

2016 Regular Session

SENATE BILL NO. 257

BY SENATOR WALSWORTH

ENVIRONMENTAL QUALITY. Provides relative to underground storage tanks and the Motor Fuels Underground Storage Tank Trust Fund. (8/1/16)

1 AN ACT
2 To amend and reenact R.S. 30:2194(B)(1), (3) and (6), 2194.1, 2195(C), (E), (F)(1), and the
3 introductory paragraph of (3), and (3)(d), 2195.2(A)(1)(c)(ii), (2), (3), and (5),
4 2195.3(A)(1)(b), (6), and (10), 2195.4(A)(2) and (3) and (B)(1) and (C), 2195.8(A)
5 and (C), 2195.9(A) and (B), 2195.10(C), 2195.12(A), and to enact R.S.
6 30:2194(B)(8)(c), 2195(F)(3)(f), 2195.4(A)(4), and 2195.12(E), relative to
7 underground storage tanks; to provide certain prohibitions; to provide for monies
8 deposited in the Tank Trust Fund; to provide certain reporting requirements; to
9 provide for monies received from certain payments; to provide for certain third party
10 claims; to require the maintaining of certain documents and records; to provide for
11 the membership of the Motor Fuels Underground Storage Tank Trust Fund Advisory
12 Board; to provide for certain reimbursement eligibility requirements; to provide for
13 the issuance of grants or loans relative to the delivery of motor fuels; to provide
14 terms, conditions, and requirements; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 30:2194(B)(1), (3) and (6), 2194.1, 2195(C), (E), (F)(1), and the
17 introductory paragraph of (3) and (3)(d), 2195.2(A)(1)(c)(ii), (2), (3), and (5),

1 2195.3(A)(1)(b), (6), and (10), 2195.4(A)(2), and (3), (B)(1) and (C), 2195.8(A), and (C),
2 2195.9(A) and (B), 2195.10(C), 2195.12(A) are hereby amended and reenacted and R.S.
3 30:2194(B)(8)(c), 2195(F)(3)(f), 2195.4(A)(4), and 2195.12(E) are hereby enacted to read
4 as follows:

5 §2194. Underground storage tanks; registration

6 * * *

7 B. As used in R.S. 30:2194 through 2195.11, the following terms shall have
8 the meaning ascribed to them in this Subsection, unless the context clearly indicates
9 otherwise:

10 (1) "Bulk facility" means a facility, including pipeline terminals, refinery
11 terminals, motor fuel distribution terminals, rail and barge terminals, and associated
12 tanks, connected or separate, from which motor fuels are withdrawn from bulk and
13 delivered into a cargo tank or a barge used to transport these materials. **"Bulk**
14 **facility" shall also mean a broker, reseller, or other person that does not sell**
15 **motor fuels to any person other than another bulk facility and has registered**
16 **and obtained a certificate from the department.**

17 * * *

18 (3) "Date of release" means the specific date in which evidence indicates that
19 a release (leak) is occurring or has occurred. If a tank is taken out-of-service, the date
20 of release is the last date of operation. **If no specific date is determined, the "date**
21 **of release" is the date the release (leak) is reported to the department.**

22 * * *

23 (6) "Motor fuels" shall be defined as all grades of gasoline including but not
24 limited to gasohol, No. 1 diesel, No. 2 diesel, kerosene, and all aviation fuels. ~~Liquid~~
25 ~~petroleum (LP) gas shall not be included in this definition of motor fuel.~~ Effective
26 September 6, 1991, this term shall include new and used motor oil that is used for
27 lubricating engines of motor vehicles. ~~If, however, used oil is determined to be a~~
28 ~~hazardous waste by the United States Environmental Protection Agency, used oil~~
29 ~~shall no longer be included in this term.~~ **"Motor fuels" may include, as determined**

1 by the secretary, any product, petroleum or petroleum blend, biofuel or any
2 new fuel that may emerge for the propulsion of motor vehicles.

3 * * *

4 (8) "Regulated substance" means:

5 * * *

6 (c) Any motor fuels as determined by the secretary.

