

SENATE AMENDMENTS

2nd Printing

By: Isett

H.B. No. 3554

A BILL TO BE ENTITLED

AN ACT

relating to the program for the regulation and remediation of
underground and aboveground storage tanks.

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

SECTION 1. Section 26.351, Water Code, is amended by
amending Subsections (a) and (f) and adding Subsection (i) to read
as follows:

(a) The commission shall use risk-based corrective action
~~[adopt rules establishing the requirements]~~ for taking corrective
action in response to a release from an underground or aboveground
storage tank. Corrective action may include:

(1) site cleanup, including the removal, treatment,
and disposal of surface and subsurface contamination;

(2) removal of underground or aboveground storage
tanks;

(3) measures to halt a release in progress or to
prevent future or threatened releases of regulated substances;

(4) well monitoring, taking of soil borings, and any
other actions reasonably necessary to determine the extent of
contamination caused by a release;

(5) providing alternate water supplies; and

(6) any other action reasonably necessary to protect
the public health and safety or the environment from harm or
threatened harm due to releases of regulated substances from

1 underground or aboveground storage tanks.

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

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

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

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

23 (4) for sites which require either a corrective action
24 plan or groundwater monitoring, a comprehensive and accurate annual
25 status report concerning those activities must be submitted to the
26 agency;

27 (5) for sites which require either a corrective action

1 plan or groundwater monitoring, all deadlines set by the executive
2 director concerning the corrective action plan or approved
3 groundwater monitoring plan shall be met; and

4 (6) for sites that require either a corrective action
5 plan or groundwater monitoring, have met all other deadlines under
6 this subsection, and have submitted annual progress reports that
7 demonstrate progress toward meeting closure requirements, a site
8 closure request must be submitted to the executive director no
9 later than September 1, 2011 [~~2007~~]. The request must be complete,
10 as judged by the executive director.

11 (i) The commission shall by rule define "risk-based
12 corrective action" for purposes of this section.

13 SECTION 2. Sections 26.3573(r-1) and (s), Water Code, are
14 amended to read as follows:

15 (r-1) In this subsection, "state-lead program" means the
16 petroleum storage tank state-lead program administered by the
17 commission. The executive director shall grant an extension for
18 corrective action reimbursement to a person who is an eligible
19 owner or operator under Section 26.3571. The petroleum storage
20 tank remediation account may be used to reimburse an eligible owner
21 or operator for corrective action performed under an extension
22 before August 31, 2011 [~~2007~~]. Not later than July 1, 2011 [~~2007~~],
23 an eligible owner or operator who is granted an extension under this
24 subsection may apply to the commission in writing using a form
25 provided by the commission to have the site subject to corrective
26 action placed in the state-lead program. The eligible owner or
27 operator must agree in the application to allow site access to state

1 personnel and state contractors as a condition of placement in the
2 state-lead program under this subsection. On receiving the
3 application for placement in the state-lead program under this
4 subsection, the executive director by order shall place the site in
5 the state-lead program until the corrective action is completed to
6 the satisfaction of the commission. An eligible owner or operator
7 of a site that is placed in the state-lead program under this
8 subsection is not liable to the commission for any costs related to
9 the corrective action.

10 (s) The petroleum storage tank remediation account may not
11 be used to reimburse any person for corrective action contained in a
12 reimbursement claim filed with the commission after March 1, 2012
13 [~~2008~~].

14 SECTION 3. Section 26.3574(b), Water Code, is amended to
15 read as follows:

16 (b) A fee is imposed on the delivery of a petroleum product
17 on withdrawal from bulk of that product as provided by this
18 subsection. Each operator of a bulk facility on withdrawal from
19 bulk of a petroleum product shall collect from the person who orders
20 the withdrawal a fee in an amount determined as follows:

21 (1) \$3.75 [~~\$12.50~~] for each delivery into a cargo tank
22 having a capacity of less than 2,500 gallons for the state fiscal
23 year beginning September 1, 2007 [~~2001, and the state fiscal year~~
24 ~~beginning September 1, 2002, and \$10.00 for each delivery into a~~
25 ~~cargo tank having a capacity of less than 2,500 gallons for the~~
26 ~~state fiscal year beginning September 1, 2003~~], through the state
27 fiscal year ending August 31, 2011 [~~2007~~];

1 (2) \$7.50 [~~\$25.00~~] for each delivery into a cargo tank
2 having a capacity of 2,500 gallons or more but less than 5,000
3 gallons for the state fiscal year beginning September 1, 2007
4 [~~2001, and the state fiscal year beginning September 1, 2002, and~~
5 ~~\$20.00 for each delivery into a cargo tank having a capacity of~~
6 ~~2,500 gallons or more but less than 5,000 gallons for the state~~
7 ~~fiscal year beginning September 1, 2003], through the state fiscal~~
8 year ending August 31, 2011 [~~2007~~];

9 (3) \$11.75 [~~\$37.50~~] for each delivery into a cargo
10 tank having a capacity of 5,000 gallons or more but less than 8,000
11 gallons for the state fiscal year beginning September 1, 2007
12 [~~2001, and the state fiscal year beginning September 1, 2002, and~~
13 ~~\$30.00 for each delivery into a cargo tank having a capacity of~~
14 ~~5,000 gallons or more but less than 8,000 gallons for the state~~
15 ~~fiscal year beginning September 1, 2003], through the state fiscal~~
16 year ending August 31, 2011 [~~2007~~];

