**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4501**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hiott, Knight, R.L. Ott and Sandifer

Document Path: l:\council\bills\nbd\11291ac14.docx

Companion/Similar bill(s): 1088

Introduced in the House on January 15, 2014

Introduced in the Senate on March 27, 2014

Currently residing in the Senate Committee on **Medical Affairs**

Summary: State Underground Petroleum Environmental Response Bank Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/15/2014 House Introduced and read first time ([House Journal‑page 26](file:///H:\HJ%20Archive\2014\01-15-14.docx))

1/15/2014 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 26](file:///H:\HJ%20Archive\2014\01-15-14.docx))

2/18/2014 House Member(s) request name added as sponsor: Knight

2/26/2014 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 4](file:///H:\HJ%20Archive\2014\02-26-14.docx))

3/4/2014 House Member(s) request name added as sponsor: R.L.Ott

3/4/2014 House Requests for debate‑Rep(s). Ott, Cobb‑Hunter, Hiott, Toole, Atwater, Bedingfield, Hardwick, Hosey, RL Brown, Knight, Williams, Jefferson, JE Smith, Clemmons, Southard, Hart, Bernstein, Sabb, McEachern, Mack, Dilliard, Douglas ([House Journal‑page 38](file:///H:\HJ%20Archive\2014\03-04-14.docx))

3/5/2014 House Debate adjourned until Tues., 3‑18‑14 ([House Journal‑page 64](file:///H:\HJ%20Archive\2014\03-05-14.docx))

3/19/2014 House Member(s) request name added as sponsor: Sandifer

3/26/2014 House Read second time ([House Journal‑page 88](file:///H:\HJ%20Archive\2014\03-26-14.docx))

3/26/2014 House Roll call Yeas‑66 Nays‑32 ([House Journal‑page 88](file:///H:\HJ%20Archive\2014\03-26-14.docx))

3/27/2014 House Read third time and sent to Senate ([House Journal‑page 25](file:///H:\HJ%20Archive\2014\03-27-14.docx))

3/27/2014 Senate Introduced and read first time ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2014\03-27-14.docx))

3/27/2014 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2014\03-27-14.docx))

**VERSIONS OF THIS BILL**

[1/15/2014](file:///p:\pprever\2013-14\4501_20140115.docx)

[2/26/2014](file:///p:\pprever\2013-14\4501_20140226.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 26, 2014

**H. 4501**

Introduced by Reps. Hiott and Knight

S. Printed 2/26/14--H.

Read the first time January 15, 2014.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4501) to amend Section 44‑2‑40, Code of Laws of South Carolina, 1976, relating to the Superb Account and the Superb Financial Responsibility Fund established to assist, etc., respectfully

**REPORT:**

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

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTION 44‑2‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUPERB ACCOUNT AND THE SUPERB FINANCIAL RESPONSIBILITY FUND ESTABLISHED TO ASSIST IN CARRYING OUT THE PURPOSES OF THE STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE BANK ACT, SO AS TO DEFINE “USUAL, CUSTOMARY, AND REASONABLE COSTS”, OF SITE REHABILITATION OF RELEASES FROM UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM, AS PAYMENTS NOT LESS THAN THE JULY 1, 2011, SUPERB ALLOWABLE COST REIMBURSEMENT SCHEDULE AND TO FURTHER PROVIDE FOR THE USE AND APPLICATION OF THIS REIMBURSEMENT SCHEDULE.

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

SECTION 1. Section 44‑2‑40(A) of the 1976 Code is amended to read:

“(A) There is created within the state treasury two separate and distinct accounts which ~~are to~~ must be administered by the Department of Health and Environmental Control. These accounts, the ‘Superb Account’ and the ‘Superb Financial Responsibility Fund’, are created to assist owners and operators of underground storage tanks containing petroleum and petroleum products to the extent provided for in this chapter but not to relieve the owner or operator of any liability that cannot be satisfied by the provisions of this chapter.

The Superb Account must be used for payment of usual, customary, and reasonable costs for site rehabilitation of releases from underground storage tanks containing petroleum or petroleum products. For the purposes of this chapter, ‘usual, customary, and reasonable costs’ of site rehabilitation means payments not less than the July 1, 2011, SUPERB Allowable Cost reimbursement schedule. If the current rate schedule does not comply with this definition the current rate schedule must be immediately amended. Site rehabilitation work currently in progress must be reimbursed at the July 1, 2011, rates upon completion of work. The July 1, 2011, SUPERB Allowable Cost reimbursement rates remain in effect until the sunset date of the SUPERB Act of 1988, or any extended sunset date, and must be adjusted annually for inflation.

The Superb Financial Responsibility Fund must be used for compensating third parties for actual costs for bodily injury and property damage caused by accidental releases from underground storage tanks containing petroleum or petroleum products. The Superb Financial Responsibility Fund must not be used for reimbursing claims for punitive damages.

Except for releases reported before July 1, 1994, sites where the underground storage tank, at the time of discovery and reporting of the release to the department, is not in substantial compliance with regulations promulgated pursuant to Section 44‑2‑50(A), are not eligible for compensation from the Superb Account, and no third party claims resulting from that release may be paid from the Superb Financial Responsibility Fund.”

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

‑‑‑‑XX‑‑‑‑