
The original instrument was prepared by McHenry Lee. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

SB 257 Reengrossed 2016 Regular Session Walsworth

Present law provides for the definition of "bulk facility".

Proposed law retains present law but adds that a "bulk facility" may mean a broker, reseller, or other person that sells exclusively to another "bulk facility" and has registered and obtained a certificate from the DEQ.

Present law provides for the definitions of "date of release", "motor fuels", and "regulated substance".

Proposed law revises those definitions.

Present law prohibits any person after Jan. 1, 1996, from placing or dispensing a regulated substance into an underground storage tank that has not been registered with the department.

Proposed law removes the January 1, 1996 date and provides that the present prohibition includes a person not only placing a regulated substance in a storage tank not registered with the department but that the person also does not have a current registration certificate.

Present law provides that monies deposited in the Environmental Trust Fund will be used to defray the cost to the state of administering the underground storage tank program and to provide money or services as the state share of matching funds for federal grants.

Proposed law retains present law but includes monies deposited into the Tank Trust Fund will also be used for those purposes. Further provides that only monies recovered from certain response actions and deposited into the trust fund may be used for certain loans, and authorizes the secretary to promulgate regulations.

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

Proposed law adds requirement that the report must include all loans made from the Tank Trust Fund.

Present law requires that beginning July 1, 2001, all interest monies earned by the Motor Fuels Underground Storage Tank Trust Fund be used for the closure of abandoned motor fuels underground storage tanks, assessment and remediation of property contaminated by abandoned

motor fuel underground storage tanks.

Proposed law removes the July 1, 2001, date and provides that monies earned by the Motor Fuels Underground Storage Tank Trust Fund and monies received from payments resulting from cost recovery efforts are authorized, in addition to the uses provided in present law, to be used for loans associated with the operation of underground storage tanks.

Present law provides that a site may be declared an abandoned motor fuel underground storage tank site if certain conditions are met.

Proposed law changes "site" to "tank" and adds an additional requirement.

Proposed law includes as a use for the monies any loans associated with the operation of underground storage tanks.

Present law requires that monies expended from the Tank Trust Fund for any approved costs must be spent only up to such sums as are necessary to satisfy federal petroleum underground storage tank financial responsibility requirements or \$1,500,000, whichever is greater.

Proposed law retains present law but includes any third-party claim arising out of the release of regulated substances as part of the sum.

Present law prohibits the expenditure of funds from the Tank Trust Fund for new and used motor oil releases which occur prior to Sept. 6, 1991.

Proposed law retains present law but allows the expenditure of funds if the secretary determines the release to have been from an abandoned motor fuel storage tank.

Present law requires that all invoices or transaction statements issued by operators of bulk facilities for the transfer of motor fuels into a cargo tank must clearly indicate whether or not the transaction was a withdrawal from bulk.

Proposed law retains present law but further requires that all records from bulk facilities must be maintained for four years and be available for inspection by the department.

Present law provides for the use of certain fees and provides a cap when the fee balance equals or exceeds \$20 million.

Proposed law changes the fee balance cap from \$20 million to \$40 million and provides for the calculation of the unobligated balance in the fund.

Present law provides that when the initial site assessment has not been completed within two years, the applicant will have 90 days from the completion of the initial site assessment to submit the reimbursement application.

Proposed law removes present law and requires initial assessments to be initiated within two years of the confirmed release for the site to be eligible for disbursement from the Tank Trust Fund.

Present law provides that the owner shall pay the amount required by present law toward the satisfaction of certain third party judgments, and after payment has been made, the fund will pay the remainder of said judgment.

Proposed law removes present law.

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 Fund.

Proposed law retains present law but also allows the board to advise the secretary on the issuance of loans in regard to the fund.

Proposed law provides the criteria to meet the E.P.A.'s financial requirements.

Proposed law allows the secretary or his designee to exclude any owner from coverage by the Tank Trust Fund who has consistently failed to comply with the requirements outlined in present law.

Proposed law provides that the secretary may authorize the use of any monies obtained in cost recovery actions or from interest on the Tank Trust Fund as outlined in present law and after consultation with the Tank Trust Fund Advisory Board to provide loans necessary to ensure delivery of motor fuels to the public.

Effective August 1, 2016.

(Amends R.S. 30:2194(B)(1), (3) and (6), 2194.1, 2195(C), (E), (F)(1), (3)(intro para) and (3)(e), 2195.2(A)(1)(c)(ii), (2), (3), and (5), 2195.3(A)(1)(b), (6), and (10), 2195.4(A)(2) and (3), (B)(1), 2195.8(A) and (C), 2195.9(B), 2195.10(C), 2195.12(A); adds R.S. 30:2194(B)(8)(c) and 2195.12(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Environmental Quality to the original bill

1. Removes provisions allowing the secretary to issue grants.
2. Adds requirement as to when a tank may be declared to be abandoned.
3. Removes provision allowing the secretary to declare a rebate to certain bulk dealers who have paid into the trust fund.
4. Restores provisions that provide financial responsibility requirements for taking

response actions and third-party judgments.

5. Adds provision requiring the secretary to consult with the board when excluding underground storage tank systems from the trust fund.
6. Adds requirement that certain monies deposited into trust fund may be used only for loans.

Senate Floor Amendments to engrossed bill

1. Technical amendments only.