

By: Johnson

S.B. No. 1446

A BILL TO BE ENTITLED

AN ACT

relating to performance standards for certain aboveground storage tanks.

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

SECTION 1. Section 26.341(b), Water Code, is amended to read as follows:

(b) The legislature declares that it is the policy of this state and the purpose of this subchapter to:

(1) maintain and protect the quality of groundwater and surface water resources in the state from certain substances in underground and aboveground storage tanks that may pollute groundwater and surface water resources, including during hurricanes, floods, and other extreme weather events; and

(2) require the use of all reasonable methods, including risk-based corrective action, to implement this policy.

SECTION 2. Section 26.344(f), Water Code, is amended to read as follows:

(f) An aboveground storage tank that is located at or is part of a petrochemical plant, a petroleum refinery, an electric generating facility, or a bulk facility as that term is defined by Section 26.3574(a) [~~of this code~~] is exempt from regulation under this subchapter but is not exempt for purposes of the fee imposed under Section 26.3574 or the performance standards adopted under Sections 26.3441(c) and (d) [~~of this code~~].

1 SECTION 3. Section 26.3441, Water Code, is amended by
2 adding Subsections (c) and (d) to read as follows:

3 (c) The commission shall adopt performance standards for
4 existing aboveground storage tanks and aboveground storage tanks
5 brought into use on or after the effective date of the standards.

6 (d) The performance standards for aboveground storage tanks
7 must include specific standards for tanks in areas prone to
8 flooding, storm surges, and hurricanes, including:

9 (1) the need to anchor the aboveground storage tanks
10 and ancillary piping;

11 (2) the use of geodesic dome roofs, where appropriate;
12 and

13 (3) the use of floating roofs and associated drains,
14 where appropriate.

15 SECTION 4. The heading to Section 26.347, Water Code, is
16 amended to read as follows:

17 Sec. 26.347. UNDERGROUND STORAGE TANK STANDARDS.

18 SECTION 5. As soon as practicable after the effective date
19 of this Act, the Texas Commission on Environmental Quality shall
20 adopt the standards as required by Section 26.3441, Water Code, as
21 amended by this Act.

22 SECTION 6. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2019.