17 (4) \$15.00 [~~\$50.00~~] for each delivery into a cargo
18 tank having a capacity of 8,000 gallons or more but less than 10,000
19 gallons for the state fiscal year beginning September 1, 2007
20 [~~2001, and the state fiscal year beginning September 1, 2002, and~~
21 ~~\$40.00 for each delivery into a cargo tank having a capacity of~~
22 ~~8,000 gallons or more but less than 10,000 gallons for the state~~
23 ~~fiscal year beginning September 1, 2003], through the state fiscal~~
24 year ending August 31, 2011 [~~2007~~]; and

25 (5) \$7.50 [~~a \$25.00 fee~~] for each increment of 5,000
26 gallons or any part thereof delivered into a cargo tank having a
27 capacity of 10,000 gallons or more for the state fiscal year

1 beginning September 1, 2007 [~~2001, and the state fiscal year~~
2 ~~beginning September 1, 2002, and \$20.00 for each increment of 5,000~~
3 ~~gallons or any part thereof delivered into a cargo tank having a~~
4 ~~capacity of 10,000 gallons or more for the state fiscal year~~
5 ~~beginning September 1, 2003~~], through the state fiscal year ending
6 August 31, 2011 [~~2007~~].

7 SECTION 4. Sections 26.358(d) and (g), Water Code, are
8 amended to read as follows:

9 (d) The commission may [~~shall~~] impose an annual facility fee
10 on a facility that operates one or more underground or aboveground
11 storage tanks if the fee charged under Section 26.3574 is
12 discontinued. The commission may also impose reasonable interest
13 and penalties for late payment of the fee as provided by commission
14 rule. The commission may establish a fee schedule that will
15 generate an amount of money sufficient to fund the commission's
16 budget for the regulatory program regarding underground and
17 aboveground storage tanks authorized by this subchapter.

18 (g) The commission shall collect any [~~the~~] fees imposed
19 under this section on dates set by commission rule. The period
20 between collection dates may not exceed two years.

21 SECTION 5. Section 26.361, Water Code, is amended to read as
22 follows:

23 Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM.
24 Notwithstanding any other provision of this subchapter, the
25 reimbursement program established under this subchapter expires
26 September 1, 2012 [~~2008~~]. On or after September 1, 2012 [~~2008~~], the
27 commission may not use money from the petroleum storage tank

1 remediation account to reimburse an eligible owner or operator for
2 any expenses of corrective action or to pay the claim of a person
3 who has contracted with an eligible owner or operator to perform
4 corrective action.

5 SECTION 6. (a) Section 26.3573(r-1), Water Code, as
6 amended by this Act, takes effect immediately if this Act receives a
7 vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect,
10 Section 26.3573(r-1), Water Code, as amended by this Act, takes
11 effect August 27, 2007.

12 (b) Except as provided by Subsection (a) of this section,
13 this Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

Leta Spaw
Secretary of the Senate

By: *Duncan*

H.B. No. 3554

Substitute the following for ___B. No. _____:

By: *Amodeo*

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the program for the regulation and remediation of underground and aboveground storage tanks.

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

SECTION 1. Section 26.351, Water Code, is amended by amending Subsections (a) and (f) and adding Subsection (i) to read as follows:

(a) The commission shall use risk-based corrective action [~~adopt rules establishing the requirements~~] for taking corrective action in response to a release from an underground or aboveground storage tank. Corrective action may include:

(1) site cleanup, including the removal, treatment, and disposal of surface and subsurface contamination;

(2) removal of underground or aboveground storage tanks;

(3) measures to halt a release in progress or to prevent future or threatened releases of regulated substances;

(4) well monitoring, taking of soil borings, and any other actions reasonably necessary to determine the extent of contamination caused by a release;

(5) providing alternate water supplies; and

(6) any other action reasonably necessary to protect the public health and safety or the environment from harm or threatened harm due to releases of regulated substances from

8

1 underground or aboveground storage tanks.

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

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

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

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

23 (4) for sites which require either a corrective action
24 plan or groundwater monitoring, a comprehensive and accurate annual
25 status report concerning those activities must be submitted to the
26 agency;

27 (5) for sites which require either a corrective action

1 plan or groundwater monitoring, all deadlines set by the executive
2 director concerning the corrective action plan or approved
3 groundwater monitoring plan shall be met; and

4 (6) for sites that require either a corrective action
5 plan or groundwater monitoring, have met all other deadlines under
6 this subsection, and have submitted annual progress reports that
7 demonstrate progress toward meeting closure requirements, a site
8 closure request must be submitted to the executive director no
9 later than September 1, 2011 [~~2007~~]. The request must be complete,
10 as judged by the executive director.

11 (i) The commission shall by rule define "risk-based
12 corrective action" for purposes of this section.

13 SECTION 2. Sections 26.3573(d), (e), (r-1), and (s), Water
14 Code, are amended to read as follows:

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

17 (1) necessary expenses associated with the
18 administration of the petroleum storage tank remediation account
19 and the groundwater protection cleanup program;

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

26 (3) subject to the conditions of Subsection (f) [~~(e)~~],
27 expenses associated with investigation, cleanup, or corrective

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

5 (4) expenses associated with assuring compliance with
6 the commission's applicable underground or aboveground storage
7 tank administrative and technical requirements, including
8 technical assistance and support, inspections, enforcement, and
9 the provision of matching funds for grants.

