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Indicates New Matter

COMMITTEE REPORT

April 22, 2010

**H. 3270**

Introduced by Reps. Duncan, Hodges, Allison, Parker, Weeks, Wylie and Whipper

S. Printed 4/22/10--S. [SEC 4/23/10 4:15 PM]

Read the first time March 4, 2009.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 3270) to amend Section 44‑2‑60, Code of Laws of South Carolina, 1976, relating to the registration of underground storage tanks, so as to establish new annual, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 44‑2‑60 of the 1976 Code is amended to read:

“Section 44‑2‑60. (A) The owner or operator of an underground storage tank which stores or is intended to store a regulated substance shall register the tank with the department. The owner or operator of the tank shall display a registration certificate listing all registered tanks at a facility and in plain view in the office or the kiosk of the facility where the tanks are registered. Upon application for a registration certificate, the owner or operator shall pay to the department an initial registration fee of one hundred dollars a tank; however, the department may prorate the initial registration fees on a daily basis for underground storage tanks installed on or after July 1, 1997. The owner or operator shall pay to the department an annual renewal fee of one hundred dollars a tank a year. Beginning January 1, 2012, the annual renewal fee for each tank will be as follows:

(1) 2012 ‑ two hundred dollars;

(2) 2013 ‑ three hundred dollars;

(3) 2014 ‑ four hundred dollars; and

(4) 2015 ‑ five hundred dollars.

The additional revenue generated from the tank fee increases listed above must be deposited into the Superb Account. No portion of the increases may be used by the department for administration of the program or for orphan sites as defined in Section 44-2-20(11).

When the Superb Account is credited with an additional thirty‑six million dollars from the increase in tank fees, general appropriations, settlements, or other sources of funds including federal funds designated for cleanup, or declared insolvent, the tank registration fee shall revert to one hundred dollars annually for each tank beginning January first of the next year.

(B) No person may place a regulated substance and no owner or operator may cause a regulated substance to be placed into an underground storage tank for which the owner or operator does not hold a currently valid registration. The department may not issue a registration certificate until all past and present fees and penalties owed on a tank are paid. The department may not issue a registration certificate to any owner or operator who has not complied with all terms of a consent or final administrative order issued under Section 44‑2‑140.

(1) All fees are due to the department within thirty days of billing. The department shall issue a late notice, with no penalty due, to an underground storage tank owner or operator who has unpaid fees thirty days after billing. An owner or operator who fails to pay the fees within sixty days of the initial billing must pay a ten percent penalty in addition to the ten percent penalty for any fees remaining unpaid ninety days after the initial billing. An owner or operator with unpaid fees ninety days after the initial billing is subject to additional enforcement action as provided for in Section 44‑2‑140.

(2) The department may not disburse Superb Account or Superb Financial Fund monies to any person or persons for the rehabilitation of a petroleum or petroleum product release from any underground storage tank or underground storage tank system where all past and present fees and penalties owed on the applicable tank have not been paid.

(3) The funds generated by the registration and late penalty fees may be used by the department for administration of the provisions of this chapter and for administration of the underground storage tank regulatory program established by this chapter. The amount used for administration may not exceed ~~three million dollars a year~~the amount collected from funds received from federal grants specifically designated for administrative use, interest, the first one hundred dollars for tank registration and late penalty fees.

~~(B)~~(C) In addition to the inspection fee of one‑fourth cent a gallon imposed pursuant to Section 39‑41‑120, an environmental impact fee of one‑half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one‑half cent a gallon environmental impact fee must be paid and collected in the same manner that the one‑fourth cent a gallon inspection fee is paid and collected except that the monies generated from these environmental impact fees must be transmitted by the Department of Agriculture to the Department of Health and Environmental Control which shall deposit the fees as provided for in Section 44‑2‑40.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 44‑2‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF UNDERGROUND STORAGE TANKS, SO AS TO ESTABLISH NEW ANNUAL RENEWAL FEES AND TO REQUIRE THAT THE ADDITIONAL REVENUE GENERATED FROM THE TANK FEE INCREASES BE DEPOSITED INTO THE SUPERB ACCOUNT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑2‑60 of the 1976 Code is amended to read:

“Section 44‑2‑60. (A) The owner or operator of an underground storage tank which stores or is intended to store a regulated substance shall register the tank with the department. The owner or operator of the tank shall display a registration certificate listing all registered tanks at a facility and in plain view in the office or the kiosk of the facility where the tanks are registered. Upon application for a registration certificate, the owner or operator shall pay to the department an initial registration fee of one hundred dollars a tank; however, the department may prorate the initial registration fees on a daily basis for underground storage tanks installed on or after July 1, 1997. The owner or operator shall pay to the department an annual renewal fee of one hundred dollars a tank a year. Beginning January 1, 2010, the annual renewal fee for each tank will be as follows:

(1) 2010 ‑ two hundred dollars;

(2) 2011 ‑ three hundred dollars;

(3) 2012 ‑ four hundred dollars; and

(4) 2013 ‑ five hundred dollars.

The additional revenue generated from the tank fee increases listed above must be deposited into the SUPERB account. No portion of the increases may be used by the department for administration of the program.

When the SUPERB account is credited with an additional thirty‑six million dollars from the increase in tank fees, general appropriations, settlements, or other sources of funds, or declared insolvent, the tank registration fee shall revert to one hundred dollars annually for each tank beginning January first of the next year.

(B) No person may place a regulated substance and no owner or operator may cause a regulated substance to be placed into an underground storage tank for which the owner or operator does not hold a currently valid registration. The department may not issue a registration certificate until all past and present fees and penalties owed on a tank are paid. The department may not issue a registration certificate to any owner or operator who has not complied with all terms of a consent or final administrative order issued under Section 44‑2‑140.

(1) All fees are due to the department within thirty days of billing. The department shall issue a late notice, with no penalty due, to an underground storage tank owner or operator who has unpaid fees thirty days after billing. An owner or operator who fails to pay the fees within sixty days of the initial billing must pay a ten percent penalty in addition to the ten percent penalty for any fees remaining unpaid ninety days after the initial billing. An owner or operator with unpaid fees ninety days after the initial billing is subject to additional enforcement action as provided for in Section 44‑2‑140.

(2) The department may not disburse Superb Account or Superb Financial Fund monies to any person or persons for the rehabilitation of a petroleum or petroleum product release from any underground storage tank or underground storage tank system where all past and present fees and penalties owed on the applicable tank have not been paid.

(3) The funds generated by the registration and late penalty fees may be used by the department for administration of the provisions of this chapter and for administration of the underground storage tank regulatory program established by this chapter. The amount used for administration may not exceed ~~three million dollars a year~~the amount collected from funds received from federal grants, interest, the first one hundred dollars for tank registration and late penalty fees.

~~(B)~~(C) In addition to the inspection fee of one‑fourth cent a gallon imposed pursuant to Section 39‑41‑120, an environmental impact fee of one‑half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one‑half cent a gallon environmental impact fee must be paid and collected in the same manner that the one‑fourth cent a gallon inspection fee is paid and collected except that the monies generated from these environmental impact fees must be transmitted by the Department of Agriculture to the Department of Health and Environmental Control which shall deposit the fees as provided for in Section 44‑2‑40.”

SECTION 2. This act takes effect upon approval by the Governor.

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