

SENATOR WARNER: Mr. President, this amendment was...I developed a conversation, actually with one firm that was in my district that brought to my attention that they were having some problem with this and had already spent substantial money, and as this bill is written, no one would be able to benefit from the program until after the effective date of the act irregardless of what time the leaks occurred. What this amendment does, it makes eligible to qualify those who have had leaks found or discovered after the effective date of the act that was enacted in 1986. That's at that threshold the would become effective, that is they would become eligible to be affected by the legislation. In the...there are about 17, I understand around the state, that might be eligible if they meet the other thresholds that are required and another 15 are requiring long-term monitoring that might qualify if they meet the other thresholds. The other part of the provision though is that the reimbursement for any cleanup would only be for those cleanup that occurs after the effective date of the act. They would not be reimbursed for money that they had already spent for cleanup, but they would be...the equity issue it seems to me is that those areas where they have found a problem are eligible just since the state passed a law requiring it, they would be eligible just in the same fashion as those sites that were found after the passage of this bill and they are entitled to reimbursement for that cost if they meet all the thresholds as required in the bill, but only for those costs that will have been spent after the effective date of the act. They will not get reimbursed for things that they had already spent. As I indicated, there is a variety of locations, from my understanding from the Department of Environmental Control, that potentially might be eligible but in the one case that I know about it seemed to me that it was a particularly difficult one. This was a location which, in fact, did not have a leaky tank. They were putting in new tanks to comply with the law. They had the old tanks tested and there was no leakage. But then when they dug in for the new tanks that they found some old leakage, some that had occurred some time in the past, in all likelihood some 20 years or more before that, that they were not aware of, no one was aware of. And it seemed unjust to me that...it happened to be a co-op in my district, but it seemed unjust to me that because they were putting in new tanks to comply with the law, they did not have leaks but they knew they were to have to put them in sooner or later, were just being good citizens, all of a sudden because of unknown contamination were stuck with, potentially at least, stuck with substantial cost.