

2022 Regular Session

HOUSE BILL NO. 1035

BY REPRESENTATIVE COUSSAN

ENVIRONMENT/QUALITY: Provides relative to the Underground Storage Tank Program

1 AN ACT

2 To amend and reenact R.S. 30:2195(C), (E), and (F)(1), 2195.8(A)(1), and 2195.12(Section  
3 heading), to enact R.S. 30:2195.2(A)(6), and to repeal R.S. 30:2195.12(E), relative  
4 to underground storage tanks; to provide for grants for upgrades to single wall  
5 underground storage tanks; to provide for use of the Motor Fuels Underground  
6 Storage Tank Trust Dedicated Fund Account; to provide for annual reports by the  
7 department; to provide for responsibilities of the Motor Fuels Underground Storage  
8 Tank Trust Fund Advisory Board; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2195(C), (E), and (F)(1), 2195.8(A)(1), and 2195.12(Section  
11 heading) are hereby amended and reenacted and R.S. 30:2195.2(A)(6) is hereby enacted to  
12 read as follows:

13 §2195. Motor Fuels Underground Storage Tank Trust Dedicated Fund Account

14 \* \* \*

15 C. Monies so deposited in the Environmental Trust Account shall be used  
16 to defray the cost to the state of administering the underground storage tank program  
17 and the cost of investigation, testing, containment, control, and cleanup of releases  
18 from underground storage tanks containing regulated substances. Only monies

1 recovered pursuant to ~~R.S. 30:2195.2(A)(2) and deposited in~~ cost recovery efforts  
 2 and interest earned on the Tank Trust Account may be used for the grants and loans  
 3 authorized by ~~R.S. 30:2195.12(E)~~ R.S. 30:2195.2(A)(6). These monies shall also be  
 4 used to provide money or services as the state share of matching funds for federal  
 5 grants involving underground storage tanks. At the end of each fiscal year, all  
 6 monies that were deposited into the Environmental Trust Account from the fees  
 7 established in R.S. 30:2195.3(A)(1)(a) and (B) which remain unspent, including all  
 8 accrued interest, shall be transferred to the Tank Trust Account.

9 \* \* \*

10 E. Annually, the department shall prepare a report for the House Committee  
 11 on Natural Resources and Environment and the Senate Committee on Environmental  
 12 Quality of all disbursements of monies from the Tank Trust Account and the  
 13 Environmental Trust Account. The report shall include ~~all loans made from the Tank~~  
 14 ~~Trust Account~~, the number of sites actively seeking reimbursement, grants, or loans  
 15 from the Tank Trust Account as of June thirtieth of each year, the number of sites  
 16 deemed eligible for the Tank Trust Account during the previous fiscal year, and the  
 17 number of sites that have been granted "No Further Action", and the department has  
 18 received the last application for reimbursement during the previous fiscal year.  
 19 Regarding disbursements from the Tank Trust Account as provided by R.S.  
 20 30:2195.2, the report shall include a list of all reimbursements, grants, and loans; all  
 21 pending reimbursements, grants, and loans; the date the application was made for  
 22 each reimbursement, grant, and loan; and the date each reimbursement, grant, or  
 23 loan was made by the department. The report shall be delivered to the respective  
 24 legislative committees no later than March first of each year.

25 F.(1) All interest monies earned by the Tank Trust Account and all monies  
 26 received from ~~payments that are the result of~~ cost recovery efforts shall be used for  
 27 the closure of abandoned motor fuel underground storage tanks, assessment and  
 28 remediation of property contaminated by abandoned motor fuel underground storage

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 tanks, and the grants and loans authorized by ~~R.S. 30:2195.12(E)~~ R.S.  
2 30:2195.2(A)(6).

