

## **BILL ANALYSIS**

C.S.H.B. 239  
By: Springer  
Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties explain that numerous state and federal regulatory guidelines allow for larger aboveground storage tanks than a current Health and Safety Code provision restricting an aboveground storage tank storing gasoline, diesel fuel, or kerosene at certain retail service stations in rural communities to a capacity of not more than 4,000 gallons. The industry practice generally accepts that aboveground storage tanks are environmentally safer than belowground storage tanks, as repairs and leaks are more easily identified and fixed, and for this reason, the parties contend that these rural service stations need the same flexibility for fuel storage as their counterparts in larger municipalities. C.S.H.B. 239 seeks to amend current law to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 239 amends the Health and Safety Code to expand the authorization to store gasoline, diesel fuel, or kerosene in an aboveground storage tank at a retail service station located in an unincorporated area or in a municipality with a population of less than 5,000 to include such storage of compressed natural gas, liquefied natural gas, and propane and to remove from the authorization the restriction that the tank have a capacity of not more than 4,000 gallons. The bill authorizes a commissioners court of a county with a population of 3.3 million or more by order to limit the maximum volume of an aboveground storage tank in an unincorporated area of the county in accordance with the county fire code. The bill includes compressed natural gas, liquefied natural gas, and propane among the flammable liquids for which a retail service station is authorized to have a tank for each separate grade, but not more than one tank for the same grade.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 239 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences

between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Sections 753.004(d) and (e), Health and Safety Code, are amended to read as follows:

(d) Gasoline, diesel fuel, or kerosene may be stored in an aboveground storage tank [~~with a capacity of not more than 4,000 gallons~~] at a retail service station located in an unincorporated area or in a municipality with a population of less than 5,000.

(e) Under Subsection (d), a retail service station may have a tank [~~not exceeding the specified capacity~~] for each separate grade of gasoline, diesel fuel, or kerosene, but may not have more than one tank [~~of that capacity~~] for the same grade.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 753.004, Health and Safety Code, is amended by amending Subsections (d) and (e) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), gasoline [Gasoline], diesel fuel, compressed natural gas, liquefied natural gas, propane, or kerosene may be stored in an aboveground storage tank [~~with a capacity of not more than 4,000 gallons~~] at a retail service station located in an unincorporated area or in a municipality with a population of less than 5,000.

(d-1) A commissioners court of a county with a population of 3.3 million or more may by order limit the maximum volume of an aboveground storage tank in an unincorporated area of the county in accordance with the county fire code.

(e) Under Subsection (d), a retail service station may have a tank [~~not exceeding the specified capacity~~] for each separate grade of gasoline, diesel fuel, compressed natural gas, liquefied natural gas, propane, or kerosene, but may not have more than one tank [~~of that capacity~~] for the same grade.

SECTION 2. Same as introduced version.