10 (e) To consolidate appropriations, the commission may
11 transfer from the petroleum storage tank remediation account to the
12 waste management account an amount equal to the amounts authorized
13 under Subsections [~~Subsection~~] (d)(1) and (4), subject to the
14 requirements of those subsections [~~that subsection~~].

15 (r-1) In this subsection, "state-lead program" means the
16 petroleum storage tank state-lead program administered by the
17 commission. The executive director shall grant an extension for
18 corrective action reimbursement to a person who is an eligible
19 owner or operator under Section 26.3571. The petroleum storage
20 tank remediation account may be used to reimburse an eligible owner
21 or operator for corrective action performed under an extension
22 before August 31, 2011 [~~2007~~]. Not later than July 1, 2011 [~~2007~~],
23 an eligible owner or operator who is granted an extension under this
24 subsection may apply to the commission in writing using a form
25 provided by the commission to have the site subject to corrective
26 action placed in the state-lead program. The eligible owner or
27 operator must agree in the application to allow site access to state

1 personnel and state contractors as a condition of placement in the
2 state-lead program under this subsection. On receiving the
3 application for placement in the state-lead program under this
4 subsection, the executive director by order shall place the site in
5 the state-lead program until the corrective action is completed to
6 the satisfaction of the commission. An eligible owner or operator
7 of a site that is placed in the state-lead program under this
8 subsection is not liable to the commission for any costs related to
9 the corrective action.

10 (s) The petroleum storage tank remediation account may not
11 be used to reimburse any person for corrective action contained in a
12 reimbursement claim filed with the commission after March 1, 2012
13 [~~2008~~].

14 SECTION 3. Section 26.3574(b), Water Code, is amended to
15 read as follows:

16 (b) A fee is imposed on the delivery of a petroleum product
17 on withdrawal from bulk of that product as provided by this
18 subsection. Each operator of a bulk facility on withdrawal from
19 bulk of a petroleum product shall collect from the person who orders
20 the withdrawal a fee in an amount determined as follows:

21 (1) [~~\$12.50 for each delivery into a cargo tank having~~
22 ~~a capacity of less than 2,500 gallons for the state fiscal year~~
23 ~~beginning September 1, 2001, and the state fiscal year beginning~~
24 ~~September 1, 2002, and] \$10.00 for each delivery into a cargo tank
25 having a capacity of less than 2,500 gallons for the state fiscal
26 year beginning September 1, 2003, through the state fiscal year
27 ending August 31, 2009, and \$3.75 for each delivery into a cargo~~

1 tank having a capacity of less than 2,500 gallons for the state
2 fiscal year beginning September 1, 2009, through the state fiscal
3 year ending August 31, 2011 [2007];

4 (2) [~~\$25.00 for each delivery into a cargo tank having~~
5 ~~a capacity of 2,500 gallons or more but less than 5,000 gallons for~~
6 ~~the state fiscal year beginning September 1, 2001, and the state~~
7 ~~fiscal year beginning September 1, 2002, and] \$20.00 for each
8 delivery into a cargo tank having a capacity of 2,500 gallons or
9 more but less than 5,000 gallons for the state fiscal year beginning
10 September 1, 2003, through the state fiscal year ending August 31,
11 2009, and \$7.50 for each delivery into a cargo tank having a
12 capacity of 2,500 gallons or more but less than 5,000 gallons for
13 the state fiscal year beginning September 1, 2009, through the
14 state fiscal year ending August 31, 2011 [2007];~~

15 (3) [~~\$37.50 for each delivery into a cargo tank having~~
16 ~~a capacity of 5,000 gallons or more but less than 8,000 gallons for~~
17 ~~the state fiscal year beginning September 1, 2001, and the state~~
18 ~~fiscal year beginning September 1, 2002, and] \$30.00 for each
19 delivery into a cargo tank having a capacity of 5,000 gallons or
20 more but less than 8,000 gallons for the state fiscal year beginning
21 September 1, 2003, through the state fiscal year ending August 31,
22 2009, and \$11.75 for each delivery into a cargo tank having a
23 capacity of 5,000 gallons or more but less than 8,000 gallons for
24 the state fiscal year beginning September 1, 2009, through the
25 state fiscal year ending August 31, 2011 [2007];~~

26 (4) [~~\$50.00 for each delivery into a cargo tank having~~
27 ~~a capacity of 8,000 gallons or more but less than 10,000 gallons for~~

1 ~~the state fiscal year beginning September 1, 2001, and the state~~
2 ~~fiscal year beginning September 1, 2002, and] \$40.00 for each~~
3 delivery into a cargo tank having a capacity of 8,000 gallons or
4 more but less than 10,000 gallons for the state fiscal year
5 beginning September 1, 2003, through the state fiscal year ending
6 August 31, 2009, [2007,] and \$15.00 for each delivery into a cargo
7 tank having a capacity of 8,000 gallons or more but less than 10,000
8 gallons for the state fiscal year beginning September 1, 2009,
9 through the state fiscal year ending August 31, 2011; and

10 (5) [~~a \$25.00 fee for each increment of 5,000 gallons~~
11 ~~or any part thereof delivered into a cargo tank having a capacity of~~
12 ~~10,000 gallons or more for the state fiscal year beginning~~
13 ~~September 1, 2001, and the state fiscal year beginning September 1,~~
14 ~~2002, and] \$20.00 for each increment of 5,000 gallons or any part~~
15 thereof delivered into a cargo tank having a capacity of 10,000
16 gallons or more for the state fiscal year beginning September 1,
17 2003, through the state fiscal year ending August 31, 2009, and
18 \$7.50 for each increment of 5,000 gallons or any part thereof
19 delivered into a cargo tank having a capacity of 10,000 gallons or
20 more for the state fiscal year beginning September 1, 2009, through
21 the state fiscal year ending August 31, 2011 [2007].

