

ASSEMBLY BILL

No. 1701

Introduced by Assembly Members Wieckowski and Smyth

February 15, 2012

An act to amend Sections 25299.109 and 25299.206 of the Health and Safety Code, relating to underground storage tanks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1701, as introduced, Wieckowski. Underground storage tanks: funds.

Existing law requires the State Water Resources Control Board to conduct a grant program to assist small businesses in meeting certain requirements with regard to underground storage tanks and the board is required to make these grant funds available from the Petroleum Underground Storage Tank Financing Account for purposes of this program. The funds in the Petroleum Underground Storage Tank Financing Account are available for expenditure by the board, upon appropriation by the Legislature, with regard to a specified grant and loan program. Under the existing Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, owners and operators of petroleum underground storage tanks are required to pay a storage fee for each gallon of petroleum placed in the tank. The fees are required to be deposited in the Underground Storage Tank Cleanup Fund, and the money in the fund is authorized to be expended by the board, upon appropriation by the Legislature, for various purposes.

This bill would delete an obsolete provision regarding the transfer of funds from the fund to that account and would clarify that the funds in the account may be expended by the board for purposes of this grant program.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25299.109 of the Health and Safety Code
2 is amended to read:
3 25299.109. (a) The Petroleum Underground Storage Tank
4 Financing Account is hereby created in the State Treasury. The
5 Petroleum Underground Storage Tank Financing Account is created
6 for both of the following purposes:
7 (1) Receiving federal, state, and local money.
8 (2) Receiving repayments of loans and interest and late fees on
9 those accounts.
10 (b) Upon appropriation by the Legislature, funds in the account
11 shall be used by the board only to make loans and grants pursuant
12 to this chapter *and grants pursuant to Chapter 6.77 (commencing*
13 *with Section 25299.200).*
14 (c) The board shall annually make available not more than 33
15 percent of the available funds from the account for the purposes
16 of providing grants pursuant to this chapter. Funds transferred
17 pursuant to subdivision (e) shall not be used in calculating the
18 maximum amount that may be made available for grant funding.
19 (d) Notwithstanding Section 16305.7 of the Government Code,
20 all interest or other increments resulting from the investment of
21 the funds in the Petroleum Underground Storage Tank Financing
22 Account pursuant to Article 4 (commencing with Section 16470)
23 of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government
24 Code shall be deposited in a subaccount of the Petroleum
25 Underground Storage Tank Financing Account, and expended only
26 pursuant to Section 25299.113.
27 (e) (1) The sum of eight million dollars (\$8,000,000) is hereby
28 transferred from the subaccount established in subdivision (d) to
29 the Petroleum Underground Storage Tank Financing Account and
30 is appropriated for the purpose of making grants and loans pursuant
31 to this chapter in the 2008–09 and 2009–10 fiscal years.
32 (2) An application for grant funding pursuant to this subdivision
33 must have been received not later than June 30, 2009.
34 (3) If a grant or loan from moneys transferred pursuant to this
35 subdivision is being requested for the purpose of compliance with

1 Enhanced Vapor Recovery Phase II regulations, then the applicant
2 must have applied for or obtained a permit from the air quality
3 management district by April 1, 2009, and have obtained an
4 enforcement agreement or other binding obligation by June 30,
5 2009.

6 SEC. 2. Section 25299.206 of the Health and Safety Code is
7 amended to read:

8 ~~25299.206.—(a)—The board shall transfer the sum of three~~
9 ~~million five hundred thousand dollars (\$3,500,000) for the 2004–05~~
10 ~~fiscal year, from the Underground Storage Tank Cleanup Fund to~~
11 ~~the account. Those funds are hereby appropriated to the board in~~
12 ~~each of those fiscal years for making grants pursuant to this chapter~~
13 ~~and administering this chapter.~~

14 ~~(b)—At the end of each fiscal year, any~~
15 ~~25299.206. Any funds transferred from the Underground~~
16 ~~Storage Tank Cleanup Fund pursuant to this section on or before~~
17 ~~January 1, 2013, that remain in the account shall revert to the~~
18 ~~Underground Storage Tank Cleanup Fund.~~