

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3554
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Natural Resources
5/17/2007
Committee Report (Substituted)

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.

C.S.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 previously granted to the Texas Commission on Environmental Quality is removed in SECTION 1 (Section 26.351, Water Code) of this bill

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

SECTION BY SECTION 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(d), (e), (r-1) and (s), Water Code, as follows:

(d) Authorizes TECQ to use the money in the petroleum storage tank remediation account to pay for certain expenses, including expenses associated with assuring compliance with TECQ's applicable underground or aboveground storage tank administrative and technical requirements, including technical assistance and support, inspections, enforcement, and the provision of matching funds or grants. Makes a conforming change.

(e) Authorizes TECQ to transfer from the petroleum storage tank remediation account to the waste management account an amount equal to the amounts authorized under

Subsection (d)(1) and (4), rather than Subsection (d)(1), subject to the requirements of those subsections, rather than that subsection, to consolidate appropriations.

(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, as follows:

(b) Requires each operator of a bulk facility on withdrawal from bulk of a petroleum product to collect from the person who orders the withdrawal a certain fee in an amount determined by certain methods as set forth in this subsection. Deletes existing text related to certain fee amounts.

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

(d) 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.

(f) Provides that the amount of an annual fee that TECQ is authorized to impose on a facility under Subsection (d) is equal to the amount set by TECQ for each aboveground storage tank and for each underground storage tank operated at the facility. Deletes existing text relating to the maximum annual fee that TECQ is authorized to impose on a facility.

(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.