks	one year	Both. Ohio is a reimbursement program; however, owners may authorize payment be made directly to another party.	No	Participation in Ohio's fund is mandatory by law.	The mechanism to fund the deductible is not tracked by the Petroleum Board.					No
Oklahoma	Tank owner Extent of regulatory compliance	2 years aftr the close of a case	Both	No							12/31/2022
Pennsylvania	Number of tanks Extent of regulatory compliance Date of release	No	Both.PA is a reimbursement program; however, owners may authorize direct payments to their consultant.	No	100						No
Rhode Island	Extent of regulatory compliance Date of release	No	reimbursement	No	100						No

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South Carolina	Extent of regulatory compliance Date of release	No, but funds may become uncommitted after 120 days	Both but mostly direct payment	No	100% after deductible	52% for deductible	18% for deductible	9% for deductible	2% for deductible	18% for deductible	12/31/2026
South Dakota	Extent of regulatory compliance Date of release	No	Reimbursement & Direct Pay	No	100% presumed for regulated petroleum tanks. UnkNown for tanks not covered by the Fund						No
Tennessee	Extent of regulatory compliance date of release	12 months	reimbursement	No	100						None
Texas	None	State Contractors have 30 days to submit an invoice once the report documenting the activity has been approved	The reimbursement program No longer exists; however, we do have direct payment to State Lead Contractors.	Yes	0	unk	unk	unk	unk	unk	None

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Utah	Date of release	1 year	Both	No	74	13	13				2018
Vermont	Tank type Tank age	1 year	both	No	97.6	0.3	1.4	0	0.5	.2 deferred (chemical tanks)	7/1/2019
Virginia	Tank type Tank owner	2 years after the case closure date	Both	No	100						No
Washington	Tank Age Number of tanks Tank size Tank type Extent of regulatory compliance Date of release	No	Reimbursement	No	72	4	21	<1	2	2	7/1/2030
Washington-heating oil only	Tank owner Extent of regulatory compliance Date of release	No	Direct payment	No	NA	NA	NA	NA	NA	NA	7/1/2030
West Virginia ²	extent of regulatory compliance date of release										9/30/2000

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Wisconsin*	Tank type Tank owner Extent of regulatory compliance Date of release	6 months after cost are incurred (This change in the law took effect 1 Feb 2016)	reimbursement	Yes		less than 1%	99%				6/30/2020
Wyoming	None	n/a	n/a	No	100						None
total:				7							

*No updated response received for 2016 survey.

¹AZ: New state funded programs may not be used to demonstrate compliance with FR requirements.

² No change to information for WV. WV does not have a state fund - the state insurance fund expended all remaining funds in 2003

Additional information:

DC does not have a reimbursable state fund program, all RPs must comply with corrective action requirements through other FR mechanisms, usually private/self insurance. DOEE can administer state lead cleanup using LUST Trust Funds for emergency response and pursue cost recovery from the RPs.

Factors affecting limits of coverage:

Number of tanks
Tank size
Tank type
Tank owner
Extent of regulatory coverage
Date of release
Tank age

Fund sunset date:

The date the fund will no longer accept sites in the program where there has been a new release. Some states refer to this date as the claims bar date.