

BILL ANALYSIS

Senate Research Center
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H.B. 3554
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently the fee supporting the petroleum storage tank remediation program is scheduled to expire at the end of the 2007 fiscal year. However, obligations to the fund continue, including support for the state-lead program administered by the Texas Commission on Environmental Quality (TCEQ) and implementation of the regulatory component of the program. The fee and remediation program sites eligible for reimbursement can transfer to the state-lead program with the approval of the executive director of TCEQ.

H.B. 3554 extends the expiration date of the petroleum storage tank state-lead program in its current form with one-third of the current fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality and is modified in SECTION 1 (Section 26.351, Water Code) of this bill.

SECTION BYSECTION ANALYSIS

SECTION 1. Amends Section 26.351, Water Code, by amending Subsections (a) and (f) and adding Subsection (i), as follows:

(a) Requires the Texas Commission on Environmental Quality (TCEQ) to use risk-based corrective action, rather than adopt rules establishing the requirements, for taking corrective action in response to a release from an underground or aboveground storage tank.

(f) Requires the person performing corrective action under this section, if the release was reported to TCEQ on or before December 22, 1998, to submit a site closure request to the executive director no later than September 1, 2011, rather than September 1, 2007, for sites that require either a corrective action plan or groundwater monitoring, have met all other deadlines under this subsection, and have submitted annual progress reports that demonstrate progress toward meeting closure requirements.

(i) Requires TCEQ by rule to define "risk-based corrective action" for purposes of this section.

SECTION 2. Amends Sections 26.3573(r-1) and (s), Water Code,

(r-1) Redefines "state-lead program." Authorizes the petroleum storage tank remediation account to be used to reimburse an eligible owner or operator for corrective action performed under an extension before August 31, 2011, rather than 2007. Authorizes an eligible owner or operator who is granted an extension to apply to TCEQ in a certain manner to have the site subject to corrective action placed in the state-lead program not later than July 1, 2011, rather than 2007.

(s) Prohibits the petroleum storage tank remediation account from being used to reimburse any person for corrective action contained in a reimbursement claim filed with the commission after March 1, 2012, rather than March 1, 2008.

SECTION 3. Amends Section 26.3574(b), Water Code, to require each operator of a bulk facility on withdrawal from bulk of a petroleum product to collect from the person who orders the withdrawal a fee in an amount determined by a certain method.

SECTION 4. Amends Sections 26.358(d) and (g), Water Code, as follows:

(d) Authorizes, rather than requires, TCEQ to impose an annual facility fee on a facility that operates one or more underground or aboveground storage tanks if the fee charged under Section 26.3574 is discontinued.

(g) Requires TCEQ to collect any fees imposed under this section on dates set by TCEQ rule.

SECTION 5. Amends Section 26.361, Water Code, as follows:

Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM. Provides that the reimbursement program established under this subchapter (Underground and Aboveground Storage Tanks) expires September 1, 2012, rather than September 1, 2008, notwithstanding any other provision of this subchapter. Prohibits TCEQ from using money from the petroleum storage tank remediation account to reimburse an eligible owner or operator for any expenses of corrective action or to pay the claim of a person who has contracted with an eligible owner or operator to perform corrective action on or after September 1, 2012, rather than September 1, 2008.

SECTION 6. (a) Effective date, Section 26.3573(r-1), Water Code, as amended by this Act: upon passage or August 27, 2007.

(b) Effective date: September 1, 2007, except as provided by Subsection (a) of this section.