

BILL ANALYSIS

Senate Research Center

H.B. 239
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Agriculture, Water & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current 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.

H.B. 239 amends current law relating to storage of flammable liquids at retail service stations in unincorporated areas and certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(d) Provides that gasoline, diesel fuel, or kerosene may be stored 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, except as provided by Subsection (d-1).

(d-1) Authorizes a commissioners court of a county with a population of 3.3 million or more to 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) Authorizes a retail service station, under Subsection (d), to have a tank for each separate grade of gasoline, diesel fuel, or kerosene, but prohibits it from having more than one tank for the same grade.

Deletes existing text providing that 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. Deletes existing text referencing the capacity of certain tanks.

SECTION 2. Effective date: upon passage or September 1, 2015.