

## **§§ 89 – 96 & 114 — REVISIONS TO THE COMMERCIAL UNDERGROUND STORAGE TANK PROGRAM**

The bill revises the commercial Underground Storage Tank (UST) clean-up program. Major changes include:

1. authorizing an inspection program of commercial USTs, and permitting private licensed environmental professionals (LEPs) to evaluate USTs for compliance with the law and regulations;
2. authorizing the Department of Environmental Protection (DEP) to stop deliveries to, and operation of, non-compliant commercial USTs;
3. expanding the categories of people eligible for reimbursement from the UST account ("responsible parties");
4. allowing UST owners and operators to assign their claims;
5. requiring applicants to submit requests for reimbursement by certain deadlines, and to achieve remediation milestones;
6. requiring a compliance report before the board acts on a request for reimbursement, and allowing the commissioner to deny or reduce payment if she finds an applicant is not in compliance with UST regulations;
7. allowing the commissioner to create a price schedule that limits the amount the board can reimburse applicants for the costs of labor, equipment and material;
8. authorizing the UST review board, with an applicant's consent, to pay up to 90% of certain requested costs in exchange for a review of the claim within 90 days;
9. limiting the amount of legal fees the board may reimburse;
10. requiring LEP or DEP commissioner approval of expenditures made after October 1, 2005;
11. requiring UST owners and operators to reimburse the board if they receive payments for leaks from insurance or other sources;
12. authorizing the attorney general to recover damages from owners of property on which there is a leaking UST if certain conditions are met, and changing some of the conditions under which he may sue.

EFFECTIVE DATE: Upon passage

## ***Tank Inspection and Removal From Service (§ 89)***

The bill authorizes the commissioner to adopt regulations establishing inspection requirements for tanks for compliance with laws and regulations concerning their design, construction, installation and operation. She also may adopt regulations authorizing people to inspect them; to determine if violations that caused them to be removed from service have been fixed; barring deliveries to noncompliant tanks; and prohibiting tank owners or operators from placing a noncompliant tank back in service.

The inspection regulations must include requirements for the minimum frequency, method and content of inspections, the maintenance and disclosure of results, education and training requirement for inspectors, and address whether inspectors may be employed by the owner or operator of the tanks they inspect.

***Noncompliant USTs.*** The bill authorizes the DEP commissioner to require a tank owner or operator to (1) (a) pump out the tank and (b) place on it a plainly visible notice indicating it is not in compliance and cannot be used or accept deliveries, or (2) install a device that prohibits deliveries and renders the UST unusable. She may do so if she find that a tank (1) is not designed, built, installed or operated according to law or regulations; or (2) does not have, or operate, proper (a) release detection equipment or (b) overfill and spill protection measures or equipment. She cannot take such actions for violations solely of reporting or record-keeping requirements.

No one may deliver any product to a tank with such a notice or on which the commissioner has placed a disabling device until the commissioner or someone she authorizes determines the violation has been corrected. The UST owner or operator must ensure it does not dispense any product or receive deliveries, and people and towns must not remove, alter, deface or tamper with a notice or disabling device. By law, the DEP commissioner may fine violators up to \$ 25,000 a day.

The commissioner must provide the UST owner or operator with an opportunity for a hearing within two business days of placing a notice or disabling the UST. The hearing must deal only with the question of whether a violation occurred, and if it is continuing.

A UST may be returned to service only when the violation has been corrected to the satisfaction of the commissioner or a person authorized to make such a determination under the regulations the commissioner may adopt. The commissioner must determine if a violation has been corrected within 24 hours of receiving notice that such a correction has been made. If she fails to make a determination within 24 hours, and until she authorizes inspectors to make one, the UST owner or operator may return the UST to service if he provides the commissioner with a written affidavit (1) certifying he has corrected all violations and (2) fully describing all corrective action he has taken. He must provides this information the same day he returns the UST to service, or the next business day if the UST is returned to service on a weekend or holiday.

The commissioner may adopt regulations that establish additional or different requirements than the bill.

### ***Expanding who is Considered a Responsible Party (§ 90)***

Under current law, a “responsible party” is anyone, including the state, which owns or operates a UST from which a release occurred. The bill expands this definition for applications received before and after July 1, 2005.

