

By: Hancock

H.B. No. 3827

A BILL TO BE ENTITLED

AN ACT

relating to the delivery of regulated substances into underground storage tanks; providing a penalty.

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

SECTION 1. Section 7.156(c), Water Code, is amended to read as follows:

(c) A person commits an offense if the person:

(1) is an owner or operator of an underground storage tank regulated under Chapter 26 into which any regulated substance is delivered unless the underground storage tank has been issued a valid, current underground storage tank registration and certificate of compliance under Section 26.346; or

(2) 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 2. Subchapter F, Chapter 7, Water Code, is amended by adding Section 7.256 to read as follows:

Sec. 7.256. DEFENSE TO DELIVERY OF REGULATED SUBSTANCE INTO UNDERGROUND STORAGE TANK. It is an affirmative defense to prosecution under Section 7.156(c)(2) that the person delivering a regulated substance into an underground storage tank relied on:

(1) a valid paper delivery certificate presented by

1 the owner or operator of the underground storage tank or displayed
2 at the facility associated with the underground storage tank;

3 (2) a temporary delivery authorization presented by
4 the owner or operator of the underground storage tank or displayed
5 at the facility associated with the underground storage tank; or

6 (3) registration and self-certification information
7 for the underground storage tank obtained from the commission's
8 Internet website not more than 30 days before the date of delivery.

9 SECTION 3. This Act takes effect September 1, 2009.