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## NOTICE

### UNDERGROUND STORAGE TANK - FINANCIAL RESPONSIBILITY PROGRAM STATUTORY REQUIREMENTS UPDATES

The Arizona Department of Environmental Quality (ADEQ) is posting this notice to inform affected entities of the following statutory requirement updates. Pursuant to Arizona Revised Statutes §49-1006.01, please be advised of the following.

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#### **INSURANCE MECHANISM – RETROACTIVE DATE – OWNER/OPERATOR RESPONSIBILITIES**

Before January 1, 2017 or on the insurance contract renewal date, whichever is earlier, an owner or operator that satisfies financial responsibility requirements through insurance shall have policy coverage that extends to one of the following:

- The date of the most recent baseline assessment conducted pursuant to section 49-1052 or comparable site characterization as determined by the department.
- The date of the underground storage tank system installation.
- The earliest retroactive coverage date of the previous insurance policy or alternative financial responsibility mechanism.

#### **INSURANCE CLAIM DENIALS – OWNER/OPERATOR RESPONSIBILITIES**

Beginning on January 1, 2016 and continuing for twenty-four months, if an owner or operator makes a claim against its insurance or an alternative financial responsibility mechanism for a release and its claim is denied or otherwise not paid, the owner or operator shall provide to the department a copy of the notice of denial or other evidence of nonpayment.

#### **INSURER RESPONSIBILITIES**

If the insurance used to meet the financial responsibility requirements of this chapter is terminated or not renewed, the insurer shall notify the department of the termination or nonrenewal within thirty days after the date of termination or nonrenewal. The notice to the department shall state the name and address of the insured, the date of termination or nonrenewal and the address of the facility that had been insured.

#### **DEPARTMENT ASSISTANCE**

The department shall assist an owner or operator in pursuing the owner's or operator's claim against the financial responsibility mechanism and obtaining coverage for a confirmed release from an underground storage tank system that is covered by the mechanism.

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#### **ADEQ UST PROGRAM INSURANCE CONTACT**

If you have any questions regarding this notice or the UST Financial Responsibility Program in general, please contact Amy Aeed at [ava@azdeq.gov](mailto:ava@azdeq.gov), by telephone at 602.771.4316 or toll free within the state of Arizona at 800.234.5677 extension 7714291.