

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2649

STATE OF NEW JERSEY

ADOPTED MAY 1, 1997

Sponsored by Assemblymen CORODEMUS and RUSSO

1 AN ACT concerning the upgrade, remediation, and closure of certain
2 underground storage tanks, supplementing Title 58 of the Revised
3 Statutes, repealing sections 17 and 18 of P.L.1986, c.102, and
4 making an appropriation.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. This act shall be known and may be cited as the "Underground
10 Storage Tank Finance Act."

11

12 2. As used in this act:

13 "Applicant" means a person who files an application for financial
14 assistance from the Petroleum Underground Storage Tank
15 Remediation, Upgrade, and Closure Fund for payment of eligible
16 project costs of a remediation due to a discharge of petroleum from
17 a petroleum underground storage tank and for payment of eligible
18 project costs of an upgrade or closure of a regulated tank;

19 "Authority" means the New Jersey Economic Development
20 Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.);

21 "Closure" means the proper closure or removal of a petroleum
22 underground storage tank necessary to meet all regulatory
23 requirements of federal, State, or local law;

24 "Commissioner" means the Commissioner of Environmental
25 Protection;

26 "Department" means the Department of Environmental Protection;

27 "Discharge" means the intentional or unintentional release by any
28 means of petroleum from a petroleum underground storage tank into
29 the environment;

30 "Eligible owner or operator" means (1) any owner or operator
31 other than the owner or operator of a petroleum underground storage
32 tank storing heating oil for onsite consumption in a residential building
33 who owns or operates less than 10 petroleum underground storage
34 tanks in New Jersey, who has a net worth of less than \$2,000,000 and
35 who demonstrates to the satisfaction of the authority, the inability to

1 qualify for and obtain a commercial loan for all or part of the eligible
2 project costs , (2) the owner or operator of a petroleum underground
3 storage tank storing heating oil for onsite consumption in a residential
4 building, or (3) a public entity who owns or operates a petroleum
5 underground storage tank in New Jersey;

6 "Eligible project costs" means the reasonable costs for equipment,
7 work or services required to effectuate a remediation, an upgrade, or
8 a closure which equipment, work or services are eligible for payment
9 from the Petroleum Underground Storage Tank Remediation,
10 Upgrade, and Closure Fund. In the case of an upgrade or closure of
11 a regulated tank, eligible project costs shall be limited to the cost of
12 the minimal effective system necessary to meet all the regulatory
13 requirements of federal and State law. The limitation of eligible
14 project costs to the minimal effective system shall not be construed to
15 deem ineligible those project costs expended to replace a regulated
16 tank rather than to improve the regulated tank. An owner or operator
17 may perform an upgrade or a closure beyond the minimal effective
18 system in which case the eligible project costs that may be awarded
19 from the fund as financial assistance shall be that amount that would
20 represent the cost of a minimal effective system. In the case of a
21 remediation, eligible project costs shall not include the cost to
22 remediate a site to meet residential soil remediation standards if the
23 local zoning ordinances adopted pursuant to the "Municipal Land Use
24 Law," P.L.1975, c.291 (C.40:55D-1 et seq.) does not allow for
25 residential use. Eligible project costs shall include the cost of a
26 preliminary assessment and site investigation, even if performed prior
27 to the award of financial assistance from the fund if the preliminary
28 assessment and site investigation were performed after the effective
29 date of P.L. , c. (now before the Legislature as this bill). Eligible
30 project costs shall not include the costs of any remediation performed
31 at a site where the petroleum underground storage tank was removed
32 prior to December 1, 1996;

33 "Facility" means one or more operational or nonoperational
34 petroleum underground storage tanks under single ownership at a
35 common site;

36 "Financial assistance" means a grant or loan or a combination of
37 both that may be awarded by the authority from the fund to an eligible
38 owner or operator as provided in section 5 of P.L. , c. (C.)(now
39 before the Legislature as this bill);

40 "Operator" means any person in control of, or having responsibility
41 for, the daily operation of a facility;

42 "Owner" means any person who owns a facility;

43 "Person" means any individual, partnership, corporation, society,
44 association, consortium, joint venture, commercial entity, or public
45 entity, but does not include the State or any of its departments,
46 agencies or authorities;

1 "Petroleum" means all hydrocarbons which are liquid at one
2 atmosphere pressure (760 millimeters or 29.92 inches Hg) and
3 temperatures between -20°F and 120°F (-29°C and 49°C), and all
4 hydrocarbons which are discharged in a liquid state at or nearly at
5 atmospheric pressure at temperatures in excess of 120°F (49°C)
6 including, but not limited to, gasoline, kerosene, fuel oil, oil sludge, oil
7 refuse, oil mixed with other wastes, crude oil, and purified
8 hydrocarbons that have been refined, re-refined, or otherwise
9 processed for the purpose of being burned as a fuel to produce heat or
10 usable energy or which is suitable for use as a motor fuel or lubricant
11 in the operation or maintenance of an engine;

12 "Petroleum Underground Storage Tank Remediation, Upgrade and
13 Closure Fund" or "fund" means the fund established pursuant to
14 section 3 of P.L. , c. (C.) (now before the Legislature as this
15 bill);

16 "Petroleum underground storage tank" means a tank of any size,
17 including appurtenant pipes, lines, fixtures, and other related
18 equipment, that normally and primarily stores petroleum, the volume
19 of which, including the volume of the appurtenant pipes, lines, fixtures
20 and other related equipment, is 10% or more below the ground.
21 "Petroleum underground storage tank" does not include:

22 (1) Septic tanks installed or regulated pursuant to regulations
23 adopted by the department pursuant to "The Realty Improvement
24 Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et
25 seq.) or the "Water Pollution Control Act," P.L.1977, c.74
26 (C.58:10A-1 et seq.);

27 (2) Pipelines, including gathering lines, regulated under 49
28 U.S.C.§60101 et seq., or intrastate pipelines regulated under State
29 law;

30 (3) Surface impoundments, pits, ponds, or lagoons, operated in or
31 regulated pursuant to regulations adopted by the department pursuant
32 to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et
33 seq.);

34 (4) Storm water or wastewater collection systems operated or
35 regulated pursuant to regulations adopted by the department pursuant
36 to the "Water Pollution Control Act";

37 (5) Liquid traps or associated gathering lines directly related to oil
38 or gas production and gathering operations;

