

problem at this point. But, if there's ideas out there that I haven't considered yet, I'm certainly open to those suggestions. To get back to Senator Schmit's question, he asked me about the elderly lady that we've been talking about and her situation. When we were debating this, I was back with Senator Morrissey and others, talking with Mike Linder and others from DEC about their situation, or her situation. And I think I inadequately represented to Senator Schmit that this particular case would be covered, because we're not sure, right now, how many gallons, because based upon the way the amendment was written, how many gallons she may have pumped over the previous year, when she might have had an action take place. There's a lot of questions in this case that I guess I would have to say rather than say, yes, she'll be covered, more of a situation of maybe to maybe no, because there's a lot of unanswered questions about the operation of her facility, when the complaint might have been filed, a lot of those things that I don't have information on right now to answer. So what I'd like to do is basically track what I said to Senator Schmit, because in that situation it's unclear whether she might be covered, because if she hasn't pumped at least 2,000 gallons in the course of a year, she may not be covered by the fund. If she has, and we don't have documentation right now to know if she has or not, then there's a potential that if she has then she might be covered, if she hasn't, then she may not be covered. So it's very unclear, dealing with this one isolated case, as to say whether or not they will be protected or not protected. I guess I'm going to retract my earlier statement and say that the chances are either from maybe to maybe no, depending on that circumstance and whether documentation can be proven as to whether she might have been covered. Although Senator Schmit is not here at the moment, I did want to clear that up.

PRESIDENT MOUL: Thank you, Senator Johnson. Senator Morrissey.

SENATOR MORRISSEY: Thank you, Madam President and members. I'd like to elaborate on what Senator Johnson was just speaking about and the situation with Mrs. Jeanneret in Brock. The way I understand the amendment, as written, upon determination by the department that a responsible person sold no less than 2,000 gallons of petroleum and no more than 250,000 gallons of petroleum during the calendar year immediately preceding the first report of the release, or stored less than 10,000, then they come under what we are now considering a less onerous provision, the first \$5,000 and 25 percent of the remaining cost