22 SECTION 4. Sections 26.358(d), (f), and (g), Water Code,
23 are amended to read as follows:

24 (d) The commission shall impose an annual facility fee on a
25 facility that operates one or more underground or aboveground
26 storage tanks if the fee charged under Section 26.3574 is
27 discontinued. The commission may also impose reasonable interest

1 and penalties for late payment of the fee as provided by commission
2 rule. The commission may establish a fee schedule that will
3 generate an amount of money sufficient to fund the commission's
4 budget for the regulatory program regarding underground and
5 aboveground storage tanks authorized by this subchapter.

6 (f) The amount of an [~~maximum~~] annual fee that the
7 commission may impose on a facility under Subsection (d) is equal to
8 the amount set by the commission [~~is \$25~~] for each aboveground
9 storage tank and [~~\$50~~] for each underground storage tank operated
10 at the facility.

11 (g) The commission shall collect any [~~the~~] fees imposed
12 under this section on dates set by commission rule. The period
13 between collection dates may not exceed two years.

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

16 Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM.
17 Notwithstanding any other provision of this subchapter, the
18 reimbursement program established under this subchapter expires
19 September 1, 2012 [~~2008~~]. On or after September 1, 2012 [~~2008~~], the
20 commission may not use money from the petroleum storage tank
21 remediation account to reimburse an eligible owner or operator for
22 any expenses of corrective action or to pay the claim of a person
23 who has contracted with an eligible owner or operator to perform
24 corrective action.

25 SECTION 6. (a) Section 26.3573(r-1), Water Code, as
26 amended by this Act, takes effect immediately if this Act receives a
27 vote of two-thirds of all the members elected to each house, as

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect,
3 Section 26.3573(r-1), Water Code, as amended by this Act, takes
4 effect August 27, 2007.

5 (b) Except as provided by Subsection (a) of this section,
6 this Act takes effect September 1, 2007.

FLOOR AMENDMENT NO. 1

BY: Robert Duncan

ADOPTED

MAY 23 2007

Satay Spaw
Secretary of the Senate

1 Amend H. B. No. 3554 by striking all below the enacting
2 clause and substituting:

3 SECTION 1. Section 26.351, Water Code, is amended by
4 amending Subsections (a) and (f) and adding Subsection (i) to
5 read as follows:

6 (a) The commission shall use risk-based corrective action
7 ~~[adopt rules establishing the requirements]~~ for taking
8 corrective action in response to a release from an underground
9 or aboveground storage tank. Corrective action may include:

10 (1) site cleanup, including the removal, treatment,
11 and disposal of surface and subsurface contamination;

12 (2) removal of underground or aboveground storage
13 tanks;

14 (3) measures to halt a release in progress or to
15 prevent future or threatened releases of regulated substances;

16 (4) well monitoring, taking of soil borings, and any
17 other actions reasonably necessary to determine the extent of
18 contamination caused by a release;

19 (5) providing alternate water supplies; and

20 (6) any other action reasonably necessary to protect
21 the public health and safety or the environment from harm or
22 threatened harm due to releases of regulated substances from
23 underground or aboveground storage tanks.

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

7X

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

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

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

19 (4) for sites which require either a corrective action
20 plan or groundwater monitoring, a comprehensive and accurate
21 annual status report concerning those activities must be
22 submitted to the agency;

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

27 (6) for sites that require either a corrective action
28 plan or groundwater monitoring, have met all other deadlines
29 under this subsection, and have submitted annual progress
30 reports that demonstrate progress toward meeting closure

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1 requirements, a site closure request must be submitted to the
2 executive director no later than September 1, 2011 [2007]. The
3 request must be complete, as judged by the executive director.

4 (i) The commission shall by rule define "risk-based
5 corrective action" for purposes of this section.

6 SECTION 2. Sections 26.3573(d), (e), (r-1), and (s), Water
7 Code, are amended to read as follows:

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

10 (1) necessary expenses associated with the
11 administration of the petroleum storage tank remediation account
12 and the groundwater protection cleanup program;

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

19 (3) subject to the conditions of Subsection (f) [~~(e)~~],
20 expenses associated with investigation, cleanup, or corrective
21 action measures performed in response to a release or threatened
22 release of hydraulic fluid or spent oil from hydraulic lift
23 systems or tanks located at a vehicle service and fueling
24 facility and used as part of the operations of that facility;
25 and

26 (4) expenses associated with assuring compliance with
27 the commission's applicable underground or aboveground storage
28 tank administrative and technical requirements, including
29 technical assistance and support, inspections, enforcement, and
30 the provision of matching funds for grants.

14 3

1 (e) To consolidate appropriations, the commission may
2 transfer from the petroleum storage tank remediation account to
3 the waste management account an amount equal to the amounts
4 authorized under Subsections [~~Subsection~~] (d) (1) and (4),
5 subject to the requirements of those subsections [~~that~~
6 ~~subsection~~].