For applications the board received between the bill's effective date to July 1, 2005, a responsible party is any person who owns or operates a tank from which a release or suspected release takes places. The bill defines person to include individuals, firms, partnerships, associations, syndicates, companies, trusts, corporations, LLCs, towns, state agencies and all other legal entities.

For applications for payment received by the board after July 1, 2005, the bill defines a responsible party as: any person who, at any time (1) owns, leases, uses, operates, or has an interest in a UST from which a leak or suspected leak occurred; or (2) owns, leases, uses or has an interest in property on which such a tank is located. These people are responsible parties whether or not they had such an interest in the tank or property when the leak occurred. Under the bill, a responsible party also includes anyone related to anyone in the first two groups through a family, contractual, corporate or financial relationship.

The bill does not affect any determination the board makes before July 1, 2005 about an applicant's status for reimbursement purposes.

### ***Reimbursement, Assignment, and Price Schedule Changes in Reimbursement (§ 91)***

By law, the commissioner may reimburse responsible parties and parties supplying goods or services for costs, expenses, and other obligations incurred as a result of leaks and suspected leaks, and the costs of their investigation. The bill authorizes the commissioner to also reimburse them for the costs of remediating leaks or suspected leaks. Under current law, the board may reimburse third parties for claims for bodily injury, property damage and damage to natural resources. The bill limits reimbursement for these claims to claims that have been finally adjudicated, or settled with the board's consent.

Under current law, the board may reimburse an applicant for the cost of remediating or monitoring to a level more strict than that established by DEP only if the commissioner directed him to. The bill requires that the commissioner's order be in writing.

Starting June 1, 2005, the bill prohibits the board from reimbursing claims for (1) lost property value or interest, and (2) attorneys' fees or other costs of legal representation (a) of more than \$ 5,000 to any responsible party (b) of more than \$ 10,000 to any other party, or (c) by a responsible party for defending against claims brought by another party.

***Assignment of Claims.*** Responsible parties may assign their claims. The bill authorizes the commissioner to pay assignees from the account, providing: (1) the assignor has not yet been paid, (2) the assignor directs the commissioner to pay the assignee on a form the commissioner approves, (3) the account does not bear any of the assignment costs, and (4) neither the state nor any state agency bears any liability with respect to the assignment.

***Pay for Performance Subaccount.*** The bill establishes a subaccount in the clean-up account called the “pay for performance subaccount. “ She may use this subaccount for a program to pay applicants who achieve environmental milestones or results, and may enter into contracts to implement the program.

***Application Deadlines.*** The bill creates deadlines by which applicants must request payment. An applicant whose initial application is received by the board before July 1, 2005 cannot submit any supplemental request after September 30, 2009. An applicant whose initial request is received by the board after July 1, 2005 has five years from the board's receipt of the request to submit any supplemental requests. These deadlines do not apply to requests for reimbursement for annual groundwater remediation, including the preparation of annual progress reports.

***Deadline Extensions.*** Under the bill, the above deadlines must be extended by six months if the board fails to decide on a request for payment within six months of receiving it. However, the deadline for a particular request cannot be extended by a total of more than two years. And if the commissioner determines a request was ready for a decision by the board but was not placed on its agenda because the board was unable to meet or act on it, the deadline can be extended only for the length of time the board was unable to meet or act.

***Insurance Coverage Reimbursement.*** Under the bill a person may apply to the board for reimbursement even if he has insurance or another agreement to reimburse him for costs incurred in response to a leak. But, he must (1) notify the board, in writing, of the payment or expected payment, and (2) repay the account all the money he receives from such other sources within 30 days of receiving these payments. Another provision of the bill allows for payment from the account only if the applicant's insurance or contract has been denied or is insufficient to cover the costs for which the applicant is seeking payment. If the board finds an applicant is seeking reimbursement from the account, and that the reimbursement is available to him from another source, it may impose any conditions it deems reasonable on the amount it pays from the account.

### ***Change in Board Responsibilities and Membership (§ 92)***

Under the bill, the board no longer reviews applications to determine if a release has occurred and the amount of damage it caused, but must decide whether to order reimbursement based on applicable laws and regulations affecting USTs.

Under current law the board includes a member representing the Connecticut Gasoline Retailers Association, appointed by the House minority leader. The bill replaces this member with a representative of the Gasoline and Automotive Services Dealers of America, Inc.