39 (6) Tanks situated in an underground area, including, but not
40 limited to, basements, cellars, mines, drift shafts, or tunnels, if the
41 storage tank is situated upon or above the surface of the floor, or
42 storage tanks located below the surface of the ground which are
43 equipped with secondary containment and are uncovered so as to
44 allow visual inspection of the exterior of the tank; and

45 (7) Any pipes, lines, fixtures, or other equipment connected to any
46 tank exempted from the provisions of this definition pursuant to

1 paragraphs (1) through (6) above;

2 "Public entity" means any county, municipality, or public school
3 district, but shall not include any authority created by those entities;

4 "Regulated tank" means a petroleum underground storage tank that
5 is required to be upgraded pursuant to P.L.1986, c.102 (C.58:10A-21
6 et seq.) or 42 U.S.C. §6991 et seq.;

7 "Remediation" means all necessary actions to investigate and clean
8 up any known, suspected, or threatened discharge of petroleum,
9 including, as necessary, the preliminary assessment, site investigation,
10 remedial investigation, and remedial action, as those terms are defined
11 in section 23 of P.L.1993, c.139 (C.58:10B-1);

12 "Upgrade" means the replacement of a regulated tank, the
13 installation of secondary containment, monitoring systems, release
14 detection systems, corrosion protection, spill prevention, or overfill
15 prevention therefor, or any other necessary improvement to the
16 regulated tank in order to meet the standards for regulated tanks
17 adopted pursuant to section 5 of P.L.1986, c.102 (C.58:10A-25) and
18 42 U.S.C. §6991 et seq.

19

20 3. a. The Petroleum Underground Storage Tank Remediation,
21 Upgrade, and Closure Fund is established in the authority as a special,
22 revolving fund. The fund shall be administered by the authority and
23 shall be credited with:

24 (1) such moneys as are appropriated by the Legislature;

25 (2) sums received as repayment of principal and interest on
26 outstanding loans made from the State Underground Storage Tank
27 Improvement Fund established pursuant to P.L.1986, c.102
28 (C.58:10A-21 et seq.);

29 (3) such monies as are appropriated pursuant to section 21
30 of P.L. , c. (C.)(pending in the Legislature as this bill);

31 (4) all non-refundable application fees collected pursuant to
32 section 6 of P.L. , c. (C.)(now before the Legislature as this
33 bill);

34 (5) sums received as repayment of principal and interest on
35 outstanding loans made from the fund;

36 (6) any monies recovered by the authority pursuant to sections 14
37 and 15 of P.L. , c. (C.)(now before the Legislature as this
38 bill);

39 (7) any return on investment of monies deposited in the fund;

40 (8) any monies recovered through liens pursuant to section 10 or
41 16 of P.L. , c. (C.)(now before the Legislature as this bill);

42 and

43 (9) payments of the annual surcharge imposed pursuant to section
44 18 of P.L. , c. (C.)(now before the Legislature as this bill).

45 b. Monies in the fund shall be used by the authority solely for
46 providing financial assistance pursuant to section 4 of P.L. , c.

1 (C.) (now before the Legislature as this bill) except that the
2 authority may use any return on investment of monies deposited in the
3 fund, application fees collected pursuant to section 6 of P.L. ,
4 c. (C.), moneys recovered by the authority pursuant to sections 14
5 and 15 of P.L. , c. (C.), and payments of the annual surcharge
6 imposed pursuant to section 18 of P.L. , c. (C.) for actual costs
7 incurred in administering the fund, and for costs of any action to
8 recover monies owing to the fund.

9
10 4. a. Monies in the fund shall be allocated and used to provide
11 financial assistance only to (1) eligible owners or operators of
12 regulated tanks in this State in order to finance the eligible project
13 costs of the upgrade or closure of those regulated tanks as may be
14 required pursuant to 42 U.S.C. §6991 et seq. or P.L.1986, c.102
15 (C.58:10A-21 et seq.); and (2) eligible owners and operators of
16 petroleum underground storage tanks in this State in order to finance
17 the eligible project costs of remediations that are necessary due to the
18 discharge of petroleum from one or more of those petroleum
19 underground storage tanks. Priority for the issuance of financial
20 assistance from the fund, and the terms and conditions of that financial
21 assistance, shall be based upon the criteria set forth in this section.

22 b. Upon a determination that an application for financial assistance
23 meets all established criteria for the award of financial assistance from
24 the fund, the authority shall approve the application. Prior to
25 December 22, 1998, the authority may approve only those applications
26 given priority pursuant to paragraphs (1) and (2) of this subsection or
27 pursuant to subsections c. and f. of this section, but the authority may
28 receive, file, and deem complete any application for financial
29 assistance its receives prior to that date.

30 Upon the authority's approval of an application for financial
31 assistance, the authority shall award financial assistance to an applicant
32 upon the availability of sufficient monies in the fund. When monies in
33 the fund are not sufficient at any point in time to fully fund all
34 applications for financial assistance that have been approved by the
35 authority, the authority shall award financial assistance to approved
36 applicants, notwithstanding the date of approval of the application, in
37 the following order of priority:

38 (1) Upgrades of regulated tanks required to be upgraded pursuant
39 to 42 U.S.C. §6991 et seq., and including any necessary remediation
40 at the site of the regulated tank, shall be given first priority;

41 (2) Closure of any regulated tank required to be upgraded
42 pursuant to 42 U.S.C. §6991 et seq., and including any necessary
43 remediation at the site of the regulated tank, shall be given second
44 priority;

45 (3) Upgrades of regulated tanks required to be upgraded pursuant
46 to P.L.1986, c.102 (C.58:10A-21 et seq.), but not pursuant to 42

1 U.S.C. §6991 et seq., and including any necessary remediation at the
2 site of the regulated tank, shall be given third priority;

3 (4) Any necessary remediations at the sites of petroleum
4 underground storage tanks other than those given priority pursuant to
5 paragraphs (1), (2), or (3) of this subsection shall be given fourth
6 priority;

7 (5) Closure of any regulated tank required to be upgraded
8 pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.), but not pursuant
9 to 42 U.S.C. §6991 et seq., shall be given last priority.

10 c. Notwithstanding the priority for the award of financial
11 assistance set forth in subsection b. of this section, whenever there has
12 been a discharge, and the discharge poses an imminent and significant
13 threat to a drinking water source, to human health, or to a sensitive or
14 significant ecological area, an approved application for the award of
15 financial assistance for the remediation and upgrade or closure, if
16 necessary, shall be given priority over all other applications for
17 financial assistance.

