

RÉSUMÉ DIGEST

ACT 167 (SB 247)

2024 Regular Session

Cathey

Existing law provides for the Motor Fuels Underground Storage Tank Trust Dedicated Fund Account and for definitions of "eligible participant" and "specialized services".

New law retains existing law and adds that eligible participants include an owner who has registered a temporarily closed tank and has not been excluded from coverage for noncompliance. New law provides that specialized services includes site assessment and characterization.

Existing law defines "underground storage tank", and provides for registration of such tanks, and provides for certain exceptions.

New law retains existing law and specifies that tanks used to store heating oil blended with hazardous waste are excluded from registration. New law also excludes pipeline facilities regulated under federal law and intrastate pipeline facilities determined by the secretary of U.S. Dept. of Transportation to be connected, operated, or intended to be capable of operating as an integral part of a pipeline, from registration.

Existing law prohibits placing of a regulated substance into a tank that has not been registered with the department and which has no current certificate.

New law removes the requirement that the tank not have a current registration certificate from prohibitions on placing regulated substances into tanks.

Existing law provides for uses of account funds for closure of abandoned tanks and provides for prohibitions.

New law retains present law and adds that account funds shall be used to defray investment fees. New law further provides that all unexpended and unencumbered monies in the account at the end of the fiscal year shall remain in the account and be available for expenditure in future fiscal years.

New law provides that the secretary may declare a tank abandoned where either a release is not eligible for the account or where action by the department is the most efficient way to address conditions at the site.

Prior law limited account expenditures of the Tank Trust Account to the greater of an amount necessary to satisfy federal requirements or \$1,500,000, per occurrence.

New law changes the dollar amount from \$1,500,000 to \$2,000,000, and adds that expenditures may exceed federal requirements where the secretary determines necessary.

Prior law provided for reasonable disbursements from the account to tank owners for reimbursement of payment to approved response action contractors, only after amounts required by law have been paid by the owner.

New law provides that for remediation work contracted on or after August 1, 1995, the department shall pay the response action contractor directly upon presentation of invoices.

Prior law provided that no disbursement from the account may be made until an eligibility verification is made and that initial assessments shall be made within two years of receipt of a request.

New law retains prior law but removes the requirement that an initial assessment be made within two years of request.

Existing law provides for financial responsibility for noncompliance, for annual review of requirements and recommendation of adjustments thereto, and requires that adjustments be no less than amounts currently established by law.

New law retains existing law but removes the requirement that adjustments be no less than amounts in current law.

Effective August 1, 2024.

(Amends R.S. 30:2194(B)(4) and (11), (C)(2), and (4), 2194.1, 2195(D) and (F)(3), 2195.2(A)(1)(c)(ii), 2195.4(A)(1) and (3)(c), and 2195.10(D); repeals R.S. 30:2195.4(A)(3)(d))