
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by McHenry Lee.

DIGEST

SB 257 Original

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 retains present law but further prohibits any person from placing or dispensing a regulated substance into an underground storage tank that 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 and further provides that the funds may be used for other purposes related to the delivery of motor fuels. Further provides that the secretary will promulgate regulations governing grants and loans from the Tank Trust Fund.

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 grants or loans made from the Tank Trust Fund.

Present law provides that beginning July 1, 2001, all interest monies earned by the Motor Fuels Underground Storage Tank Trust Fund must 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 retains present law and adds monies received from payments that are the result of cost recovery efforts, and makes the use of the money discretionary.

Proposed law includes as a use for the monies any loans or grants 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 the fees collected under present law are not required to be paid on or after the first day of the second month following a determination that has been made by the board that the unobligated balance in the Tank Trust Fund equals or exceeds \$20,000,000 and further provides that when the balance falls below \$10,000,000 the fee must be reinstated on the first day of the second month following the determination.

Proposed law removes present law and allows the secretary, after consultation with the Motor Fuels Underground Storage Tank Trust Fund Advisory Board, to declare a rebate to those bulk dealers that have paid into the fund and provides that the rebate will be calculated in proportion to the amounts paid into 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 requires the owner to pay certain amounts toward the satisfaction of a judgment, and

after the payment has been made, the fund will pay the remainder of said judgment.

Proposed law removes present law.

Present law requires that during any month when the collection of fees assessed is suspended, the treasurer must transfer an amount equal to 20% of the average monthly fee collected according to the schedule specified from the trust into the Environmental Trust Fund for certain uses.

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 grants and loans and the granting of rebates in regard to the fund.

Present law provides for the financial responsibility for taking response actions by third-party judgments by motor fuel underground storage tank owners who are eligible participants in the fund.

Proposed law removes present law and sets the owner's financial responsibility requirements for eligibility for reimbursement for taking response actions and third-party judgments at \$5,000 per occurrence.

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 to provide grants or 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)(d), 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), and (C), 2195.8(A) and (C), 2195.9(A) and (B), 2195.10(C), 2195.12(A); adds R.S. 30:2194(B)(8)(c), 2195(F)(3)(f), 2195.4(A)(4), and 2195.12(E))