18 d. The priority ranking of applicants within any priority category
19 enumerated in paragraphs (1), (2), (3), (4), and (5) of subsection b.
20 and in subsection c. of this section shall be based upon the date an
21 application for financial assistance is filed with the authority as
22 determined pursuant to section 6 of P.L. , c. (C.) (now before the
23 Legislature as this bill).

24 e. Whenever a facility consists of petroleum underground storage
25 tanks from more than one priority category as enumerated in
26 paragraphs (1) through (5) of subsection b. of this section, and
27 subsection c. of this section, all the petroleum underground storage
28 tanks at that facility shall be accorded the priority that would be
29 accorded the highest priority petroleum underground storage tank at
30 that facility.

31 f. Notwithstanding the priority rankings established in this section,
32 one tenth of the amount annually appropriated to the Petroleum
33 Underground Storage Tank Remediation, Upgrade and Closure Fund
34 shall be used to provide financial assistance to owners or operators of
35 petroleum underground storage tanks used to store heating oil for
36 onsite consumption in a residential building, in order to finance the
37 eligible project costs of remediations that are necessary due to the
38 discharge of heating oil from those petroleum underground storage
39 tanks. The authority shall provide financial assistance pursuant to this
40 subsection notwithstanding the owner or operator's ability to obtain
41 commercial loans for all or part of the financing. The priority ranking
42 of applicants for these funds shall be based upon the date an
43 application for financial assistance is filed with the authority as
44 determined pursuant to subsection 6 of P.L. , c. (C.) (now in the
45 Legislature as this bill). If the authority does not receive qualified
46 applications for financial assistance from owners and operators of

1 petroleum underground storage tanks used to store heating oil for
2 onsite consumption that meet the criteria set forth in this act and in
3 any rules or regulations issued pursuant thereto, sufficient to enable
4 the award of financial assistance an amount equal to one tenth of the
5 amount annually appropriated to the fund in any one year as required
6 pursuant to this subsection, the authority may award that financial
7 assistance in the order of priority as provided in this section. In
8 addition to the monies dedicated pursuant to this subsection, the
9 authority may award financial assistance to an owner or operator of a
10 petroleum underground storage tank used to store heating for onsite
11 consumption when the criteria enumerated in subsection c. of this
12 section are met.

13

14 5. a. The authority may award financial assistance from the fund
15 to an eligible owner or operator in the form of a loan or a conditional
16 hardship grant as provided in this section. An award of financial
17 assistance, either as a loan or a grant, or a combination of both, may,
18 upon application therefor, be for 100% of the eligible project costs.
19 However, a loan that any applicant may receive from the fund for an
20 upgrade, remediation, or closure, or any combination thereof, for any
21 one facility, may not exceed \$1,000,000 and a grant that any applicant
22 may receive from the fund for any one facility, may not exceed
23 \$250,000. The total amount of financial assistance awarded as grants
24 in any one year may not exceed 10% of the total amount of financial
25 assistance awarded in that year.

26 b. A public entity applying for financial assistance from the fund
27 may only be awarded financial assistance in the form of an interest free
28 loan.

29 c. An applicant, other than a public entity, may apply for and
30 receive a conditional hardship grant as provided in paragraph (1) of
31 this subsection, or a loan for an upgrade, closure, or remediation as
32 provided in paragraph (2) of this subsection. Financial assistance
33 awarded an applicant pursuant to this subsection may consist entirely
34 of a conditional hardship grant, a loan for an upgrade, or loan for a
35 closure, or a loan for a remediation, or any combination thereof,
36 except that the total amount of the award of financial assistance shall
37 be subject to the per facility dollar limitation enumerated in subsection
38 a. of this section. Notwithstanding any other provision of this
39 subsection to the contrary, no tax exempt, nonprofit organization,
40 corporation, or association shall be awarded a conditional hardship
41 grant pursuant to paragraph (1) of this subsection.

42 (1) A conditional hardship grant for eligible project costs of an
43 upgrade, closure or remediation shall be awarded by the authority
44 based upon a finding of eligibility and financial hardship and upon a
45 finding that the applicant meets the criteria set forth in this act.

46 In order to be eligible for a conditional hardship grant, the

1 applicant shall have owned or operated the subject petroleum
2 underground storage tank as of December 1, 1996 and continually
3 thereafter or shall have inherited the property from a person who
4 owned the petroleum underground storage tank as of that date. No
5 applicant shall be eligible for a conditional hardship grant if the
6 applicant has a taxable income of more than \$100,000 or a net worth,
7 exclusive of the applicant's primary residence, of over \$100,000.

8 A finding of financial hardship by the authority shall be based upon
9 a determination that an applicant cannot reasonably be expected to
10 repay all or a portion of the eligible project costs if the financial
11 assistance were to be awarded as a loan. The amount of an award of
12 a conditional hardship grant shall be the amount of that portion of the
13 eligible project costs the authority determines the applicant cannot
14 reasonably be expected to repay.

15 In making a finding of financial hardship for an application for the
16 upgrade, closure, or remediation of a petroleum underground storage
17 tank, where the petroleum underground storage tank is a part of the
18 business property of the owner, the authority shall base its finding
19 upon the cash flow of the applicant's business, whether or not any part
20 of the applicant's business is related to the ownership or operation of
21 that petroleum underground storage tank. In making a finding of
22 financial hardship for an application for the upgrade or remediation of
23 a petroleum underground storage tank, where the petroleum
24 underground storage tank is not a part of the business property of the
25 owner, the authority shall base its finding upon the applicant's taxable
26 income in the year prior to the date of the application being submitted.

27 If the authority awards a conditional hardship grant in combination
28 with a loan pursuant to this subsection, the authority shall release to
29 the applicant the loan monies prior to the release of the conditional
30 hardship grant monies.

31 Conditional hardship grants awarded to an applicant shall be
32 subject to the lien provisions enumerated in section 16 of P.L. , c.
33 (C.)(now before the Legislature as this bill).

34 (2) A loan to an eligible owner or operator for the eligible project
35 costs of an upgrade, closure, or remediation shall be awarded by the
36 authority only upon a finding that the applicant other than a public
37 entity is able to repay the amount of the loan.

