

ACT No. 277

2022 Regular Session

HOUSE BILL NO. 1035

BY REPRESENTATIVE COUSSAN

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

C. Monies so deposited in the Environmental Trust Account shall be used to defray the cost to the state of administering the underground storage tank program and the cost of investigation, testing, containment, control, and cleanup of releases from underground storage tanks containing regulated substances. Only monies recovered pursuant to ~~R.S. 30:2195.2(A)(2)~~ and deposited in cost recovery efforts and interest earned on the Tank Trust Account may be used for the grants and loans

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

7 * * *

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

23 F.(1) All interest monies earned by the Tank Trust Account and all monies
 24 received from ~~payments that are the result of~~ cost recovery efforts shall be used for
 25 the closure of abandoned motor fuel underground storage tanks, assessment and
 26 remediation of property contaminated by abandoned motor fuel underground storage
 27 tanks, and the grants and loans authorized by ~~R.S. 30:2195.12(E)~~ R.S.
 28 30:2195.2(A)(6).

29 * * *

1 §2195.2. Uses of the Tank Trust Fund

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

6 * * *

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

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

14 (i) The applicant is domiciled in Louisiana.

15 (ii) The site is registered with the department as a single wall underground
16 storage tank system.

17 (iii) The applicant is in compliance with and has paid all fees assessed by
18 applicable state law.

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

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

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

25 (e) The secretary shall promulgate rules and regulations to implement this
26 Paragraph, including the application process, procedures the applicant shall follow
27 prior to making upgrades or improvements to the site, inspection and approval of
28 upgrades or improvements by the department, and procedures the applicant shall

1 follow after completing the work to either claim reimbursement or begin making
2 repayments.

3 * * *

4 §2195.8. Advisory board

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

9 * * *

10 §2195.12. Alternate generated power capacity for motor fuel dispensing facilities;
11 ~~and other uses of the Tank Trust Account~~

12 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____