

By: Hilderbran

H.B. No. 2586

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that a pipeline operator report contamination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 118, Natural Resources Code, is amended by adding Section 118.006 to read as follows:

Sec. 118.006. CONTAMINATION REPORT. (a) If an operator to which Section 188.001 applies observes or detects in the process of the placement, repair, replacement, or maintenance of a pipeline, any petroleum based contamination of soil or water in proximity to the pipeline, the operator shall file a report and summary of such observation with the commission and the landowner within 24 hours of the observation.

(b) When contamination is discovered, the operator shall allow the excavation to remain open for a minimum of two business days.

(c) If the commission or the Texas Commission on Environmental Quality does not withdraw a soil sample within two business days of the discovery of the contamination, the operator shall obtain a sample of the contaminated soil or groundwater and provide it to an accredited laboratory to test:

(i) total petroleum hydrocarbons, and

(ii) benzene.

(d) Results from the test required under subsection (c)

1 shall be submitted to the commission.

2 (e) An operator that files a contamination report under this
3 section is released from all liability to the state for the cleanup
4 of contamination covered by the report, except for any
5 contamination caused by the operator.

6 SECTION 2. Section 118.006(e), Natural Resources Code, as
7 added by this Act, is an exercise of authority under Section 66(c),
8 Article III, Texas Constitution, and takes effect only if this act
9 receives a vote of three-fifths of all the members elected to each
10 house, as provided by Subsection (e) of that section.

11 SECTION 3. This Act takes effect September 1, 2005.