38 In making a finding of an applicant's ability to repay a loan for the
39 upgrade, closure, and remediation of a regulated tank, or for the
40 remediation of a discharge from a petroleum underground storage
41 tank, the authority shall base its finding, as applicable, upon the cash
42 flow of the applicant's business, the applicant's taxable income and the
43 applicant's personal and business assets, except that the authority may
44 not consider the applicant's primary residence as collateral, except that
45 the authority may consider the applicant's primary residence as
46 collateral with the permission of the applicant or where the subject

1 petroleum underground storage tank or regulated tank is located at the
2 primary residence.

3 d. The authority shall, where applicable, require an applicant
4 applying for financial assistance from the fund to submit to the
5 authority the financial statements of the applicant's business for three
6 years prior to the date of the application, the most recent interim
7 financial statement for the year of the application, the applicant's
8 federal income tax returns, or other relevant documentation.

9 e. Nothing in this section is intended to alter the priority or criteria
10 for awarding financial assistance established pursuant to section 4 of
11 P.L. , c. (C.)(now before the Legislature as this bill.

12 f. An eligible owner or operator may only be awarded that amount
13 of financial assistance issued as a loan for which the applicant
14 demonstrates he could not qualify for and obtain as a commercial loan.
15 The provisions of this subsection shall not apply to an owner or
16 operator or petroleum underground storage tank used to store heating
17 oil for onsite consumption in a residential building.

18

19 6. An eligible owner or operator seeking financial assistance from
20 the fund shall file an application on a form to be developed by the
21 authority. The application form shall be submitted with the application
22 fee. The application fee per facility for residential petroleum
23 underground storage tanks shall be \$250. The authority may establish
24 the application fee per facility for nonresidential petroleum
25 underground storage tanks.

26 The authority shall adopt rules and regulations listing the filing
27 requirements for a complete application for financial assistance. If a
28 financial assistance application is determined to be incomplete by the
29 authority, an applicant shall have 30 days from the date of receipt of
30 written notification of incompleteness to file such additional
31 information as may be required by the authority for a completed
32 application. If an applicant fails to file the additional information
33 within the 30 days, the filing date for that application shall be the date
34 that such additional information is received by the authority. If the
35 additional information is filed within the 30 days and is satisfactory to
36 the authority, the filing date for that application shall be the initial date
37 of application with the authority. Notwithstanding the above, if a
38 completed application has been submitted and the applicant fails to
39 submit the filing fee, then the filing date for the application shall not
40 be established until the date on which the authority receives the
41 application fee.

42 An applicant shall have 120 days from receipt of notice of approval
43 of a financial assistance award to submit to the authority an executed
44 contract for the upgrade, closure, or remediation, or all three, as the
45 case may be, that is consistent with the terms and conditions of the
46 financial assistance approval. Failure to submit an executed contract

1 within the allotted time, without good cause, may result in an
2 alteration of an applicant's priority ranking.

3

4 7. a. The authority shall award financial assistance to an owner or
5 operator of a facility only if the facility is properly registered with the
6 department pursuant to section 3 of P.L.1986, c.102 (C.58:10A-23),
7 where applicable, and if all fees or penalties due and payable on the
8 facility to the department pursuant to P.L.1986, c.102 have either been
9 paid or the nature or the amount of the fee or penalty is being
10 contested in accordance with law.

11 b. The authority may deny an application for financial assistance,
12 and any award of financial assistance may be recoverable by the
13 authority, upon a finding that:

14 (1) in the case of financial assistance awarded for a remediation,
15 the discharge was proximately caused by the applicant's knowing
16 conduct;

17 (2) in the case of financial assistance awarded for a remediation,
18 the discharge was proximately caused or exacerbated by knowing
19 conduct by the applicant with regard to any lawful requirement
20 applicable to petroleum underground storage tanks intended to
21 prevent, or to facilitate the early detection of, the discharge;

22 (3) the applicant failed to commence or complete a remediation,
23 closure, or an upgrade for which an award of financial assistance was
24 made within the time required by the department in accordance with
25 the applicable rules and regulations, within the time prescribed in an
26 administrative order, an administrative consent agreement, a
27 memorandum of agreement, or a court order; or

28 (4) the applicant provided false information or withheld
29 information on a loan or grant application, or other relevant
30 information required to be submitted to the authority, on any matter
31 that would otherwise render the applicant ineligible for financial
32 assistance from the fund, that would alter the priority of the applicant
33 to receive financial assistance from the fund, that resulted in the
34 applicant receiving a larger grant or loan award than the applicant
35 would otherwise be eligible, or that resulted in payments from the fund
36 in excess of the actual eligible project costs incurred by the applicant
37 or the amount to which the applicant is legally eligible.

38 Nothing in this subsection shall be construed to require the
39 authority to undertake an investigation or make any findings
40 concerning the conduct described in this subsection.

41 c. An application for financial assistance from the fund for an
42 upgrade or closure of a regulated tank shall include all regulated tanks
43 at the facility for which the applicant is seeking financial assistance.
44 Once financial assistance for an upgrade, closure or a remediation is
45 awarded for a facility, no additional award of financial assistance may
46 be made for that facility. However, if an applicant discovers while

1 performing upgrade or closure activities that a remediation is
2 necessary at the site of a facility, and if financial assistance was
3 previously awarded for that site only for an upgrade or closure of a
4 regulated tank, the applicant may amend his application and apply for
5 financial assistance for the required remediation subject to the
6 limitations enumerated in section 5 of this act. An application for
7 financial assistance for an upgrade or closure of a regulated tank shall
8 be conditioned upon the applicant agreeing to perform, at the time of
9 the upgrade or closure, any remediation necessary as a result of a
10 discharge from the regulated tank and commencement of the
11 remediation within the time prescribed and in accordance with the
12 rules and regulations of the department.

13 d. No financial assistance shall be awarded for any regulated tank
14 to meet the upgrade or closure requirements pursuant to 42 U.S.C.
15 §6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.), or for the
16 remediation of a discharge from any such regulated tank except as
17 provided in subsection c. of this section, unless the application is filed
18 with the authority prior to January 1, 1999 and the application is
19 complete and the application fee is received by March 1, 1999.

20 e. The date of occurrence of a discharge shall not affect eligibility
21 for financial assistance from the fund. Except for a preliminary
22 assessment or a site investigation performed after the effective date of
23 P.L. , c. (C.) (now before the legislature as this bill), and
24 except as provided in subsection g. of this section, no award of
25 financial assistance shall be made from the fund for the otherwise
26 eligible project costs of a remediation, closure, or an upgrade, or parts
27 thereof, completed prior to an award of financial assistance from the
28 fund.

