

SENATE BILL 298

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 211, Part 1 and Title 68, Chapter 215,
relative to petroleum underground storage tanks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 215, Part 1, is amended by adding the following as a new section:

68-215-131.

(a) Notwithstanding § 68-215-107(f), or any other law to the contrary, the board shall permit the use of single walled petroleum underground storage tanks and piping; provided, that the use of single walled petroleum underground storage tanks and piping would not violate federal law or regulations, or cause a loss of federal funding. Nothing in this section prohibits the board from also permitting the use of petroleum underground storage tanks and piping that incorporate secondary containment features.

(b) Any person who manufactures a single walled underground fuel storage tank for use in this state, or piping for such tank, or who installs or repairs such tanks or piping in this state, shall maintain evidence of financial responsibility in an amount equal to or greater than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) annual aggregate for the costs of corrective action directly related to releases caused by improper manufacture, installation, or repair of such tank or piping.

(c) Subdivision (b) shall not apply to the installation or repairs of fuel tanks or piping by the owner or operator of such fuel tank or piping.

(d) Evidence of financial responsibility shall be presented annually to the commissioner.

(e) The board shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement the provisions of this section.

SECTION 2. The underground storage tanks and solid waste disposal control board created pursuant to § 68-211-111 shall commission a study concerning the efficacy of corrective action equipment that is installed at petroleum underground storage tank sites with funding from the petroleum underground storage tank fund. The study shall be performed by a registered engineer who is not employed by the state or any political or civil subdivision of the state. The study shall be funded from the underground storage tanks and solid waste disposal control board's existing resources. The underground storage tanks and solid waste disposal control board shall provide a written report that details the study's findings to the agriculture and natural resources committee of the house of representatives and to the energy, agriculture and natural resources committee of the senate no later than February 1, 2014.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.