

**ASSEMBLY BILL**

**No. 282**

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**Introduced by Assembly Members Wieckowski and Mitchell**

February 11, 2013

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An act to amend Section 25299.43 of the Health and Safety Code, relating to underground storage tanks.

LEGISLATIVE COUNSEL'S DIGEST

AB 282, as introduced, Wieckowski. Underground storage tanks: petroleum: charges.

Under the existing Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, which is repealed on January 1, 2016, every owner of an underground storage tank is required to pay a storage fee for each gallon of petroleum placed in the tank.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 State Water Resources Control Board is authorized to expend the moneys in the fund, upon appropriation by the Legislature, for various purposes, including the payment of claims to aid owners and operators of petroleum underground storage tanks who take corrective action to clean up unauthorized releases from those tanks, corrective actions undertaken by the board, a California regional water quality board, or a local agency, the cleanup and oversight of unauthorized releases at abandoned tank sites, and grants to small businesses to retrofit certain hazardous substance underground storage tanks.

Existing law, until January 1, 2014, provides for an increase in the fee for storage in an underground tank of \$0.006 per gallon of petroleum.

This bill would require payment of the additional \$0.006 per gallon until January 1, 2016. This bill would constitute a change in state statute that would result in a taxpayer paying a higher tax within the meaning

of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 25299.43 of the Health and Safety Code  
2 is amended to read:

3 25299.43. (a) To implement the changes to this chapter made  
4 by Chapter 1191 of the Statutes of 1994, and consistent with  
5 Section 25299.40, effective January 1, 1995, every owner subject  
6 to Section 25299.41 shall pay a storage fee of one mill (\$0.001)  
7 for each gallon of petroleum placed in an underground storage  
8 tank that the person owns, in addition to the fee required by Section  
9 25299.41.

10 (b) On and after January 1, 1996, the storage fee imposed under  
11 subdivision (a) shall be increased by two mills (\$0.002) for each  
12 gallon of petroleum placed in an underground storage tank.

13 (c) On and after January 1, 1997, the storage fee increased under  
14 subdivision (b) shall be increased by an additional three mills  
15 (\$0.003) for each gallon of petroleum placed in an underground  
16 storage tank.

17 (d) On and after January 1, 2005, the storage fee increased under  
18 subdivision (c) shall be increased by an additional one mill (\$0.001)  
19 for each gallon of petroleum placed in an underground storage  
20 tank.

21 (e) On and after January 1, 2006, the storage fee increased under  
22 subdivision (d) shall be increased by an additional one mill  
23 (\$0.001) for each gallon of petroleum placed in an underground  
24 storage tank.

25 (f) On and after January 1, 2010, the storage fee increased under  
26 subdivision (e) shall be increased by an additional six mills  
27 (\$0.006) for each gallon of petroleum placed in an underground  
28 storage tank. The increase provided for in this subdivision shall  
29 be effective until January 1, ~~2014~~ 2016, at which time, the fee shall  
30 revert back to the fee pursuant to subdivision (e).

31 (g) The fee imposed under this section shall be paid to the State  
32 Board of Equalization under Part 26 (commencing with Section

1 50101) of Division 2 of the Revenue and Taxation Code in the  
2 same manner as, and consistent with, the fees imposed under  
3 Section 24299.41.

4 (h) The State Board of Equalization shall amend the regulations  
5 adopted under Section 25299.41 to carry out this section.

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