3 \* \* \*

4 §2195.2. Uses of the Tank Trust Fund

5 A. The department shall administer the Tank Trust Fund and shall make  
6 disbursements from the fund for all necessary and appropriate expenditures.  
7 Pursuant to the authorization in R.S. 30:2195, the secretary of the Department of  
8 Environmental Quality shall use the Tank Trust Fund as follows:

9 \* \* \*

10 (6) The secretary shall authorize the use of any monies obtained in cost  
11 recovery actions or from interest on the Tank Trust Account to provide grants or  
12 loans to private persons or entities for upgrading or improving underground storage  
13 tanks to a standard dictated or recommended by federal or state environmental laws,  
14 regulations, or directives.

15 (a) A grant or loan may only be made pursuant to this Paragraph if all of the  
16 following apply:

- 17 (i) The applicant is domiciled in Louisiana.
- 18 (ii) The site is registered with the department as a single wall underground  
19 storage tank system.
- 20 (iii) The applicant is in compliance with and has paid all fees assessed by  
21 applicable state law.

22 (b) Grants provided pursuant to this Paragraph shall only be made in the  
23 form of reimbursement for completed upgrades and improvements after inspection  
24 and approval by the department.

25 (c) No grant or loan shall exceed one hundred fifty thousand dollars and the  
26 total amount of grants per year shall not exceed three million dollars.

27 (d) Eligible applicants may only apply for one grant or loan each year.

28 (e) The secretary shall promulgate rules and regulations to implement this  
29 Paragraph, including the application process, procedures the applicant shall follow

1           prior to making upgrades or improvements to the site, inspection and approval of  
 2           upgrades or improvements by the department, and procedures the applicant shall  
 3           follow after completing the work to either claim reimbursement or begin making  
 4           repayments.

5   \*        \*        \*

6           §2195.8. Advisory board

7                            A.(1) There shall be a Motor Fuels Underground Storage Tank Trust Fund  
 8           Advisory Board, hereinafter referred to as the "board," to advise the secretary with  
 9           regard to implementation of the Tank Trust Account including investment of the trust  
 10           and issuance of grants and loans.

11    \*        \*        \*

12           §2195.12. Alternate generated power capacity for motor fuel dispensing facilities;  
 13                               ~~and other uses of the Tank Trust Account~~

14    \*        \*        \*

15           Section 2. R.S. 30:2195.12(E) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1035 Reengrossed                       2022 Regular Session                       Coussan

**Abstract:** Authorizes the Dept. of Environmental Quality to provide grants for voluntary upgrades to certain single wall underground storage tanks.

Present law enumerates authorized uses of the Motor Fuels Underground Storage Tank Trust Dedicated Fund Account.

Present law further authorizes the department to make loans for the upgrade or improvement of underground storage tanks using deposits from cost recovery efforts and interest earned on the Tank Trust Account.

Proposed law retains present law and adds an additional authorized use of such deposits and interest for the disbursement of grants for upgrading single wall underground storage tanks.

Proposed law provides that individual grants cannot exceed \$150,000 and the total amount of grants per year cannot exceed \$3,000,000.

Present law requires the department to promulgate rules for the implementation of present law tank upgrade loans.

Proposed law further requires the department to promulgate rules for the implementation of proposed law tank upgrade grants as well, including the procedures that must be followed by tank owners in order to claim reimbursement for upgrades.

Present law requires the department to report annually the disbursements of all monies from the Tank Trust Account to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality.

Proposed law adds a requirement that the report include all grants made from the Tank Trust Fund.

Present law establishes the Motor Fuels Underground Storage Tank Trust Fund Advisory Board to advise the secretary with regard to implementation of the Tank Trust Account.

Proposed law retains present law but also allows the board to advise the secretary on the issuance of grants.

(Amends R.S. 30:2195(C), (E), and (F)(1), 2195.8(A)(1), and 2195.12(Section heading); Adds R.S. 30:2195.2(A)(6); Repeals R.S. 30:2195.12(E))

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Clarify that the total amount of grants per year cannot exceed three million dollars.
2. Make technical changes.