29 f. No financial assistance may be awarded from the fund for the
30 remediation of a discharge from a petroleum underground storage tank
31 if financial assistance from the Hazardous Discharge Site Remediation
32 Fund established pursuant to section 26 of P.L.1993, c.139
33 (C.58:10B-4) has previously been made for a remediation at that site
34 as a result of a discharge from that petroleum underground storage
35 tank. No financial assistance may be awarded from the fund for the
36 remediation of a discharge from a petroleum underground storage tank
37 if the discharge began subsequent to the completion of an upgrade of
38 that petroleum underground storage tank, which upgrade was intended
39 to meet all applicable upgrade regulations of the department, no
40 matter when the upgrade was performed.

41 g. Notwithstanding any provision of P.L. , c. (C.)(now
42 before the Legislature as this bill), where an eligible owner or operator
43 has filed an application for financial assistance from the fund, and there
44 are either insufficient monies in the fund or the authority has not yet
45 acted upon the application or awarded the financial assistance, the
46 eligible owner or operator may expend its own funds for the upgrade,

1 closure, or remediation, and upon approval of the application, the
2 authority shall award the financial assistance as a reimbursement of the
3 monies expended for eligible project costs.

4
5 8. a. The authority shall adopt, pursuant to the "Administrative
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
7 regulations to:

8 (1) require an applicant:

9 (a) to submit documentation or other information on the nature
10 and scope of the work to be performed, cost estimates thereon, and,
11 as available, proofs of the actual costs of all work performed;

12 (b) to demonstrate, where applicable, an ability to repay the
13 amount of any loan and to provide adequate collateral to secure the
14 amount of a loan;

15 (c) to submit a certification that the applicant has not engaged in
16 any of the conduct described in subsection b. of section 7 of P.L. ,
17 c. (C.)(now before the Legislature as this bill);

18 (d) to submit a certification that any upgrade, closure, and
19 remediation being undertaken will be or was completed or was in
20 conformance with rules and regulations of the department;

21 (e) require the loan or grant recipient to provide access at
22 reasonable times to the subject property to determine compliance with
23 the terms and conditions of the loan or grant; and

24 (f) to submit documentation and a certification, as applicable, that
25 the applicant was unable to qualify for and obtain a commercial loan
26 for all or part of the eligible project costs;

27 (2) require any financial assistance awarded to be used only for the
28 purposes for which the award is made and that the applicant is
29 adhering to all of the terms and conditions of the loan agreement; and

30 (3) adopt such other requirements as may be deemed necessary to
31 carry out its responsibilities pursuant to this act.

32 b. Information submitted as part of an application that results in
33 the award of a grant from the fund shall be a public record subject to
34 the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.). Information
35 submitted as part of an application that results solely in the award of
36 a loan from the fund shall not be a public record subject to the
37 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

38 c. The authority may file a lien on real property owned by the
39 applicant in addition to the property at which the subject facility is
40 located to secure a loan, except that such a filing shall be subject to
41 the restrictions on the use of the applicant's primary residence as
42 collateral, as provided in section 5 of P.L. , c. (C.)(now before
43 the Legislature as this bill) and paragraph (3) of subsection d. of this
44 section. Liens filed pursuant to this subsection shall not affect any
45 valid lien, right or interest in the real property filed in accordance with
46 established procedure prior to the filing of this notice of lien.

1 d. In establishing requirements for applications for financial
2 assistance, the authority:

3 (1) may not impose conditions that interfere with the everyday
4 normal operations of a financial assistance recipient's business
5 activities, except to the extent necessary to ensure the recipient's
6 ability to repay the loan and to preserve the value of any loan
7 collateral;

8 (2) shall strive to minimize the complexity and costs to applicants
9 or recipients of compliance with such requirements;

10 (3) may not require as collateral for any loan, except with the
11 applicant's consent, the primary residence of the applicant, except that
12 this paragraph shall not apply to a loan issued from the fund for the
13 eligible project costs for a petroleum underground storage tank at the
14 site of the primary residence; and

15 (4) shall expeditiously process all applications in accordance with
16 a schedule established by the authority for the review thereof and the
17 taking of final action, which schedule shall reflect the complexity of an
18 application.

19

20 9. a. The department and the Office of the Attorney General may
21 not take any enforcement action pursuant to section 12 of P.L.1986,
22 c.102 (C.58:10A-32) against the owner or operator of a regulated tank
23 for failure to upgrade or close a regulated tank or for failure to
24 maintain evidence of financial responsibility pursuant to section 5 of
25 P.L.1986, c.102 (C.58:10A-25), if the owner or operator, (1) has
26 submitted an application for financial assistance from the fund prior to
27 the date upon which the upgrade or closure is required by law to be
28 completed, (2) the authority has not yet acted on the application as of
29 that date, (3) the owner or operator agrees to enter into a consent
30 agreement or a memorandum of agreement with the department to
31 comply with the upgrade, closure, remediation, and financial
32 responsibility requirements, (4) the owner or operator complies with
33 the provisions of the consent agreement or the memorandum of
34 agreement, and (5) the owner or operator maintains an acceptable
35 method of release detection for the regulated tanks that are the subject
36 of the application for financial assistance as required pursuant to
37 section 5 of P.L.1986, c.102 (C.58:10A-25).

38 b. The provisions of subsection a. of this section shall not apply
39 upon the denial of an application for financial assistance or in the case
40 of a knowing discharge that may result in a serious threat to the public
41 health or the environment. The department shall make an annual
42 report to the Senate Environment Committee and the Assembly
43 Agriculture and Waste Management Committee or their successors
44 listing any enforcement actions taken against an owner or operator of
45 a regulated tank who meets the requirements of subsection a. of this
46 section. The report shall list the name of the violator, the specific

1 statute or regulation alleged to have been violated, the status of the
2 case at the time of the report, and the penalty imposed.

3
4 10. a. All loans awarded from the fund shall be for a term not to
5 exceed ten years. Except as provided in subsection b. of section 5 of
6 P.L. , c. (C.)(now before the Legislature as this bill), all loans
7 shall be at a rate between two percent and the Prime Rate at the time
8 of approval, or at the time of loan closing if the prime rate is lower at
9 that time. The authority shall determine the interest rate to be
10 imposed based on the applicant's ability to repay the loan.