7 (r-1) In this subsection, "state-lead program" means the
8 petroleum storage tank state-lead program administered by the
9 commission. The executive director shall grant an extension for
10 corrective action reimbursement to a person who is an eligible
11 owner or operator under Section 26.3571. The petroleum storage
12 tank remediation account may be used to reimburse an eligible
13 owner or operator for corrective action performed under an
14 extension before August 31, 2011 [~~2007~~]. Not later than July 1,
15 2011 [~~2007~~], an eligible owner or operator who is granted an
16 extension under this subsection may apply to the commission in
17 writing using a form provided by the commission to have the site
18 subject to corrective action placed in the state-lead program.
19 The eligible owner or operator must agree in the application to
20 allow site access to state personnel and state contractors as a
21 condition of placement in the state-lead program under this
22 subsection. On receiving the application for placement in the
23 state-lead program under this subsection, the executive director
24 by order shall place the site in the state-lead program until
25 the corrective action is completed to the satisfaction of the
26 commission. An eligible owner or operator of a site that is
27 placed in the state-lead program under this subsection is not
28 liable to the commission for any costs related to the corrective
29 action.

30 (s) The petroleum storage tank remediation account may not

20 /

1 be used to reimburse any person for corrective action contained
2 in a reimbursement claim filed with the commission after March
3 1, 2012 [~~2008~~].

4 SECTION 3. Section 26.3574(b), Water Code, is amended to
5 read as follows:

6 (b) A fee is imposed on the delivery of a petroleum product
7 on withdrawal from bulk of that product as provided by this
8 subsection. Each operator of a bulk facility on withdrawal from
9 bulk of a petroleum product shall collect from the person who
10 orders the withdrawal a fee in an amount determined as follows:

11 (1) \$3.75 [~~\$12.50~~] for each delivery into a cargo tank
12 having a capacity of less than 2,500 gallons for the state
13 fiscal year beginning September 1, 2007 [~~2001, and the state~~
14 ~~fiscal year~~

15 ~~beginning September 1, 2002, and \$10.00 for each delivery~~
16 ~~into a cargo tank having a capacity of less than 2,500 gallons~~
17 ~~for the state fiscal year beginning September 1, 2003], through~~
18 the state fiscal year ending August 31, 2011 [~~2007~~];

19 (2) \$7.50 [~~\$25.00~~] for each delivery into a cargo tank
20 having a capacity of 2,500 gallons or more but less than 5,000
21 gallons for the state fiscal year beginning September 1, 2007
22 [~~2001, and the state fiscal year beginning September 1, 2002,~~
23 ~~and \$20.00 for each delivery into a cargo tank having a capacity~~
24 ~~of 2,500 gallons or more but less than 5,000 gallons for the~~
25 ~~state fiscal year beginning September 1, 2003], through the~~
26 state fiscal year ending August 31, 2011 [~~2007~~];

27 (3) \$11.75 [~~\$37.50~~] for each delivery into a cargo
28 tank having a capacity of 5,000 gallons or more but less than
29 8,000 gallons for the state fiscal year beginning September 1,
30 2007 [~~2001, and the state fiscal year beginning September 1,~~

21

1 ~~2002, and \$30.00 for each delivery into a cargo tank having a~~
2 ~~capacity of 5,000 gallons or more but less than 8,000 gallons~~
3 ~~for the state fiscal year beginning September 1, 2003], through~~
4 the state fiscal year ending August 31, 2011 [2007];

5 (4) \$15.00 [~~\$50.00~~] for each delivery into a cargo
6 tank having a capacity of 8,000 gallons or more but less than
7 10,000 gallons for the state fiscal year beginning September 1,
8 2007 [~~2001, and the state fiscal year beginning September 1,~~
9 ~~2002, and \$40.00 for each delivery into a cargo tank having a~~
10 ~~capacity of 8,000 gallons or more but less than 10,000 gallons~~
11 ~~for the state fiscal year beginning September 1, 2003], through~~
12 the state fiscal year ending August 31, 2011 [2007]; and

13 (5) \$7.50 [~~a \$25.00 fee~~] for each increment of 5,000
14 gallons or any part thereof delivered into a cargo tank having a
15 capacity of 10,000 gallons or more for the state fiscal year
16 beginning September 1, 2007 [~~2001, and the state fiscal year~~
17 ~~beginning September 1, 2002, and \$20.00 for each increment of~~
18 ~~5,000 gallons or any part thereof delivered into a cargo tank~~
19 ~~having a capacity of 10,000 gallons or more for the state fiscal~~
20 ~~year beginning September 1, 2003], through the state fiscal year~~
21 ending August 31, 2011 [2007].

22 SECTION 4. Sections 26.358(d), (f), and (g), Water Code,
23 are amended to read as follows:

24 (d) The commission shall impose an annual facility fee on a
25 facility that operates one or more underground or aboveground
26 storage tanks if the fee charged under Section 26.3574 is
27 discontinued. The commission may also impose reasonable
28 interest and penalties for late payment of the fee as provided
29 by commission rule. The commission may establish a fee schedule
30 that will generate an amount of money sufficient to fund the

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1 commission's budget for the regulatory program regarding
2 underground and aboveground storage tanks authorized by this
3 subchapter.

4 (f) The amount of an [~~maximum~~] annual fee that the
5 commission may impose on a facility under Subsection (d) is
6 equal to the amount set by the commission [~~is \$25~~] for each
7 aboveground storage tank and [~~\$50~~] for each underground storage
8 tank operated at the facility.