7 * * *

8 §2194.1. Prohibitions

9 On or after January 1, 1996, no person shall place or dispense a regulated
10 substance into an underground storage tank that has not been registered with the
11 Louisiana Department of Environmental Quality **and that does not have a current**
12 **registration certificate.**

13 §2195. Motor Fuels Underground Storage Tank Trust Fund

14 * * *

15 C. Monies so deposited in the Environmental Trust Fund **or the Tank Trust**
16 **Fund** shall be used to defray the cost to the state of administering the underground
17 storage tank program and the cost of investigation, testing, containment, control, and
18 cleanup of releases from underground storage tanks containing regulated substances.
19 **The funds may also be used for other purposes related to the delivery of motor**
20 **fuels including grants or loans associated with the purposes of this Section. The**
21 **secretary shall promulgate regulations governing grants and loans from the**
22 **Tank Trust Fund.** These monies shall also be used to provide money or services as
23 the state share of matching funds for federal grants involving underground storage
24 tanks. At the end of each fiscal year, all monies that were deposited into the
25 Environmental Trust Fund from the fees established in R.S. 30:2195.3(A)(1)(a) and
26 (B) which remain unspent, including all accrued interest, shall be transferred to the
27 Tank Trust Fund.

28 * * *

29 E. Annually, the department shall prepare a report for the House Committee

1 on Natural Resources and Environment and the Senate Committee on Environmental
 2 Quality of all disbursements of monies from the Tank Trust Fund and the
 3 Environmental Trust Fund. The report shall include the number of sites actively
 4 seeking reimbursement from the Tank Trust Fund as of June thirtieth of each year,
 5 the number of sites deemed eligible for the Tank Trust Fund during the previous
 6 fiscal year, and the number of sites that have been granted "No Further Action", and
 7 the department has received the last application for reimbursement during the
 8 previous fiscal year. **The report shall also include all grants or loans made from**
 9 **the Tank Trust Fund.** Regarding disbursements from the Tank Trust Fund as
 10 provided by R.S. 30:2195.2, the report shall include a list of all reimbursements, all
 11 pending reimbursements, the date the application was made for reimbursement, and
 12 the date reimbursement was made by the department. The report shall be delivered
 13 to the respective legislative committees no later than March first of each year.

14 F.(1) Beginning July 1, 2001, all interest monies earned by the Motor Fuels
 15 Underground Storage Tank Trust Fund ~~shall~~ **and all monies received from**
 16 **payments that are the result of cost recovery efforts may** be used for the closure
 17 of abandoned motor fuel underground storage tanks, ~~and~~ assessment and remediation
 18 of property contaminated by abandoned motor fuel underground storage tanks, **and**
 19 **loans or grants associated with the operation of underground storage tanks.**

20 * * *

21 (3) A **site tank** may be declared to be an abandoned motor fuel underground
 22 storage tank ~~site~~ by the secretary upon a finding that all of the following apply to the
 23 site:

24 * * *

25 (d) It has no financially responsible owner or operator who can be located,
 26 or such person has failed or refused to undertake action ordered by the secretary
 27 pursuant to R.S. 30:2194 ~~and the regulations adopted thereunder.~~

28 * * *

29 **(f) That the secretary has determined that action by the department is**

1 the most timely and efficient way to address conditions at the site.

2 §2195.2. Uses of the Tank Trust Fund

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

7 (1) Whenever in the secretary's determination incidence of surface water,
8 groundwater, or soils contamination resulting from the storage of motor fuels may
9 pose a threat to the environment or the public health, safety, and welfare and the
10 owner of the motor fuel underground storage tank has been found to be an eligible
11 participant, the department shall obligate monies available in the Tank Trust Fund
12 to provide for the following response actions:

13 * * *

14 (c)(i) * * *

15 (ii) The monies expended from the Tank Trust Fund for any of the above
16 approved costs shall be spent only up to such sums as that which is necessary to
17 satisfy federal petroleum underground storage tank financial responsibility
18 requirements (40 CFR 280.93) or one million five hundred thousand dollars,
19 whichever is greater. This amount shall include any third-party claim arising
20 from the release of motor fuels from a motor fuel underground storage tank.