***Price Schedule (§ 93)*** The bill authorizes the commissioner to prepare a price schedule of the maximum or range of amounts the UST clean-up account will reimburse applicants for costs incurred as a result of a leak or suspected leak. The schedule is not to be considered a regulation subject to the Uniform Administrative Procedure Act. The amounts in the price schedule must be no more than the usual, customary and reasonable amounts charged for these services or materials, as determined by the commissioner. Once the commissioner adopts the schedule, the board cannot pay more for services or materials than the schedule allows. The prices set in the schedule may serve as a guide for costs paid or incurred before its adoption.

Anyone may ask the commissioner to adopt, revise or revoke the schedule. If the commissioner decides to do so, she must, after consulting with the board, publish notice of intent in a newspaper of substantial circulation in the affected area, and allow 30 days for submittal of written comments. The commissioner must then publish notice of the schedule's adoption, revision, or revocation in a newspaper of substantial circulation in the affected area. The bill bars the commissioner from having to review the price schedule more than once every two years, but authorizes her to do so more often if she believes it necessary. She may revise or revoke the schedule, in whole or in part. Once she adopts a schedule that includes a price for a particular service, the bill supersedes a regulatory requirement that applicants obtain three written bids for such a service. The bill requires LEPs to use a seal, as provided in regulations, to provide the required written approvals the bill requires.

### ***Claims and Notification (§ 94)***

By law, responsible parties who are not liable for a release may apply to the board for the costs of investigating the release. The bill authorizes them to also apply for the costs of remediation. Under current law, third parties who claim to have suffered damage or personal injury because of a release may apply to the board for reimbursement, if the responsible party (1) denies there was a release, or (2) does not apply to the board for payment of a claim.

The bill instead requires that a person who claims to have suffered bodily injury, property damage or damage to natural resources make a reasonable attempt to notify the responsible party in writing. If the claimant cannot provide such notice, or if the responsible party does not apply to the board for payment within 60 days of receiving the notice or such other time as the parties agree to, the third party may apply to the board for payment.

***Prior Written Approval of Claims.*** The bill requires prior written approval of claims made for payment for the costs of labor and materials provided after October 1, 2005, and for services and activities begun after that date. For such costs that total \$ 250,000 or less, the board cannot order payment unless the commissioner or an LEP has given written approval. For such costs exceeding \$ 250,000, the commissioner must give written approval or authorize, in writing, an LEP to give written approval. The applicant must submit the required written approvals with his request for payment.

The fees an LEP charges may be (1) established in the price schedule the commissioner devises, and (2) included in an applicant's request for reimbursement. Providing it is true and accurate, the LEP must submit the following statement concerning any approval he gives: "I hereby agree that all of the labor, equipment, materials, service and activities described in or covered by this certification was appropriate under the circumstances to abate an emergency or was performed as part of a plan specifically designed to ensure that the release or suspected release is or has been investigated in accordance with prevailing standards and guidelines and remediated consistent with and to achieve compliance with the remediation standards adopted under section 22a-133k. "

***Conditions for the Board to Order Reimbursement.*** Under current law, the board reimburses responsible parties and others (third parties) who suffer damage or personal injury because of a UST leak. The board must order reimbursement when these applicants meet certain conditions. The bill modifies some of the conditions and adds new ones.

It eliminates a requirement that the board find a leak to be the proximate cause of the damage for which reimbursement is sought. The board must instead find that the expense for which reimbursement is sought is reasonable, and that the applicant has not violated certain notification or compliance provisions.

Under current law, a responsible party must notify the board of (1) a release as soon as practicable, and (2) any resulting third-party claim. The bill instead requires responsible parties to notify the commissioner of a release according to regulations or as soon as practicable, and to notify the board as soon as practicable of any claim made by someone other than a responsible party resulting from the release.

The board must determine what, if any, reductions should be made to the amount sought, based on the compliance evaluations the bill requires.

The board must also find that the responsible party has completed a milestone the bill establishes. If there is no operating UST on the property when a request for payment is made, the board must find that the leak was not caused by (1) failing to comply with UST laws and regulations, or (2) reckless, willful, wanton or intentional act or omission, or negligence that constitutes noncompliance with UST laws or regulations.

Under the bill, the person seeking reimbursement must show that:

- he did not remediate the UST to a more stringent standard than DEP requires, except at the commissioner's written direction;
- he does not have insurance, or a contract or other agreement to provide payment or reimbursement for costs, or that such insurance or contract has been denied or is insufficient to cover the costs for which the applicant is seeking payment.

