

By: Armbrister

S.B. No. 485

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of underground and aboveground storage
3 tanks.

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

5 SECTION 1. Section 26.342, Water Code, is amended by adding
6 Subsection (16-a) to read as follows:

7 (16-a) "Subsurface soil" does not include backfill or
8 native material that is placed immediately adjacent to or
9 surrounding an underground storage tank system when the system is
10 installed or the system's individual components are replaced.

11 SECTION 2. Section 26.3467(a), Water Code, is amended to
12 read as follows:

13 (a) The owner or operator of an underground storage tank
14 into which a regulated substance is to be deposited shall provide
15 the person responsible for depositing the regulated substance into
16 the underground storage tank [~~common carrier~~] a copy of the
17 certificate of compliance for the specific underground storage tank
18 into which the regulated substance is to be deposited before
19 accepting delivery of the regulated substance into the underground
20 storage tank. A person responsible for depositing a regulated
21 substance into an underground storage tank may comply with this
22 subsection by obtaining a dated copy of the certificate from the
23 commission's Internet website.

24 SECTION 3. Section 26.355(b), Water Code, is amended to

1 read as follows:

2 (b) An owner or operator of an underground or aboveground
3 storage tank from which a regulated substance is released is liable
4 to the state unless:

5 (1) the release was caused by:

6 (A) [~~(1)~~] an act of God;

7 (B) [~~(2)~~] an act of war;

8 (C) [~~(3)~~] the negligence of the State of
9 Texas or the United States; or

10 (D) [~~(4)~~] an act or omission of a third
11 party; or

12 (2) the site at which the release occurred has been
13 admitted into the petroleum storage tank state-lead program under
14 Section 26.3573(r-1).

15 SECTION 4. Section 26.3573, Water Code, is amended by
16 amending Subsections (r) and (s) and adding Subsection (r-1) to
17 read as follows:

18 (r) Except as provided by Subsection (r-1), the [~~The~~]
19 petroleum storage tank remediation account may not be used to
20 reimburse any person for corrective action performed after
21 September 1, 2005.

22 (r-1) The executive director shall grant an extension for
23 corrective action reimbursement to a person if the person
24 demonstrates to the executive director that the person has
25 diligently and in good faith attempted to complete all corrective
26 action by September 1, 2005. The petroleum storage tank
27 remediation account may be used to reimburse a person for

1 corrective action performed under an extension before September 2,
2 2007. If a person who is granted an extension for corrective action
3 reimbursement is not able to complete the corrective action by
4 September 1, 2007, despite a good faith effort, the executive
5 director by order shall place the site subject to the corrective
6 action in the commission's petroleum storage tank state-lead
7 program until the corrective action is completed to the
8 satisfaction of the commission.

9 (s) The petroleum storage tank remediation account may not
10 be used to reimburse any person for corrective action contained in a
11 reimbursement claim filed with the commission after March 1, 2008
12 [~~2006~~].

13 SECTION 5. Section 26.361, Water Code, is amended to read as
14 follows:

15 Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM.
16 Notwithstanding any other provision of this subchapter, the
17 reimbursement program established under this subchapter expires
18 September 1, 2008 [~~2006~~]. On or after September 1, 2008 [~~2006~~], the
19 commission may not use money from the petroleum storage tank
20 remediation account to reimburse an eligible owner or operator for
21 any expenses of corrective action or to pay the claim of a person
22 who has contracted with an eligible owner or operator to perform
23 corrective action.

24 SECTION 6. This Act takes effect September 1, 2005.