

BILL ANALYSIS

Senate Research Center
78R2321 MI-F

H.B. 755
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

The trucking industry, involved in transporting petroleum products in bulk, is required by law to police the certification of underground storage tanks to which they are delivering. This program, known as the petroleum storage tank program, is designed to reduce or eliminate pollution to underground water.

Tank owners are required to certify that their tanks are in compliance, a process that must be renewed each year. A current certification must be provided to the tank truck driver prior to unloading into the underground tank. The certification can also be verified by checking the physical location on the Texas Commission on Environmental Quality (TCEQ) web site. The information on this site is updated on a weekly basis.

Penalties are assessed on motor carriers found depositing products into a non-certified tank. However, these violations are primarily the result of delayed paperwork filings with TCEQ, either the application for self-certification or the renewal of that certification. Additionally, motor carriers deliver a great deal of the petroleum products at night when the stores are closed and verification is not possible.

H.B. 755 restricts punishment for this offense to only those who knowingly violate the law and not those that violate the law through circumstances beyond their control.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.3467(b), Water Code, to provide that a person who knowingly violates, rather than who violates, Subsection (a) commits an offense that is punishable as provided by Section 7.156 (Violation Relating to Underground Storage Tank) for an offense under that section.

SECTION 2. Effective date: September 1, 2003.

SECTION 3. (a) and (b) Make application of this Act prospective.