The bill requires the board to reimburse a third party who suffered bodily injury, property damage or damage to natural resources as the result of a leak, if such a party can show (1) the cost was incurred after July 5, 1989, (2) the responsible party is subject to federal UST laws requiring financial responsibility, (3) the remediation for which reimbursement is sought is no more stringent than remediation standards require, unless the commissioner has directed the responsible party otherwise in writing; and (4) the responsible party does not have insurance or another agreement to pay the requested costs, or the insurance has been denied or is insufficient. The board must also determine that the party seeking damages (1) has suffered bodily injury, property damage, or damage to natural resources, (2) the costs are reasonable, (3) the party submitting them has provided or tried to provide written notice of its claim to the responsible party, and (4) the responsible party has not asked the board to pay the claim.

**Compliance Evaluations.** Under the bill, for applications received starting January 1, 2006 where a UST is dispensing oil at the time of a request, the board cannot consider an initial or supplemental request for payment unless it includes a summary of the compliance status of all tanks on the applicant's property.

The compliance summary must be prepared by an independent consultant on a form the commissioner accepts or prepares. It must include an evaluation of compliance with regulations concerning the design, construction, installation, notification, general operating, release detection, system upgrading, abandonment and removal date requirements. The consultant must base the summary on an evaluation conducted no more than 180 days before the board receives the payment request, except for the evaluation of record-keeping, monitoring or testing, which must be based on a one-year period ending not more than 180 days before the board receives an application. The summary must fully describe all steps taken to correct any noncompliance the evaluation identified.

The above provisions apply to initial applications received after January 1, 2006, and to supplemental applications submitted after that date, regardless of when the initial application was submitted. However, the board cannot require a compliance summary in a supplemental request if a request submitted in the prior year included one.

The board may reimburse an applicant a maximum of \$ 1,000 per evaluation for the cost of hiring an independent consultant to perform a compliance evaluation, provided the evaluation is conducted according to law and includes all USTs on the property. If the price schedule the commissioner adopts includes an amount for performing a compliance evaluation, the amount eligible will be the amount the schedule prescribes.

The bill does not affect any board decision to deny reimbursement or provide only partial payment from the account. The board cannot reconsider or reevaluate such a decision.

If there is no UST dispensing oil when an application is submitted, such application must show the leak was not caused by (1) failing to comply with UST laws and regulations, or (2) reckless, willful, wanton or intentional conduct or negligence constituting noncompliance with UST laws or regulations, regardless of whether a previous application provided such information. This provision does not apply to a request for annual groundwater remediation actions, including the preparation of a groundwater remedial action progress report.

***Reduction of Reimbursements.*** The bill authorizes the board to reduce payments if the compliance summary shows the applicant failed to fully correct a violation when he requests payment. The board may completely disallow the payment if the applicant did not (1) meet tank or piping construction requirements, or (2) properly report a leak. It may reduce the payment by 75% if it finds the applicant did not have proper (1) cathodic protection, (2) spill or overfill prevention, or (3) release detection. The board also may reduce payments for other violations of UST laws or regulations. In addition, the commissioner can take other enforcement actions against someone who failed to comply with applicable laws or regulations regarding ownership or operation of a UST.

***Deadline Extension For Request For Payment.*** Under current law, the board cannot order payment from the account for work performed or services provided after October 1, 2004 unless it receives an application or preauthorization request within 180 days of the time the work was performed or material provided. The bill changes the deadline to one year after the completion of most or all of the work needed to prepare the plan or report required by the milestones the bill creates.

Current law prohibits the board from ordering payment for preauthorized work or services performed or provided before October 1, 2004 unless it received an application or preauthorization request by April 1, 2005. The bill instead allows the board to order such payment if it received an application or any submission regarding preauthorized work, services or material by that date.