9 (g) The commission shall collect any [~~the~~] fees imposed
10 under this section on dates set by commission rule. The period
11 between collection dates may not exceed two years.

12 SECTION 5. Section 26.361, Water Code, is amended to read
13 s follows:

Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM.

15 Notwithstanding any other provision of this subchapter, the
16 reimbursement program established under this subchapter expires
17 September 1, 2012 [~~2008~~]. On or after September 1, 2012 [~~2008~~],
18 the commission may not use money from the petroleum storage tank
19 remediation account to reimburse an eligible owner or operator
20 for any expenses of corrective action or to pay the claim of a
21 person who has contracted with an eligible owner or operator to
22 perform corrective action.

23 SECTION 6. Notwithstanding any other provision of this
24 Act, Section 26.3573(r-1), Water Code, as amended by this Act,
25 takes effect immediately if this Act receives a vote of two-
26 thirds of all the members elected to each house, as provided by
27 Section 39, Article III, Texas Constitution. If this Act does
28 not receive the vote necessary for immediate effect, Section
29 26.3573(r-1), Water Code, as amended by this Act, takes effect
30 August 27, 2007.

23/

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3554 by Isett, Carl (Relating to the program for the regulation and remediation of underground and aboveground storage tanks.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3554, Committee Report 2nd House, Substituted: a positive impact of \$3,174,000 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2008 | \$1,503,000 |
| 2009 | \$1,671,000 |
| 2010 | \$637,000 |
| 2011 | \$651,000 |
| 2012 | \$54,000 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Revenue Gain/(Loss) from <i>PETRO STO TANK REMED ACCT</i> 655 | Probable Revenue Gain/(Loss) from <i>HAZARDOUS/WASTE FEE ACCT</i> 549 | Probable Savings/ (Cost) from <i>HAZARDOUS/WASTE FEE ACCT</i> 549 | Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1 |
|-------------|---|--|--|--|
| 2008 | \$73,628,000 | (\$3,227,000) | (\$596,132) | \$1,503,000 |
| 2009 | \$81,880,000 | (\$3,281,000) | (\$596,132) | \$1,671,000 |
| 2010 | \$31,233,000 | (\$3,284,000) | (\$596,132) | \$637,000 |
| 2011 | \$31,913,000 | (\$3,287,000) | (\$596,132) | \$651,000 |
| 2012 | \$2,659,000 | \$0 | \$0 | \$54,000 |

Fiscal Analysis

The bill would extend the operating period and funding for the Petroleum Storage Tank (PST) Remediation program as follows: the deadline for submission of site closure requests would be extended from September 1, 2007 to September 1, 2011; the deadline for reimbursements for corrective actions would be extended from August 31, 2007 to August 31, 2011; the deadline for placing sites in the state lead program would be extended from July 1, 2007 to July 1, 2011; the deadline for submitting reimbursement claims would be extended from March 1, 2008 to March 1, 2012. In addition, the bill would extend the petroleum products delivery fee deposited to the credit of the General Revenue-Dedicated PST Remediation Account No. 655 through August 31, 2009. The fee would be extended through August 31, 2011 at a rate equal to one-third the current rate.

The bill would eliminate tank registration fees deposited to the General Revenue-Dedicated Waste Management Account beginning in fiscal year 2008. The Texas Commission on Environmental Quality could reinstate the registration fee if the petroleum products delivery fee is discontinued. The bill also would expand the use of funds in the PST Account to include regulatory activities.

Methodology

Under current law, the petroleum products delivery fee is set to expire on August 31, 2007. Based on current revenue streams, the Comptroller of Public Accounts projects that extending the petroleum products delivery fee at the current rate would result in additional revenues to the PST Remediation Account No. 655 of \$73.6 million in fiscal year 2008 and \$81.9 million in fiscal year 2009. In fiscal years 2010 and 2011, approximately \$31 million in additional annual revenues is projected. The table above also shows a projected gain to the General Revenue Fund because the Comptroller is authorized to retain a service fee.

Because the bill would extend the PST Reimbursement program, this estimate assumes that sites that would have otherwise been cleaned up through the state lead program would instead revert to the reimbursement program; therefore, this estimate assumes no change in the level of expenditures out of the PST Remediation Account No. 655. However, extension of the PST Reimbursement program would result in increased FTE-related costs to the TCEQ for processing reimbursement claims. The agency would require an additional 7 FTEs and \$596,132 in fiscal years 2008 through 2011, as compared to requirements under current law, which sunsets the reimbursement program; however, these additional FTEs are not shown in the table above because they are FTEs that exist in fiscal year 2007 but would be eliminated in 2008 absent the extension of the program proposed by the bill. This estimate assumes the FTE-related costs would be paid out of the General Revenue-Dedicated Waste Management Account No. 549.

