

0400-18-01-.09 PETROLEUM UNDERGROUND STORAGE TANK FUND.

(6) Scope of fund reimbursement.

- (a) The fund will reimburse eligible tank owners or operators or petroleum site owners, who satisfy the requirements of paragraphs (10) and (11) of this rule, for the cost of investigation and corrective action resulting from the accidental release of petroleum from a UST storing petroleum in accordance with the provisions of this chapter.
- (b) Tank owners or operators or petroleum site owners who qualify for fund reimbursement shall meet the per site per occurrence fund deductible requirements specified in parts 1. through 7. of this subparagraph and illustrated in Table 3.

7. If the date of the release was on or after the effective date of this rule, the deductible for eligible tank owners or operators or petroleum site owners for taking corrective action will be \$5,000 and for compensation of third parties will be \$5,000, except that the highest applicable deductible shall apply as follows:

- (i) The deductible will be \$10,000 for taking corrective action and \$10,000 for compensation of third parties for tank owners or operators or petroleum site owners who fail to demonstrate that all of the UST systems located at the facility are in compliance with all the following rules:
 - (I) Rule 0400-18-01-.02(2)(b)2. and 5.;
 - (II) Rule 0400-18-01-.02(3)(a)1., 3., and 4.;
 - (III) Rule 0400-18-01-.02(3)(b)6.;
 - (IV) Rule 0400-18-01-.02(3)(c)1. and 2.;
 - (V) Rule 0400-18-01-.02(4)(a)3.(iii);
 - (VI) Rule 0400-18-01-.02(4)(c)1. and 2.(ii);
 - (VII) Rule 0400-18-01-.02(8);
 - (VIII) The requirements of Rule 0400-18-01-.04(1)(a)2. through 5. regarding piping;
 - (IX) Rule 0400-18-01-.04(2)(b)1.(ii) and 2.;
 - (X) Rule 0400-18-01-.04(3)(b)1. and 2.;
 - (XI) Rule 0400-18-01-.04(4); and

- (XII) The requirements of Rule 0400-18-01-.04(5)(b)1. regarding piping and tank tightness test results.
- (ii) The deductible will be \$20,000 for taking corrective action and \$20,000 for compensation of third parties for tank owners or operators or petroleum site owners who fail to demonstrate that all of the UST systems located at the facility are in compliance with all of the following rules:
- (I) Rule 0400-18-01-.02(1)(c) and (d)3.;
 - (II) Rule 0400-18-01-.02(2)(a)1., 2., and 5.;
 - (III) Rule 0400-18-01-.02(2)(b)1.;
 - (IV) Rule 0400-18-01-.02(4)(a)1. through 3.(i);
 - (V) Rule 0400-18-01-.02(4)(b) regarding piping, except flex connectors;
 - (VI) Rule 0400-18-01-.02(4)(c)6.(ii);
 - (VII) Rule 0400-18-01-.02(5)(a);
 - (VIII) Rule 0400-18-01-.02(6)(a) and (c);
 - (IX) The requirements of Rule 0400-18-01-.04(1)(a)1., 2., 4., and 5. regarding tanks;
 - (X) Rule 0400-18-01-.04(1)(c) and (d);
 - (XI) Rule 0400-18-01-.04(2)(a);
 - (XII) Rule 0400-18-01-.04(2)(b)1.(i);
 - (XIII) Rule 0400-18-01-.04(3)(a)1. and 2.;
 - (XIV) Rule 0400-18-01-.04(3)(c)1.(i) and 2.(i);
 - (XV) Rule 0400-18-01-.04(3)(d);
 - (XVI) Rule 0400-18-01-.04(3)(e)1. and 2.;
 - (XVII) Rule 0400-18-01-.04(3)(f)1. and 3.;
 - (XVIII) Rule 0400-18-01-.04(5)(b) for tanks; and

(XIX) Rule 0400-18-01-.07(2).

(iii) The deductible will be \$30,000 for taking corrective action and \$30,000 for compensation of third parties for tank owners or operators or petroleum site owners who fail to timely submit all documentation within 30 days following the Division's request as required by Rule 0400-18-01-.05(1)(c) or who fail to report a release, including:

(I) Suspected releases in accordance with Rules 0400-18-01-.04(1)(b), 0400-18-01-.04(3)(a)2.(v), 0400-18-01-.04(3)(b)4., 0400-18-01-.04(3)(c)1.(ii), 0400-18-01-.04(3)(c)2.(ii), 0400-18-01-.04(3)(e)6., 0400-18-01-.04(4)(d)6., and 0400-18-01-.05(1)(a);

(II) Spills and overfills in accordance with Rules 0400-18-01-.02(3)(b)5. and 0400-18-01-.05(4); and

(III) Confirmed releases in accordance with Rule 0400-18-01-.06.