21 (2) Whenever costs have been incurred by the department for taking response
22 actions with respect to the release of motor fuels from an underground storage tank
23 or the department has expended funds from the Tank Trust Fund for response costs
24 or third-party liability claims, the owner of the motor fuel underground storage tank
25 shall be liable to the department for such costs only if the owner was not an eligible
26 participant on the date of discharge of the motor fuels which necessitates the
27 cleanup; otherwise liability is limited to the provisions contained in R.S. 30:2195.9
28 and 2195.10. The expenditure of funds to reimburse any party for costs otherwise
29 authorized by this Subsection shall be expressly prohibited if the costs were incurred

1 as the result of a release of motor fuels, excluding new and used motor oil, which
 2 occurred prior to July 15, 1988. For new and used motor oil releases, the expenditure
 3 of funds to reimburse any party for costs otherwise authorized by this Subsection
 4 shall be expressly prohibited for any costs relating to a release which occurred prior
 5 to September 6, 1991, **unless such release is determined by the secretary to have**
 6 **been from an abandoned motor fuel underground storage tank.** Nothing
 7 contained herein shall be construed so as to authorize the expenditure from the Tank
 8 Trust Fund on behalf of any owner of an underground storage tank who is not an
 9 eligible participant at the time of the release for any third-party liability.

10 (3) In the event funds have been expended by the secretary on behalf of an
 11 owner who was not an eligible participant, and the Tank Trust Fund is entitled to
 12 reimbursement of those funds so expended, the secretary shall use any and all
 13 administrative and judicial remedies, including the filing of a lien with the same
 14 ranking as that provided in R.S. 30:2195(F)(2), which may be necessary for recovery
 15 of the expended funds plus legal interest from the date of payment by the secretary
 16 and all costs associated with the recovery of the funds. **The secretary may expend**
 17 **the recovered funds for any use authorized under this Section.**

18 * * *

19 (5) The Tank Trust Fund may be used to make payments to a third party who
 20 brings a third-party claim against the secretary of the department and any owner of
 21 a motor fuel underground storage tank because of damages sustained by a release
 22 into **the air,** the groundwater, surface waters, or soils and who obtains a final
 23 judgment in said action enforceable in this state against the owner and the secretary
 24 if and only if it has been satisfactorily demonstrated that the owner was an eligible
 25 participant at the time that the release occurred as defined in R.S. 30:2194(B)(3). The
 26 indemnification limit of the trust with respect to satisfaction of third-party claims
 27 shall be that which is necessary to satisfy federal petroleum underground storage
 28 tank financial responsibility requirements.

29 * * *

1 §2195.3. Source of funding; limitations on disbursements from the Tank Trust Fund;
2 limit on amount in Tank Trust Fund

3 A.(1)(a) * * *

4 (b) However, those persons ordering the withdrawal of motor fuel from a
5 bulk facility into a cargo tank which is directly transported and completely unloaded
6 into either tanks exempted from registration requirements as provided by R.S.
7 30:2194(C), those underground storage tanks exempted from taxation pursuant to
8 R.S. 47:715 and 720, or those underground storage tanks identified in R.S.
9 30:2195.2(B)(1)(a) and (b) shall not be required to pay the fees established by this
10 Paragraph. These fees shall also not apply to exchanges between **registered and**
11 **certified** bulk facilities.