***Attorney General's Actions for Damages.*** The bill expands the attorney general's power to sue for certain damages. Under current law the attorney general may, at the board's request, file suit in Hartford Superior Court to recover damages from responsible parties. The bill authorizes the DEP commissioner to also make such a request. It allows actions against anyone who (1) owns or operates the UST when the leak occurs, or (2) owns the land where the UST is located at the time or after the leak occurred until a final remedial action report is submitted and approved as the bill provides. The bill changes several of the conditions under which the attorney general may sue such people:

- Under current law, the attorney general may sue if the responsible party knowingly and intentionally failed to notify the commissioner of a leak, and the leak was the result of the responsible party's reckless, willful, wanton or intentional conduct. The bill instead authorizes the attorney general to sue where the leak resulted from any person's reckless, willful, wanton or intentional act or omission, or negligence that constitutes noncompliance with UST laws and regulations.
- Current law authorizes the attorney general to sue in cases where a UST leaked as a direct result of its non-compliance with either a commissioner's order or UST laws and regulations. The bill eliminates the need for the attorney general to prove that noncompliance was the direct cause of the leak, but limits lawsuits to instances of noncompliance with a final order of the commissioner or a final judgment of a court.
- Under the bill, the attorney general cannot bring a legal action unless the board paid money from the account to a party (including the commissioner) other than the person being sued.
- The bill allows the commissioner, as well as the board, to recover all payments made from the account and by the commissioner concerning the leak or suspected leak, interest on the payments at an annual rate of 10%, and the costs of recovering the payments, including reasonable attorneys' fees.
- The bill bars anyone whom the attorney general has sued, or to whom the commissioner has sent a demand letter, from requesting reimbursement for the amount the attorney general or commissioner is seeking, and prohibits the board from acting on such a request.

***Hearings on Board Decisions.*** Current law requires that the board render a decision on an application from a responsible or third party within 90 days of an initial request and 45 days of a subsequent request. It requires the board to hold a hearing when one is requested by the commissioner or a party aggrieved by the board's decision. The bill requires the board to notify all parties, rather than just the applicant or responsible party, if it has affirmed or modified its decision following a hearing. The bill bars an applicant from resubmitting a request for payment if he did not request a hearing after the board issued its decision.

***Refusal of Responsible Party to Pay Third Party Claim for Deductible.*** By law, responsible parties must pay the first \$ 10,000 of clean-up expenses. Third parties are not required to pay this deductible. With certain exceptions, responsible parties and third parties are responsible for costs in excess of \$ 1 million. The bill eliminates a provision authorizing the commissioner, at the board's direction, to pay the first \$ 10,000 of third party claims directly to a third party claimant if the responsible party (1) refused to do so, and (2) did not pay the \$ 10,000 deductible. Under current law, the board can seek to recover this money.

***Discounted Payments.*** The bill authorizes the board to speed up consideration of a request for payment for certain activities, costs or expenses in return for paying less than the full amount when considering a supplemental application or request for payment based on an initial application it received before June 1, 2005 and found eligible for payment.

Under the bill, the commissioner may identify categories of activities that cost less than \$ 100,000 for which the board may approve payments of less than the full amount in return for expediting a decision on reimbursement. In making her recommendation to the board, the commissioner must consider amounts previously paid, and other information she believes relevant. The board may approve payments of up to 90% of the average amount previously paid for these categories.

The board can approve or disapprove, but not modify, payment of the percentage the commissioner recommends. This apparently refers to both the percentage agreed to in an individual case and to a percentage recommended for a particular category of activities. The commissioner also may recommend changing any percentage the board previously approved.

A party who agrees to accept a percentage approved by the board must do so in writing. He must sign the acceptance and acknowledge he is agreeing to accept less than the full amount requested. He must use any forms the commissioner prescribes. The board has 90 days from receiving the applicant's acceptance to determine whether to order payment from the account for the specified activity. It must only consider whether the costs are those for which the board has approved payment of a percentage.

The percentage the board pays is considered full payment, and the applicant cannot seek additional reimbursements for such costs. The categories or activities the commissioner identifies may represent all or a portion of the amount sought in a supplemental application.

Under the bill, an applicant who notifies the commissioner of a leak according to regulations she adopts is considered to also have notified the board.

### ***Milestones (§ 95)***

For applications the board receives starting October 1, 2005, the board can reimburse an applicant only when he meets a milestone the bill creates. Six of the seven milestones require one report. For the seventh milestone, annual groundwater remediation progress reports, the bill allows a responsible party to file a maximum of four requests for payment per year. The milestone requirements apply to applications received as of October 1, 2005 regardless of when the release or suspected release took place, whether action has been taken in response to the release, or whether prior applications have been submitted to the board. The bill authorizes the commissioner to adopt

regulations establishing these or other milestones, including milestones that differ from those in the bill. The milestones set out in regulation will supplant those in statute upon adoption of the regulations.

