

Amend **CSHB 1987** (House committee printing) as follows:

(1) Add the following appropriately numbered sections to the bill and renumber the subsequent sections accordingly:

SECTION _____. Section 7.156(c), Water Code, is amended to read as follows:

(c) A person commits an offense if the person is an owner or operator of an underground [~~underground~~] storage tank regulated under Chapter 26 into which any regulated substance is delivered [~~or physically delivers 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 under Section 26.346.

SECTION _____. Section 26.351(f), Water Code, is amended to read as follows:

(f) The person performing corrective action under this section, if the release was reported to the commission on or before December 22, 1998, shall meet the following deadlines:

(1) a complete site assessment and risk assessment (including, but not limited to, risk-based criteria for establishing target concentrations), as determined by the executive director, must be received by the agency no later than September 1, 2002;

(2) a complete corrective action plan, as determined by the executive director and including, but not limited to, completion of pilot studies and recommendation of a cost-effective and technically appropriate remediation methodology, must be received by the agency no later than September 1, 2003. The person may, in lieu of this requirement, submit by this same deadline a demonstration that a corrective action plan is not required for the site in question under commission rules. Such demonstration must be to the executive director's satisfaction;

(3) for those sites found under Subdivision (2) to require a corrective action plan, that plan must be initiated and proceeding according to the requirements and deadlines in the approved plan no later than March 1, 2004;

(4) for sites which require either a corrective action

plan or groundwater monitoring, a comprehensive and accurate annual status report concerning those activities must be submitted to the agency;

(5) for sites which require either a corrective action plan or groundwater monitoring, all deadlines set by the executive director concerning the corrective action plan or approved groundwater monitoring plan shall be met; and

(6) 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, a site closure request must be submitted to ~~[requests for all sites where]~~ the executive director ~~[agreed in writing that no corrective action plan was required must be received by the agency]~~ no later than September 1, 2007 ~~[2005]~~. The request must be complete, as judged by the executive director.

(2) On page 2, line 20, strike "(r) and" and substitute "(d), (r), and".

(3) On page 2, between lines 21 and 22, insert the following:

(d) The commission may use the money in the petroleum storage tank remediation account to pay:

(1) necessary expenses associated with the administration of the petroleum storage tank remediation account and the groundwater protection cleanup program~~[, not to exceed an amount equal to: 11.8 percent of the gross receipts of that account for FY02/03, 16.40 percent of the gross receipts of that account for FY04/05, and 21.1 percent of the gross receipts of that account for FY06/07]~~;

(2) expenses associated with investigation, cleanup, or corrective action measures performed in response to a release or threatened release from a petroleum storage tank, whether those expenses are incurred by the commission or pursuant to a contract between a contractor and an eligible owner or operator as authorized by this subchapter; and

(3) subject to the conditions of Subsection (e) ~~[of this section]~~, expenses associated with investigation, cleanup, or

corrective action measures performed in response to a release or threatened release of hydraulic fluid or spent oil from hydraulic lift systems or tanks located at a vehicle service and fueling facility and used as part of the operations of that facility.