12 * * *

13 (6) All invoices or transaction statements issued by operators of bulk
14 facilities for the transfer of motor fuels into a cargo tank shall clearly indicate
15 whether or not the transaction was a withdrawal from bulk as defined by ~~R.S.~~
16 ~~30:2194(B)(13)~~ **R.S. 30:2194. All records documenting transfers to and from**
17 **bulk facilities shall be maintained for four years and be available for inspection**
18 **by the department upon request.**

19 * * *

20 ~~(10) Fees imposed by Subparagraph (A)(1)(a) of this Section shall not be~~
21 ~~collected or required to be paid on or after the first day of the second month~~
22 ~~following a determination that has been made by the board that the unobligated~~
23 ~~balance in the Tank Trust Fund equals or exceeds twenty million dollars. If the board~~
24 ~~determines that the unobligated balance in the Tank Trust Fund falls below ten~~
25 ~~million dollars, the fee shall be reinstated effective on the first day of the second~~
26 ~~month following this determination. For these purposes, the unobligated balance in~~
27 ~~the Tank Trust Fund shall be determined by subtracting from the cash balance in the~~
28 ~~Tank Trust Fund at the end of each month the sum of the total estimates made by the~~
29 ~~board of eligible payment requests pending review and the outstanding balance of~~

1 ~~the estimated costs to be incurred associated with correction action plans approved~~
 2 ~~by the department. The secretary, after consultation with the Motor Fuels~~
 3 ~~Underground Storage Tank Trust Fund Advisory Board, may declare a rebate~~
 4 ~~to those bulk dealers who have paid into the Tank Trust Fund. Such rebate shall~~
 5 ~~be calculated in proportion to the amounts paid into the Tank Trust Fund by~~
 6 ~~each bulk dealer.~~

7 * * *

8 §2195.4. Procedures for disbursements from the Tank Trust Fund

9 A. Monies held in the Tank Trust Fund established hereunder shall be
10 disbursed by the secretary in the following manner:

11 * * *

12 (2) The owner or the owner's authorized agent and response action
 13 contractor shall file a sworn application with the department indicating fair and
 14 reasonable value of the cost of site assessment and remediation, subject to those
 15 regulations and limitations as set by the department. Proof of payment of the
 16 financial responsibility amounts required by R.S. 30:2195.9 and 2195.10, or a
 17 certified copy of the lien authorized in this Section, shall be provided with the initial
 18 application for reimbursement.

19 (3)(a) Except in cases of emergency, no disbursement from the Tank Trust
 20 Fund may be made by the secretary until such time that the secretary obtains
 21 verification that the owner applicant is an eligible participant in compliance with the
 22 law.

23 (b) ~~Except as otherwise provided in Subparagraph (c), no~~ **No** disbursements
 24 from the Motor Fuels Underground Storage Tank Trust Fund may be made by the
 25 secretary when the application for reimbursement is filed with the department more
 26 than two years after the date that the response action work is performed.

27 ~~(4)(a)(c)(i) When the initial site assessment has not been completed within~~
 28 ~~two years, the applicant will have ninety days from the completion of the initial site~~
 29 ~~assessment to submit the reimbursement application. **Initial assessments shall be**~~

1 initiated within two years of the date of release for the site to be eligible for
2 disbursement from the Tank Trust Fund.

3 (b)(ii) When the department's action results in a reimbursement application
4 not being submitted within two years of the date the work was performed, the
5 applicant will have ninety days from the date the issue is resolved to submit the
6 reimbursement application.

7 B.(1) Payments shall be made to third parties who bring suit against the
8 secretary in his official capacity as representative of the Tank Trust Fund and the
9 owner of an underground motor fuel storage tank, who is an eligible participant as
10 stated in R.S. 30:2194(B)(3), and such third party obtains a final judgment for a third
11 party claim which is enforceable in this state. ~~The owner shall pay the amount~~
12 ~~required by R.S. 30:2195.9 toward the satisfaction of said judgment, and after that~~
13 ~~payment has been made, the Tank Trust Fund will pay the remainder of said~~
14 ~~judgment.~~

15 * * *

16 C.(1) ~~For any month during which the collection of fees assessed pursuant~~
17 ~~to R.S. 30:2195.3 is suspended, the treasurer shall transfer an amount equal to twenty~~
18 ~~percent of the average monthly fee amount collected according to the schedule~~
19 ~~specified in R.S. 30:2195.3(A)(1) from the trust into the Environmental Trust Fund~~
20 ~~for use as provided by R.S. 30:2195.3(A)(9).~~

21 (2) If the secretary determines that the funds deposited on a monthly basis
22 into the Environmental Trust Fund pursuant to R.S. 30:2195(B) are insufficient
23 relative to the legislatively approved fiscal appropriation for the department during
24 a given year, the secretary may order the treasurer to transfer from the Tank Trust
25 Fund to the Environmental Trust Fund only that amount necessary to reach the
26 authorized ceiling.