Because the bill eliminates tank registration fees deposited to the General Revenue-Dedicated Waste Management Account No. 549. Based on the revenue stream currently associated with tank registration fees, it is estimated that this loss would total \$3.2 million to \$3.3 million per fiscal year, as shown in the table above. This estimate assumes that the TCEQ would use fund balances in the Waste Management Account No. 549 (estimated to be \$25.6 million on August 31, 2009) to support petroleum storage tank regulation activities because the tank registration revenue stream would no longer be available. In fiscal year 2012, the TCEQ would be authorized to reinstate the registration fee because the petroleum products delivery fee will have expired. This estimate assumes that the agency would reinstate the fee at a rate sufficient to collect an amount of revenue equal to the revenue collected in fiscal year 2007; thus, no revenue loss to the Waste Management Account No. 549 is expected that year.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

LBB Staff: JOB, WK, ZS, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 14, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3554 by Isett, Carl (Relating to the program for the regulation and remediation of underground and aboveground storage tanks.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3554, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2008 | \$0 |
| 2009 | \$0 |
| 2010 | \$0 |
| 2011 | \$0 |
| 2012 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Revenue Gain/ (Loss) from <i>PETRO STO TANK REMED</i> <i>ACCT</i> 655 | Probable Revenue Gain/ (Loss) from <i>HAZARDOUS/WASTE FEE</i> <i>ACCT</i> 549 | Probable Savings/(Cost) from <i>HAZARDOUS/WASTE FEE</i> <i>ACCT</i> 549 |
|-------------|---|--|--|
| 2008 | \$27,400,000 | (\$3,100,000) | (\$596,132) |
| 2009 | \$27,400,000 | (\$3,100,000) | (\$596,132) |
| 2010 | \$27,400,000 | (\$3,100,000) | (\$596,132) |
| 2011 | \$27,400,000 | (\$3,100,000) | (\$596,132) |
| 2012 | \$0 | (\$3,100,000) | \$0 |

Fiscal Analysis

The bill would extend the operating period and funding for the Petroleum Storage Tank (PST) Remediation program as follows: the deadline for submission of site closure requests would be extended from September 1, 2007 to September 1, 2011; the deadline for reimbursements for corrective actions would be extended from August 31, 2007 to August 31, 2011; the deadline for placing sites in the state lead program would be extended from July 1, 2007 to July 1, 2011; the deadline for submitting reimbursement claims would be extended from March 1, 2008 to March 1, 2012. In addition, the bill would extend the petroleum products delivery fee deposited to the credit of the General Revenue-Dedicated PST Remediation Account No. 655 through August 31, 2011 at a rate equal to one-third the rate during the 2006-07 biennium.

The bill would eliminate tank registration fees beginning in fiscal year 2008. The Texas Commission on Environmental Quality could reinstate the registration fee if the petroleum products delivery fee is discontinued.

Methodology

Under current law, the petroleum products delivery fee is set to expire on August 31, 2007. Based on current revenue streams, the Texas Commission on Environmental Quality (TCEQ) projects that extending the petroleum products delivery fee at one-third the rate schedule it is being assessed during the 2006-07 biennium would result in an increase in revenues to the General Revenue-Dedicated PST Remediation Account No. 655 of \$27.4 million per fiscal year through fiscal year 2011.

Because the bill would extend the PST Reimbursement program, this estimate assumes that sites that would have otherwise been cleaned up through the state lead program would instead revert to the reimbursement program; therefore, this estimate assumes no change in the level of expenditures out of the PST Remediation Account No. 655. However, extension of the PST Reimbursement program would result in increased FTE-related costs to the TCEQ for processing reimbursement claims. The agency would require an additional 7 FTEs and \$596,132 in fiscal years 2008 through 2011, as compared to requirements under current law, which sunsets the reimbursement program; however, these additional FTEs are not shown in the table above because they are FTEs that exist in fiscal year 2007 but would be eliminated in 2008 absent the extension of the program proposed by the bill. This estimate assumes the FTE-related costs would be paid out of the General Revenue-Dedicated Waste Management Account No. 549.

Because the bill eliminates tank registration fees deposited at the General Revenue-Dedicated Waste Management Account No. 549. Based on the revenue stream currently associated with tank registration fees, it is estimated that this loss would total \$3.1 million per fiscal year, as shown in the table above. This estimate assumes that the TCEQ would use fund balances in the Waste Management Account No. 549 (estimated to be \$25.6 million on August 31, 2009) to support petroleum storage tank regulation activities because the tank registration revenue stream would no longer be available.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, ZS, TL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 26, 2007

TO: Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3554** by Isett, Carl (Relating to the program for the regulation and remediation of underground and aboveground storage tanks.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3554, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2008 | \$0 |
| 2009 | \$0 |
| 2010 | \$0 |
| 2011 | \$0 |
| 2012 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Revenue Gain/(Loss) from <i>PETRO STO TANK REMED ACCT 655</i> | Probable Revenue Gain/(Loss) from <i>HAZARDOUS/WASTE FEE ACCT 549</i> | Probable Savings/(Cost) from <i>HAZARDOUS/WASTE FEE ACCT 549</i> |
|-------------|---|--|---|
| 2008 | \$27,400,000 | (\$3,100,000) | (\$596,132) |
| 2009 | \$27,400,000 | (\$3,100,000) | (\$596,132) |
| 2010 | \$27,400,000 | (\$3,100,000) | (\$596,132) |
| 2011 | \$27,400,000 | (\$3,100,000) | (\$596,132) |
| 2012 | \$0 | (\$3,100,000) | \$0 |

Fiscal Analysis

The bill would extend the operating period and funding for the Petroleum Storage Tank (PST) Remediation program as follows: the deadline for submission of site closure requests would be extended from September 1, 2007 to September 1, 2011; the deadline for reimbursements for corrective actions would be extended from August 31, 2007 to August 31, 2011; the deadline for placing sites in the state lead program would be extended from July 1, 2007 to July 1, 2011; the deadline for submitting reimbursement claims would be extended from March 1, 2008 to March 1, 2012. In addition, the bill would extend the petroleum products delivery fee deposited to the credit of the General Revenue-Dedicated PST Remediation Account No. 655 through August 31, 2011 at a rate equal to one-third the rate during the 2006-07 biennium.

