

By: Johnson

S.B. No. 126

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 accidents, fires, explosions, hurricanes, floods, and events for which the governor declares a state of emergency; 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

1 Section 26.3442 [~~of this code~~].

2 SECTION 3. Subchapter I, Chapter 26, Water Code, is amended
3 by adding Section 26.3442 to read as follows:

4 Sec. 26.3442. PERFORMANCE STANDARDS FOR CERTAIN
5 ABOVEGROUND STORAGE TANKS. (a) This section applies only to
6 aboveground storage tanks described by Section 26.344(f).

7 (b) The commission shall adopt performance standards for
8 existing aboveground storage tanks and aboveground storage tanks
9 brought into use on or after the effective date of the standards.

10 (c) The performance standards for aboveground storage tanks
11 must:

12 (1) include specific standards for:

13 (A) aboveground storage tanks in areas prone to
14 flooding, storm surges, and hurricanes; and

15 (B) accident, fire, and explosion safety;

16 (2) be tailored to particular geographic risks;

17 (3) allow for exemptions for aboveground storage tanks
18 with low risk of floods, storm surges, hurricanes, accidents,
19 fires, explosions, or other hazards; and

20 (4) be in accordance with federal and industry
21 standards.

22 (d) The commission by rule shall allow for a reasonable
23 period for existing aboveground storage tanks to be brought into
24 compliance with the standards adopted under this section.

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

27 Sec. 26.347. UNDERGROUND STORAGE TANK STANDARDS.

1 SECTION 5. As soon as practicable after the effective date
2 of this Act, but not later than August 1, 2023, the Texas Commission
3 on Environmental Quality by rule shall adopt the standards as
4 required by Section 26.3442, Water Code, as added by this Act.

5 SECTION 6. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2021.