



935264

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/24/2014	.	
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The Committee on Appropriations (Hays) recommended the following:

Senate Amendment

Delete lines 621 - 638
and insert:
the date on which ~~that~~ the discharge occurred.

(c)1. The department may perform financial and technical audits in order to verify site restoration costs and ensure compliance with this chapter. The department shall seek recovery of any overpayment based on the findings of the audits. The department must begin an audit within 5 years after the date of



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11 payment for costs incurred at a facility, except in cases in
12 which the department alleges specific facts indicating fraud.

13 2. Upon determination by the department that any portion of
14 costs that have been paid from the fund is disallowed, the
15 department shall provide written notice to the recipient of the
16 payment specifying the allegations of fact that justify the
17 department's proposed action and ordering repayment of
18 disallowed costs within 60 days after receipt of such notice.

19 3. If the recipient does not make payment to the department
20 within 60 days after receipt of such notice, the department
21 shall seek recovery in a court of competent jurisdiction to
22 recover the overpayment, unless the department finds the amount
23 involved too small or the likelihood of recovery too uncertain.

24 4. In addition to the amount of the overpayment, the
25 recipient is liable to the department for interest of 1 percent
26 per month or the prime rate, whichever is less, on the amount of
27 the overpayment from the date of the overpayment by the
28 department until the recipient satisfies the department's
29 request for repayment pursuant to this paragraph. The accrual of
30 interest shall be tolled during the pendency of any litigation.

31 (d) Claims that accrued under former reimbursement or
32 preapproval programs are expressly preserved.

33 (e) ~~(e)~~ If the department initiates an enforcement action to
34 clean up a contaminated site and determines that the responsible
35 party cannot ~~is~~ financially unable ~~to~~ undertake complete
36 restoration of the contaminated site, that the current property
37 owner was not responsible for the discharge when the
38 contamination first occurred, or that the state's interest can
39 best be served by conducting cleanup, the department may enter



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40 into an agreement with the responsible party or property owner
41 whereby the department agrees to conduct site rehabilitation and
42 the responsible party or property owner agrees to pay for the
43 portion of the cleanup costs that are within such party's or
44 owner's financial capabilities as determined by the department,
45 taking into consideration the party's or owner's net worth and
46 the economic impact on the party or owner.