11 b. Upon the sale of the facility for which the loan was made, the
12 unpaid balance of the loan shall become immediately payable in full.
13 Upon the sale of a facility for which a conditional hardship grant was
14 made pursuant to section 5 of P.L. , c. (C.)(now before the
15 Legislature as this bill), that amount of the conditional hardship grant
16 that must be repaid, as calculated pursuant to section 16 of P.L. ,
17 c. (C.)(now pending before the Legislature as this bill), shall
18 become immediately payable in full.

19
20 11. Notwithstanding any other provision of P.L. , c. (C.)
21 (now before the Legislature as this bill), if an owner or operator
22 maintains environmental liability or other insurance coverage for the
23 remediation of a discharge, the insurance coverage shall be the primary
24 coverage for the costs of a remediation. Eligible owners and operators
25 may apply for financial assistance from the fund for any excess thereof,
26 including any deductible, up to the per facility monetary limits set forth
27 in section 5 of P.L. , c. (C.)(now before the Legislature as
28 this bill). An eligible owner or operator shall file a notice of a claim
29 with its insurance carrier prior to filing an application for financial
30 assistance from the fund. The notice of claim shall list the fund as a
31 beneficiary of the claim to the extent of an award of financial
32 assistance is made from the fund. As a condition of receiving an
33 award of financial assistance from the fund, the eligible owner or
34 operator shall agree to diligently pursue the claim against its insurance
35 carrier.

36
37 12. The authority and the department may enter into a
38 memorandum of agreement whereby any of the powers or
39 responsibilities that the authority may exercise pursuant to P.L. ,
40 c. (C.)(now before the Legislature as this bill), may be exercised
41 by the department. The authority may require an applicant for
42 financial assistance to enter into an agreement with the department
43 prior to an application being deemed complete, which agreement shall
44 provide that any upgrade, closure, or remediation will be performed
45 pursuant to rules and regulations of the department. Any agreement,
46 review of documents, or other powers to be exercised by the

1 department pursuant to this section must be completed by the
2 department within 45 days of the application being submitted to the
3 department. Pursuant to the memorandum of agreement, the authority
4 and the department may provide that any of the monies in the fund that
5 may be used for administrative expenses by the authority pursuant to
6 section 3 of P.L. , c. (C.)(now before the Legislature as this
7 bill), may be used by the department in carrying out its responsibilities
8 under this section.

9
10 13. The authority shall establish a joint application filing, review
11 and approval procedure whereby a person who is eligible for financial
12 assistance from the fund, created pursuant to section 3 of P.L. ,
13 c. (C.)(now before the Legislature as this bill) and who is
14 eligible for financial assistance from the Hazardous Discharge Site
15 Remediation Fund, created pursuant to section 26 of P.L.1993, c.139
16 (C.58:10B-4), may file one application for financial assistance from
17 both funds and receive a joint response from the authority that
18 approves or disapproves the application in whole or in part.

19
20 14. a. Payment of any grant from the fund, or of a loan from the
21 fund where the loan is in default and is uncollectible, for any costs
22 relating to a remediation, shall be conditioned upon the authority being
23 subrogated to all of the rights of an owner or operator against any
24 insurance carrier, against any previous owner or operator of the
25 facility where the previous owner or operator engaged in any conduct
26 identified in paragraphs (1) or (2) of subsection b. of section 7 of
27 P.L. , c. (C.) (now before the Legislature as this bill), and
28 against any other person liable for the discharge pursuant to subsection
29 c. of section 8 of P.L.1976, c.141 (C.58:10-23.11g), for the costs of
30 the remediation necessitated by the discharge. In an action by the
31 authority to enforce a right of subrogation, the authority shall be
32 entitled to invoke all the rights and defenses available to the grant or
33 loan recipient if the action had been brought by the grant or loan
34 recipient against such other person. Nothing in this subsection shall
35 be construed to affect or limit any right that an owner or operator of
36 a petroleum underground storage tank may have under statutory or
37 common law against any other person concerning a discharge of
38 petroleum from that tank.

39 b. The authority may seek to recover any financial assistance or
40 that part of an award of financial assistance that exceeds the eligible
41 project costs or that was obtained as a result of conduct described in
42 paragraph (4) of subsection b. of section 7 of P.L. , c. (C.)(now
43 before the Legislature as this bill). If the authority is the prevailing
44 party in an action to recover financial assistance payments made from
45 the fund, the authority shall be entitled to all investigative and legal
46 costs incurred by the authority in bringing and prosecuting the action,

1 as well as interest charges which shall accrue as of the date such
2 payments were made from the fund, unless the court makes a finding
3 of a lack of intent to defraud the fund. The rate of interest shall be the
4 interest rate for judgments established pursuant to the Rules
5 Governing the Courts of the State of New Jersey.

6
7 15. a. A person who purposely, knowingly, recklessly, or
8 negligently provides false documents or false information to the
9 authority or to the department, or withholds documents or
10 information, in relation to an application for financial assistance from
11 the fund or in relation to documents or information that may be
12 required as a condition of receiving an award of financial assistance
13 from the fund, shall be subject to a civil penalty not to exceed
14 \$50,000. Any penalty incurred under this subsection may be recovered
15 with costs in a summary proceeding pursuant to "the penalty
16 enforcement law," N.J.S.2A:58-1 et seq. in the Superior Court.

17 b. (1) The authority may commence a civil action in Superior
18 Court to recover any financial assistance awarded to an applicant from
19 the fund if financial assistance was obtained, in whole or in part, as the
20 result of providing false documents or false information to the
21 authority or to the department or by withholding documents or
22 information from the authority or the department. The action to
23 recover money awarded by the authority may be combined with any
24 action to impose penalties provided for in subsection a. of this section.

25 (2) The authority may commence a civil action in Superior Court
26 to recover any financial assistance awarded as a loan where the
27 recipient of the loan has not made loan repayments in accordance with
28 the loan agreement, where any condition or provision of the loan
29 agreement has been violated by the loan recipient, or to enforce any
30 lien filed pursuant to the issuance of financial assistance.

