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**By: Senator Frosh**

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Underground Oil Storage Tanks - Site Rehabilitation - Recovery of Expenses**

3 FOR the purpose of authorizing the Department of the Environment to recover from a  
4 responsible party or an insurer of a responsible party expenses incurred by the  
5 Department or the Oil Contaminated Site Environmental Cleanup Fund for the  
6 rehabilitation of an oil spill from an underground oil storage tank;and generally  
7 relating to expenses connected with the cleanup of an oil spill froman underground  
8 oil storage tank.

9 BY repealing and reenacting, without amendments,  
10 Article - Environment  
11 Section 4-701, 4-703(a), and 4-705(a)  
12 Annotated Code of Maryland  
13 (1993 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Environment  
16 Section 4-706  
17 Annotated Code of Maryland  
18 (1993 Replacement Volume and 1995 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Environment**

22 4-701.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) "Cleanup" means abatement, containment, removal, and disposal ofoil and  
25 the restoration of the environment.

26 (c) "Fund" means the Oil Contaminated Site Environmental Cleanup Fund.

27 (d) "Oil" has the meaning provided in § 4-401(g) of this title.

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1 (e) (1) "Site rehabilitation" means cleanup actions taken in response to a  
2 release from an underground oil storage tank.

3 (2) "Site rehabilitation" includes investigation, evaluation, planning, design,  
4 engineering, construction, or other services undertaken and expenses incurred to  
5 investigate or clean up affected soils, groundwater, or surface water.

6 (f) "Third party claim" means any civil action brought or asserted by any person  
7 against any owner or operator of any underground oil storage tank for damages to person  
8 or property which damages are the direct result of oil released from tanks covered under  
9 this subtitle.

10 (g) "Underground oil storage tank" has the meaning provided in § 4-401(k) of  
11 this title.

12 4-703.

13 (a) This subtitle may not be construed as altering the rights, responsibilities, or  
14 liabilities of a party responsible for the discharge of oil.

15 4-705.

16 (a) The owner or operator of an underground oil storage tank may apply to the  
17 Fund for reimbursement, on or after October 1, 1993, for usual, customary, and  
18 reasonable costs incurred on or after October 1, 1993 in performing site rehabilitation.

19 4-706.

20 (a) If the Department has assumed control of an oil spill situation involving an  
21 underground oil storage tank under this title, the Department may obtain from the Fund,  
22 on or after October 1, 1993:

23 (1) Reimbursement for usual, customary, and reasonable costs incurred in  
24 performing site rehabilitation;

25 (2) A guarantee of payment to a qualified contractor for the usual,  
26 customary, and reasonable costs of performing site rehabilitation; or

27 (3) Matching funds required under § 9003(h) of the Federal Solid Waste  
28 Disposal Act for the Federal Leaking Underground Storage Tank Program.

29 (b) The per occurrence deductible or limitation provided under § 4-705(b) of this  
30 subtitle does not apply to the reimbursement or guarantee to a contractor under this  
31 section.

32 (c) In order to encourage that site rehabilitation activities be undertaken by an  
33 owner, operator, or other person responsible for a discharge from an underground oil  
34 storage tank, any site rehabilitation costs incurred by the Department or the Fund under  
35 this [section] SUBTITLE shall be recoverable BY THE DEPARTMENT from:

36 (I) [the] THE responsible party [to the Fund]; OR

37 (II) AN INSURER OF THE RESPONSIBLE PARTY.

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1 (d) Recoveries collected under subsection (c) of this section shall be paid into the  
2 Fund.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 1996.