27 * * *

28 §2195.8. Advisory board

29 A. There shall be a Motor Fuels Underground Storage Tank Trust Fund

1 Advisory Board, hereinafter referred to as the "board," to advise the secretary with
 2 regard to implementation of the Tank Trust Fund including investment of the trust,
 3 **issuance of grants and loans, granting of rebates,** changing of the trust ceiling if
 4 after a reasonable time this would be deemed appropriate and with regard to the
 5 minimum level of funding. The board shall annually review the "Louisiana Motor
 6 Fuels Underground Storage Tank Trust Fund Cost Control Guidance Document" and
 7 may make recommendations for changes. Prior to the promulgation of any proposed
 8 underground storage tank regulations, the department shall provide proposed changes
 9 to the board for review. The board shall also determine the role of the Tank Trust
 10 Fund in establishing financial responsibility as required by federal or state law,
 11 except that such requirement shall not exceed those established by the U.S.
 12 Environmental Protection Agency. The board shall additionally examine claims
 13 made and loss experience, make recommendations to the secretary regarding
 14 minimum levels of financial responsibility for underground storage tank owners, and
 15 the necessity for and contents of rules and regulations issued under the
 16 Environmental Quality Act in similar matters. The board may recommend standards
 17 for the qualification of response action contractors as defined herein. The board may
 18 recommend at any time that response action contractors be added to or deleted from
 19 the list. The board shall also have the authority to review applications for
 20 disbursements from the Tank Trust Fund.

21 * * *

22 C. The board shall meet at least four times each year and each member, or
 23 **his designee,** shall have one vote concerning any matter coming before the board.
 24 The board shall elect its own chairman. The secretary shall provide notice of
 25 regularly held board meetings thirty days prior to the meeting. The board may meet
 26 at any other time upon twenty-four hour notice from the secretary, his designee, or
 27 any two of the board's members.

28 * * *

29 §2195.9. Financial responsibility

1 A. The owner's financial responsibility requirements for eligibility for
2 reimbursement for taking response actions and third-party judgments by motor fuel
3 underground storage tank owners who are eligible participants in the Tank Trust
4 Fund are hereby established as follows:

5 (1) ~~Ten thousand dollars per occurrence for cleanup and an additional ten~~
6 ~~thousand dollars per occurrence for third-party judgments for the period following~~
7 ~~July 15, 1988 through the year 1989.~~ Five thousand dollars per occurrence.

8 (2) ~~Fifteen thousand dollars per occurrence for cleanup and an additional~~
9 ~~fifteen thousand dollars per occurrence for third-party judgments for the period from~~
10 ~~January 1, 1990 through July 14, 1992.~~

11 (3) ~~For the period from July 15, 1992 through June 15, 1995:~~

12 (a) ~~Five thousand dollars per occurrence for cleanup and an additional five~~
13 ~~thousand dollars for third-party judgments for owners with one to twelve tanks in~~
14 ~~Louisiana.~~

15 (b) ~~Ten thousand dollars per occurrence for cleanup and an additional ten~~
16 ~~thousand dollars for third-party judgments for owners with thirteen to ninety-nine~~
17 ~~tanks in Louisiana.~~

18 (c) ~~Fifteen thousand dollars per occurrence for cleanup and an additional~~
19 ~~fifteen thousand dollars for third-party judgments for owners with one hundred or~~
20 ~~more tanks in Louisiana.~~

21 (4) ~~Five thousand dollars per occurrence for cleanup and an additional five~~
22 ~~thousand dollars per occurrence for third-party judgments, beginning on June 16,~~
23 ~~1995, and continuing through December 31, 2001.~~

