

Committee on Environment and Natural Resources

CS/SB 702 — Petroleum Cleanup

by Environment and Natural Resources Committee and Senator Albritton

The bill makes the following changes to the Petroleum Cleanup Participation Program:

- Requires that limited contamination assessment reports be sufficient to support the proposed course of action and to estimate the cost of the proposed course of action.
- Authorizes a demonstration of cost savings, as described in the bill, to replace or supplement the existing cost-share requirement.
- Provides definitions for Risk Management Option Levels I and II.
- Deletes the authorization that the costs for the report and copayment may be reduced or eliminated if the responsible owners and all operators demonstrate that they cannot financially comply with the copayment and report requirements.
- Deletes the 120-day time limitation for negotiations.

The bill makes the following changes to the Advanced Cleanup Program:

- Requires the applicant's contractor, upon acceptance of an application, to submit a scope of work to the Department of Environmental Protection (DEP) for the limited contamination assessment. Once the scope of work is agreed upon, DEP must issue purchase orders for the assessment of up to \$35,000 per purchase order.
- Requires that the property owner or responsible party must commit to continue to participate in the advanced cleanup program upon completion of the limited contamination assessment and finalization of the proposed course of action.
- Requires that proposed course of actions in the application be "conceptual."
- Deletes the prohibition on refunding costs incurred relating to conducting the limited contamination assessment report from the Inland Protection Trust Fund (IPTF).
- Deletes the requirement that the limited contamination assessment report be included in the application for the advanced cleanup program.

The bill authorizes DEP to use the IPTF to address damage or potential damage to storage tank systems caused by ethanol or biodiesel. DEP must pay up to \$10 million each fiscal year from the IPTF for the costs of labor and equipment to repair or replace petroleum storage systems that may have been damaged or for preventative measures reducing the potential for such damage. The bill establishes procedures by which petroleum storage system owners or operators may submit applications for purchase orders for authorized scopes of work and for payment of costs incurred between July 1, 2015 and June 30, 2019. DEP is authorized to pay up to \$200,000 annually per applicant for a single facility or \$500,000 annually per applicant in aggregate. The bill requires that, after July 1, 2019, DEP must only register new petroleum equipment meeting applicable standards for compatibility.

The bill requires DEP to disburse money to the Fish and Wildlife Conservation Commission for enforcement of the IPTF statute and the Water Quality Assurance Act.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 117-0