31 c. (1) A person who purposely or knowingly provides false
32 documents or false information to the authority or to the department,
33 or withholds documents or information, in relation to an application
34 for financial assistance from the fund or in relation to documents or
35 information that may be required as a condition of receiving an award
36 of financial assistance from the fund, with the intent to alter the
37 applicant's eligibility for financial assistance from the fund, alter the
38 priority of the applicant's application to receive financial assistance
39 from the fund, cause the applicant to receive a larger grant award than
40 the applicant would otherwise be eligible for, or obtain financial
41 assistance from the fund in excess of the eligible project costs, shall be
42 guilty of a crime of the third degree.

43 (2) A person who recklessly provides false documents or false
44 information to the authority or to the department, or withholds
45 documents or information, in relation to an application for financial
46 assistance from the fund or in relation to documents or information

1 that may be required as a condition of receiving an award of financial
2 assistance from the fund, which results in the alteration of the
3 applicant's eligibility for financial assistance from the fund, the
4 alteration of the priority of the applicant's application to receive
5 financial assistance from the fund, which causes the applicant to
6 receive a larger grant award than the applicant would otherwise be
7 eligible for, or obtain financial assistance from the fund in excess of
8 the eligible project costs, shall be guilty of a crime of the fourth
9 degree.

10
11 16. a. In addition to any other financial assistance requirements
12 imposed by the authority pursuant to P.L. , c. (C.)(now before
13 the Legislature as this bill), any award of financial assistance from the
14 fund shall constitute, in each instance, a debt of the applicant to the
15 fund. The debt shall constitute a lien on the real property at which the
16 subject facility is located. The lien shall be in the amount of the
17 financial assistance awarded the applicant. The lien shall attach when
18 a notice of lien, incorporating the name of the property owner, a
19 description of the real property on which the subject facility is located
20 and an identification of the amount of the financial assurance awarded,
21 is duly filed with the county recording officer in the county in which
22 the property is located.

23 Where financial assistance from the fund is awarded as a
24 combination of a loan and a grant, separate liens for the loan and the
25 grant shall be filed. No lien shall be placed on any real property of an
26 applicant based on a conditional hardship grant awarded pursuant to
27 paragraph (1) of subsection c. of section 5 of P.L. , c. (C.)(now
28 before the Legislature as this bill), for a remediation necessitated by a
29 discharge from a petroleum underground storage tank used to store
30 heating oil at the applicant's primary residence.

31 b. A lien that is filed on real property pursuant to a loan shall be
32 removed upon repayment of the loan.

33 c. The lien that is filed on real property pursuant to a conditional
34 hardship grant shall be removed upon repayment of the amount of the
35 grant that is unsatisfied or upon the end of a 15 year period in which
36 the site for which the financial assistance was awarded continued to be
37 operated in substantially the same manner as it was operated at the
38 time of the award of financial assistance. The period of operation need
39 not run consecutively. Beginning with the 11th year of operating in
40 substantially the same manner, 20% of the conditional hardship grant
41 shall be deemed satisfied with an additional 20% to be satisfied each
42 year until the entire amount of the conditional hardship grant is
43 satisfied at the end of the 15 year period. The owner or operator of
44 the facility claiming to have satisfied a conditional hardship grant due
45 to the 15 year period of operation, shall submit a certification of this
46 fact to the authority. Upon repayment of the unsatisfied grant award

1 or upon submittal of this certification, unless the authority has made
2 a finding that the certification is not correct, the authority shall remove
3 the lien from the property.

4 Where real property for which a conditional hardship grant was
5 awarded is not being operated in substantially the same manner, the 15
6 year period to satisfy the lien shall be tolled. If at any time prior to the
7 satisfaction of the lien the property is developed or operated for a
8 purpose that is not substantially the same as its operation at the time
9 of the award of the conditional hardship grant, the grant recipient shall
10 so certify to the authority upon the change in operation. Upon receipt
11 of this certification, the authority shall determine, based upon the new
12 operation of the property if the financial assistance shall continue as a
13 conditional hardship grant or if it shall be converted into a loan. In
14 making this determination, the authority shall base its decision on the
15 financial hardship factors used in determining the original eligibility for
16 the conditional hardship grant.

17 The authority may take whatever enforcement actions it deems
18 necessary to verify the operation of any property for which a
19 conditional hardship grant was made. The terms and conditions of any
20 loan converted from a grant pursuant to this subsection shall be the
21 same as those authorized pursuant to this act.

22 d. The provisions of this section do not apply to any real property
23 of an applicant who is a public entity.

24
25 17. a. Within 180 days of the effective date of this act, the New
26 Jersey Economic Development Authority shall adopt, pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.), rules and regulations for the administration of the Petroleum
29 Underground Storage Tank Remediation, Upgrade, and Closure Fund
30 and the issuance of financial assistance therefrom as necessary to
31 implement this act.

32 b. Within 180 days of the effective date of this act, the
33 Department of Environmental Protection shall adopt, pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), rules and regulations for the administration of the Petroleum
36 Underground Storage Tank Remediation, Upgrade, and Closure Fund
37 and the issuance of financial assistance therefrom as necessary to
38 implement this act.

39 c. Prior to the adoption of rules and regulations pursuant to this
40 section, the authority and the department may, notwithstanding the
41 provisions of the "Administrative Procedure Act," adopt procedures
42 for the acceptance and review of financial assistance applications from
43 the fund. No financial assistance may be awarded however, until the
44 rules and regulations are adopted pursuant to this section.

45
46 18. There is imposed upon the owner or operator of a facility who

1 is required to maintain evidence of financial responsibility pursuant to
2 section 5 of P.L.1986, c.102 (C.58:10A-25) or pursuant to 42 U.S.C.
3 §6991 et seq., and any regulations adopted pursuant thereto, and who
4 does not maintain that evidence of financial responsibility, an annual
5 surcharge. The annual surcharge shall be \$1,500 for facilities with one
6 or two petroleum underground storage tanks, \$3,500 for facilities with
7 three to six petroleum underground storage tanks, and \$6,000 for
8 facilities with seven or more petroleum underground storage tanks.
9 The owner or operator shall pay this surcharge to the authority for
10 deposit into the Petroleum Underground Storage Tank Remediation,
11 Upgrade, and Closure Fund. The New Jersey Spill Compensation
12 Fund shall not be considered as evidence of financial responsibility for
13 the purposes of this section.

14 Nothing in this section shall be construed to negate the
15 requirement of an owner or operator of a facility to maintain evidence
16 of financial responsibility as may be required pursuant to section 5 of
17 P.L.1986, c.102 (C.58:10A-25) or pursuant to 42 U.S.C. §6991 et
18 seq.

