

BILL ANALYSIS

H.B. 755
By: Chisum
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The trucking industry, involved in transporting petroleum products in bulk, is required by law to police the certification of underground storage tanks they are delivering to. 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.

The purpose of H.B. 755 is to restrict 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

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 755 adds language restricting punishment to only those who knowingly violate the law under Section 26.3467 (b), Water Code. The changes in the law apply to offenses committed on or after September 1, 2003. Any offense committed before September 1, 2003 is punishable under the original law.

EFFECTIVE DATE

September 1, 2003