24 (5) ~~Thereafter the advisory board shall review the financial responsibility~~
25 ~~requirements on an annual basis and may recommend to the secretary adjusting the~~
26 ~~requirements. The secretary shall determine and set the financial responsibility~~
27 ~~requirements annually.~~

28 ~~(6)~~(2) A lien filed by the department with the same ranking and privilege as
29 that authorized by R.S. 30:2195(F)(2) may be substituted for the financial

1 responsibility requirement of this Section, but in no case shall the lien be substituted
 2 on behalf of an owner or operator who continues to operate the system. The
 3 department shall promulgate regulations to provide for the use of this lien that
 4 ensures the fiscal stability of the fund. Such regulations shall provide that the use of
 5 the funds in the Tank Trust Fund in any fiscal year on sites for which the lien
 6 authorized by this Section has been used to substitute for the financial responsibility
 7 amount shall not exceed twenty percent of the amounts collected in the previous
 8 fiscal year. The secretary is authorized to exceed the twenty percent limitation
 9 contained in this Paragraph upon recommendation of the Motor Fuels Underground
 10 Storage Tank Trust Fund Advisory Board. Upon recommendation of the board to
 11 exceed the twenty percent limitation as provided for in this Paragraph, the secretary
 12 shall send written notice to the Senate Committee on Environmental Quality and the
 13 House Committee on Natural Resources and Environment listing the project name,
 14 project location, and the amount of the project that exceeds the twenty percent
 15 limitation.

16 B. Financial responsibility **required by the United States Environmental**
 17 **Protection Agency** may be established by any one or combination of the following:
 18 insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer.
 19 A person may qualify as a self-insurer by showing tangible net worth in the amount
 20 established by the U.S. Environmental Protection Agency.

21 §2195.10. Financial responsibility for noncompliance

22 * * *

23 C. The secretary or his designee may exclude from coverage by the Tank
 24 Trust Fund any underground storage tank system whose owner or operator has been
 25 found to have consistently failed to comply with the requirements enumerated in
 26 Subsection B of this Section **as determined by the secretary**. ~~Consistent failure is~~
 27 ~~a failure to comply with more than three of the requirements enumerated in~~
 28 ~~Subsection B or repeated releases from the same underground storage tank system~~
 29 ~~accompanied by failure to comply with the regulations enumerated in Subsection B.~~

1 Notwithstanding any provision to the contrary, the secretary or his designee may
2 prohibit the delivery of fuel to any underground storage tank excluded from coverage
3 under this provision until such time as the owner operator secures financial assurance
4 that satisfies the federal petroleum underground storage tank financial responsibility
5 requirements.

6 * * *

7 §2195.12. Alternate generated power capacity for motor fuel dispensing facilities;
8 **and other uses of the Tank Trust Fund**

9 A. As used in this Section, the following terms and phrases shall have the
10 following meanings unless the context clearly indicates otherwise:

11 ~~(1)~~ "Motor fuel" means any petroleum product, including any special fuel,
12 that is used for the propulsion of motor vehicles.

13 ~~(2)~~**(1)** "Retail outlet" means a facility, including land and improvements,
14 where motor fuel is offered for sale, at retail, to the motoring public.

15 ~~(3)~~**(2)** "Sale" or "sell" means any transfer, gift, sale, offer for sale, or
16 advertisement for sale in any manner or by any means whatsoever, including any
17 transfer of motor fuel from a person to itself or an affiliate at another level of
18 distribution, but does not include product exchanges at the wholesale level or
19 distribution.

20 ~~(4)~~**(3)** "Completely rebuilt motor fuel retail outlet" means a newly
21 constructed outlet built after the previous outlet on the same site has been completely
22 razed.

23 * * *

24 **E. The secretary may authorize use of any monies obtained in cost**
25 **recovery actions or from interest on the Tank Trust Fund enumerated in R.S.**
26 **30:2195 to provide for grants or loans necessary to insure delivery of motor**
27 **fuels to the public.**

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))