The bill would eliminate tank registration fees beginning in fiscal year 2008. The Texas Commission on Environmental Quality could reinstate the registration fee if the petroleum products delivery fee is discontinued.

Methodology

Under current law, the petroleum products delivery fee is set to expire on August 31, 2007. Based on current revenue streams, the Texas Commission on Environmental Quality (TCEQ) projects that extending the petroleum products delivery fee at one-third the rate schedule it is being assessed during the 2006-07 biennium would result in an increase in revenues to the General Revenue-Dedicated PST Remediation Account No. 655 of \$27.4 million per fiscal year through fiscal year 2011.

Because the bill would extend the PST Reimbursement program, this estimate assumes that sites that would have otherwise been cleaned up through the state lead program would instead revert to the reimbursement program; therefore, this estimate assumes no change in the level of expenditures out of the PST Remediation Account No. 655. However, extension of the PST Reimbursement program would result in increased FTE-related costs to the TCEQ for processing reimbursement claims. The agency would require an additional 7 FTEs and \$596,132 in fiscal years 2008 through 2011, as compared to requirements under current law, which sunsets the reimbursement program; however, these additional FTEs are not shown in the table above because they are FTEs that exist in fiscal year 2007 but would be eliminated in 2008 absent the extension of the program proposed by the bill. This estimate assumes the FTE-related costs would be paid out of the General Revenue-Dedicated Waste Management Account No. 549.

Because the bill eliminates tank registration fees deposited at the General Revenue-Dedicated Waste Management Account No. 549. Based on the revenue stream currently associated with tank registration fees, it is estimated that this loss would total \$3.1 million per fiscal year, as shown in the table above. This estimate assumes that the TCEQ would use fund balances in the Waste Management Account No. 549 (estimated to be \$25.6 million on August 31, 2009) to support petroleum storage tank regulation activities because the tank registration revenue stream would no longer be available.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, ZS, TL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3554** by Isett, Carl (Relating to the reimbursement from the Petroleum Storage Tank Remediation Account and relating to the fee on delivery of certain petroleum products.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3554, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2008 | \$0 |
| 2009 | \$0 |
| 2010 | \$0 |
| 2011 | \$0 |
| 2012 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Revenue Gain/(Loss) from <i>PETRO STO TANK REMED ACCT</i> 655 | Probable Savings/(Cost) from <i>HAZARDOUS/WASTE FEE ACCT</i> 549 |
|-------------|--|--|
| 2008 | \$39,539,000 | (\$596,132) |
| 2009 | \$39,539,000 | (\$596,132) |
| 2010 | \$39,539,000 | \$0 |
| 2011 | \$39,539,000 | \$0 |
| 2012 | \$39,539,000 | \$0 |

Fiscal Analysis

The bill would extend the operating period and funding for the Petroleum Storage Tank (PST) Remediation program as follows: the deadline for submission of site closure requests would be extended from September 1, 2007 to September 1, 2009; the deadline for reimbursements for corrective actions would be extended from August 31, 2007 to August 31, 2009; the deadline for placing sites in the state lead program would be extended from July 1, 2007 to July 1, 2009; the deadline for submitting reimbursement claims would be extended from March 1, 2008 to March 1, 2010. In addition, the bill would extend the petroleum products delivery fee deposited to the credit of the General Revenue-Dedicated PST Remediation Account No. 655 indefinitely at a rate equal to one-half the rate during the 2006-07 biennium.

Methodology

Under current law, the petroleum products delivery fee is set to expire on August 31, 2007. Based on current revenue streams, the Texas Commission on Environmental Quality (TCEQ) projects that extending the petroleum products delivery fee at one-half the rate schedule it is being assessed during the 2006-07 biennium would result in an increase in revenues to the General Revenue-Dedicated PST Remediation Account No. 655 of \$39.5 million per fiscal year in future fiscal years.

Because the bill would extend the PST Reimbursement program, this estimate assumes that sites that would have otherwise been cleaned up through the state lead program would instead revert to the reimbursement program; therefore, this estimate assumes no change in the level of expenditures out of the PST Remediation Account No. 655. However, extension of the PST Reimbursement program would result in increased FTE-related costs to the TCEQ for processing reimbursement claims. The agency would require an additional 7 FTEs and \$596,132 in fiscal years 2008 and 2009, as compared to requirements under current law, which sunsets the reimbursement program; however, these additional FTEs are not shown in the table above because they are FTEs that exist in fiscal year 2007 but would be eliminated in 2008 absent the extension of the program proposed by the bill. This estimate assumes the FTE-related costs would be paid out of the General Revenue-Dedicated Waste Management Account No. 549.

According to the agency, the unexpended balance in the General Revenue-Dedicated PST Remediation Account No. 655 at the end of fiscal year 2007 is sufficient to fund anticipated reimbursement claims and state lead program expenditures as well as the transfer to the General Revenue-Dedicated Waste Management Account No. 549 for administrative costs during the 2008-09 biennium. However, beginning in fiscal year 2010 balances are not expected to be available to fund those sites that would be cleaned up through the state lead program. Passage of this legislation would provide a revenue source to fund the state lead program in future years once the balance in the General Revenue-Dedicated PST Remediation Account No. 655 is depleted.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, WK, ZS, TL