The milestones are:

- A “Release Response Report,” prepared by an LEP and submitted to the commissioner, describing:

1. all initial response actions taken to prevent a release and to mitigate a resulting explosion, fire or other safety hazard;

2. the results of an initial site investigation that determines the presence and extent of free product from the release, the potential for or existence of groundwater pollution that threatens the quality of drinking water wells, and whether the release threatens the public health;

3. all interim actions taken and proposed to:

- a. remove such free product to the extent technically practicable;

- b. provide potable water to anyone whose drinking water has been polluted by the release to a level above the groundwater protection criteria or above a level the public health commissioner determines poses an unacceptable risk of injury to people drinking the water or using it for other personal or domestic uses, whichever is more stringent; and

- c. mitigate any public health risk from polluted soil vapor or indoor air resulting from the release.

The following reports must be approved in writing by (1) the commissioner, or (2) an LEP and submitted to the commissioner.

- An “Interim Remedial Action Report” describing in detail all remedial action taken to:

1. remove free product to the maximum extent technically practicable;

2. ensure that all people whose drinking water was polluted by the release have been provided potable water; and

3. ensure that soil vapors that pose a public health risk are prevented from migrating into any buildings overhead.

An “Investigation Report and Remedial Action Plan,” including a detailed description of an investigation that determines the existing and potential extent and degree of soil, surface water, soil vapor and groundwater pollution, on and off-site, resulting from the release, and describing all actions proposed to remediate soil, surface water, air or groundwater polluted by the release according to regulations governing remediation of hazardous waste sites.

A “Soil Remedial Action Report” describing in detail the extent of soil pollution resulting from the release, all remedial actions taken to abate such soil pollution, and all documentation that

demonstrates that such soil pollution has been remediated according to regulations regarding remediation of hazardous waste sites.

A "Groundwater Remedial Action Progress Report" including a detailed description of the remedial actions, the results of groundwater monitoring or any other monitoring conducted, an analysis of the effectiveness of the remedial actions, and a proposal for any changes in the groundwater remedial actions and monitoring that may be needed to comply with the hazardous waste site remediation regulations. This report may only be submitted after the completion of all construction needed to implement the approved groundwater remedial actions, and the actions have been operating and monitored for one year.

An "Annual Groundwater Remedial Action Progress Report," including a detailed description of the remedial actions, the results of groundwater or any other monitoring conducted for the year covered by the report, an analysis of the effectiveness of the remedial actions, and a proposal for any changes in the remedial actions and monitoring that may be needed to comply with the hazardous waste remediation regulations. A responsible party may submit to the board up to four separate applications or requests for payment or reimbursement per calendar year for costs, expenses or obligations paid or incurred concerning annual groundwater monitoring or compliance.

A "Final Remedial Action Report" documenting the release has been investigated according to prevailing standards and guidelines, and that the soil, surface water, groundwater and air polluted by the release has been remediated according to the hazardous waste remediation regulations.

The commissioner may adopt regulations establishing these or other milestones for investigation and remediation of releases and suspected releases. The milestones set out in regulation will supplant those in statute upon adoption of the regulations.

### ***Application Processing Plan (§ 96)***

Within 180 days of the bill's passage, the commissioner, after consulting with the board, must develop and implement a plan to process applications submitted to the board, emphasizing applications submitted before June 30, 2005. The plan may include expedited procedures for processing certain categories of applications, identifying, providing notice and processing incomplete applications, and helping applicants complete their applications. The commissioner must update the board regarding the plan's implementation every six months until July 31, 2007, and must, by that date, prepare a report, apparently for the board, describing (1) progress in processing applications submitted before June 30, 2005; (2) estimated results achieved by using the new procedures, (3) the number of pending applications, and (4) her recommendations for improving the application process. The commissioner must seek public comment before implementing the plan.

***Repeal of UST Application Moratorium (§ 114)*** By law, the Underground Storage Tank Review Board could not accept applications for reimbursement between September 1, 2003 and June 8, 2004. Under current law, the moratorium on applications resumes July 1, 2005 and ends October 1, 2005. The bill repeals those moratoria, allowing the board to consider applications submitted during those periods.