

BILL ANALYSIS

Senate Research Center

H.B. 2815
By: Junell (Brown)
Natural Resources
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Engrossed

DIGEST

Currently, under Texas law, petroleum storage tanks had to be upgraded with certain environmental controls by December 22, 1998. However, the law does not prohibit motor fuels distributors from depositing regulated substances into a non-compliant tank. This bill would require the Texas Natural Resource Conservation Commission to require an owner or operator of an underground storage tank to complete an annual tank compliance certification form, and provides civil and criminal penalties for certain violations.

PURPOSE

As proposed, H.B. 2815 requires the Texas Natural Resource Conservation Commission to require an owner or operator of an underground storage tank to complete an annual tank compliance certification form, and provides civil and criminal penalties for certain violations.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.342, Water Code, to define "operator." Makes conforming changes.

SECTION 2. Amends Sections 26.346(a) and (c), Water Code, to require the Texas Natural Resource Conservation Commission (TNRCC) to require an owner or operator of an underground storage tank complete an annual underground storage tank compliance certification form. Requires TNRCC to issue a registration and compliance confirmation certificate that includes the responsibility of the owner and operator of an underground storage tank to accurately complete the part of the registration form pertaining to the certification of compliance with underground storage tank administrative requirements and technical standards.

SECTION 3. Amends Chapter 26I, Water Code, by adding Sections 26.3465 and 26.3467, as follows:

Sec. 26.3465. FAILURE OR REFUSAL TO PROVIDE PROOF OF REGISTRATION OR CERTIFICATION OF COMPLIANCE. Provides that an owner or operator of an underground storage tank who fails or refuses to provide, on request of TNRCC, proof of registration of, or certification of compliance for, an underground storage tank is liable for a civil penalty under Chapter 7D.

Sec. 36.3467. SELLER'S DUTY TO ENSURE CERTIFICATION OF TANK BEFORE DELIVERY. Requires the seller of a regulated substance that is being deposited into an underground storage tank to ensure that a certificate of compliance has been issued for the specific underground storage tank into which the substance is to be deposited before ordering a contract or common carrier to deliver the regulated substance into the underground storage tank. Provides that a person who violates this section commits an offense that is punishable as provided by Section 7.156 for an offense under that section.

SECTION 4. Amends Section 7.156, Water Code, by adding Subsection (c), to provide that person commits a Class A misdemeanor if the person deposits or has deposited any regulated substance into an underground storage tank regulated under Chapter 26 unless the underground storage tank has been issued a valid, current underground storage tank registration and certificate of compliance form under Section

26.346. Makes conforming changes.

SECTION 5. Amends Chapter 7E, Water Code, by adding Section 7.1565, as follows:

Sec. 7.1565. PRESUMPTION. Requires the receipt of a registration to be considered prima facie evidence of compliance with this section, if, in the exercising of good faith, a person depositing, or causing to be deposited, a regulated substance into an underground storage tank regulated under Chapter 26 receives the registration and certificate of compliance for that underground storage tank under Section 26.346.

SECTION 6. Amends Sections 26.3512(g)-(j), Water Code, to condition the amount that an owner or operator is required to pay for corrective action taken by TNRCC relating to the groundwater protection cleanup program on whether the owner or operator's corrective action was approved by TNRCC by June 23, 1998, rather than December 23, 1997. Conditions the amount that an owner or operator is required to pay for corrective action taken by TNRCC relating to the groundwater protection cleanup program on whether the owner or operator has met the goals of a corrective plan approved by TNRCC before December 23, 1999, rather than 1998. Makes conforming changes.

SECTION 7. Amends Section 26.35731, Water Code, by adding Subsection (c), to require TNRCC to send a fund payment report to the owner or operator of a petroleum storage tank system that is seeking reimbursement by a certain date.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.