19 The New Jersey Economic Development Authority, in consultation
20 with the Department of Environmental Protection shall adopt,
21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
22 (C.52:14B-1 et seq.), rules and regulations imposing the surcharge.
23

24 19. a. The New Jersey Economic Development Authority and the
25 Department of Environmental Protection shall present a joint annual
26 report to the presiding officers of the two houses of the Legislature
27 and to the chairmen and members of the Assembly Agriculture and
28 Waste Management Committee and the Senate Environment
29 Committee, or their successors, on the status of the financial assistance
30 program, which shall include: a statement on receipts and expenditures
31 for the Petroleum Underground Storage Tank Remediation, Upgrade,
32 and Closure Fund; the number of applications for financial assistance
33 received and the actions taken on the applications; the amount of
34 financial assistance awarded as loans or as grants for both public
35 entities and other applicants; the identity and location of the facilities
36 receiving the financial assistance; an assessment of the adequacy of
37 current funding levels in meeting the statutory objectives of the fund;
38 an accounting of expenses incurred by the authority in administering
39 the fund; and such other information, including any legislative or
40 administrative recommendations for program changes, as the authority
41 and the department may deem appropriate or useful. The annual
42 reports shall be made not later than March 31 of each year beginning
43 one year following the effective date of this act. The first report shall
44 also contain a needs survey, which shall estimate the scope and
45 projected costs of all potentially eligible remediation applications for
46 financial assistance from the fund.

1 20. Nothing in P.L. , c. (C.) (pending in the Legislature as
2 this bill) shall be construed to:

3 (1) impose any liability on the State or the authority for any claims
4 made to, or approved from, the Petroleum Underground Storage Tank
5 Remediation, and Closure Upgrade Fund, and the extent of the State's
6 or authority's responsibility for the payment or reimbursement of an
7 approved application shall be limited to the amount of otherwise
8 unobligated moneys available in the fund;

9 (2) impose any liability on the State or the authority for the quality
10 of any work performed pursuant to a remediation, closure or an
11 upgrade for which financial assistance is made; or

12 (3) alter any obligation of an owner or operator of a facility, who
13 is eligible for financial assistance from the fund, to comply in a timely
14 manner with all lawful requirements relating to the facility.
15

16 21. There is appropriated from the special account in the General
17 Fund created pursuant to Article VIII, Section II, paragraph 6 of the
18 New Jersey Constitution \$9,900,000 to the New Jersey Economic
19 Development Authority which shall be deposited into the Petroleum
20 Underground Storage Tank Remediation, Upgrade and Closure Fund,
21 established pursuant to section 3 of P.L. , c. (C.) (pending
22 in the Legislature as this bill), for use for any of the purposes for
23 which that fund has been established. Expenditures of moneys in the
24 fund shall be subject to the conditions set forth in Article VIII, Section
25 II, paragraph 6 of the New Jersey Constitution and the provisions in
26 P.L. , c. (C.) (now before the Legislature as this bill).
27

28 22. Any person who has owned or operated an underground
29 storage tank as defined pursuant to section 2 of P.L.1986, c.102
30 (C.58:10A-22) who has not registered that tank pursuant to the
31 provisions of P.L.1986, c.102 (C.58:10A-21 et seq.), shall not be
32 subject to a civil penalty for the failure to register that underground
33 storage tank if the person, within one year of the effective date of this
34 act, registers the tank pursuant to P.L.1986, c.102. The department
35 may require that person to pay any registration fees that would have
36 been paid had the underground storage tank been registered in
37 accordance with law.
38

39 23. Sections 17 and 18 of P.L.1986, c.102 (C.58:10A-36 and
40 C.58:10A-37) are repealed, except that in order to assure the
41 uninterrupted funding of loans for regulated tank upgrades pending the
42 adoption of rules and regulations pursuant to section 17 of P.L. ,
43 c. , (C.)(pending in the Legislature as this bill), rules and
44 regulations adopted pursuant to section 17 of P.L.1986, c.102
45 (C.58:10A-37) that are in effect on the effective date of P.L. ,
46 c. , (C.)(pending in the Legislature as this bill), shall continue in

1 force until the adoption of rules and regulations by the authority
2 pursuant to section 17 of P.L. , c. (C.)(now before the
3 Legislature as this bill). The repayment of any outstanding loans made
4 from the State Underground Storage Tank Improvement Fund shall be
5 made to the New Jersey Economic Development Authority for deposit
6 into the Petroleum Underground Storage Tank Remediation, and
7 Closure Upgrade Fund. Any monies in the State Underground
8 Storage Tank Improvement Fund is transferred to the New Jersey
9 Economic Development Authority for deposit into the Petroleum
10 Underground Storage Tank Remediation, Upgrade, and Closure Fund.
11

12 24. Prior to July 1, 1997, or within six months of an underground
13 storage tank being upgraded and the site remediated as required
14 pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.), whichever is later,
15 the owner or operator of that underground storage tank shall submit
16 to the department evidence of financial responsibility for taking
17 corrective action and compensating third parties as is required
18 pursuant to section 5 of P.L. 1986, c.102 (C.58:10A-25) or pursuant
19 to 42 U.S.C.§6991 et seq. After a regulated tank is upgraded, the
20 New Jersey Spill Compensation Fund, created pursuant to the "Spill
21 Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et
22 seq.) shall no longer serve as the evidence of financial responsibility
23 for the regulated tank.
24

25 25. There is appropriated from the General Fund to the New
26 Jersey Economic Development Authority the sum of \$50,000 for the
27 adoption of rules and regulations for administering the Petroleum
28 Underground Storage Tank Remediation, Upgrade, and Closure Fund,
29 established pursuant to section 3 of P.L. , c. (C.). The
30 authority shall transfer such sums from this appropriation to the
31 Department of Environmental Protection as the authority and the
32 department deem necessary to allow the department to adopt rules and
33 regulations as necessary pursuant to this act. Upon sufficient monies
34 being deposited into the Petroleum Underground Storage Tank
35 Remediation, Upgrade, and Closure Fund that may be used for these
36 purposes, the authority shall reimburse the General Fund the amount
37 of this appropriation.
38

39 26. This act shall take effect immediately.
40
41
42

43
44 _____
45 Creates New Jersey Underground Storage Tank Remediation,
Upgrade, and Closure Fund; makes an appropriation.