

**REPORT OF THE
PROPERTY TAX SUBCOMMITTEE**
(Collins, Clyburn, Moss, Hewitt & Hiott - Staff Contact: Ryan Tooley)

SENATE BILL 893
SUPERB Law

Summary of Bill:

Increases the maximum amount that may be paid from the State Underground Petroleum Environmental Response Bank (Superb) Account from \$1 million to \$2 million per site for rehabilitation from petroleum contamination from underground storage tanks (UST). Additionally, the bill increases the annual renewal fee for USTs to \$200 beginning in 2029 from the current amount of \$100, and provides for step increases every five years.

Estimated Fiscal Impact:

The Dept. of Environmental Services (DES) is responsible for administering the program and stated there is no General Fund fiscal impact.

DES estimates an increase in Other Funds revenue by approx. \$1 million in FY29-30 through FY33-34 and an additional increase of \$500,000 from FY34-35 through FY38-39 due to the annual renewal fee increases.

Subcommittee Action/Explanation:

Passed Favorably.

Full Committee Action/Explanation:

N/A

Other Notes/Comments:

DES and the SC Convenience & Petroleum Marketers Association are in support of the legislation.



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0893 Introduced on February 4, 2026
Subject: SUPERB Law
Requestor: Senate Medical Affairs
RFA Analyst(s): Griffith
Impact Date: March 13, 2026

Fiscal Impact Summary

This bill increases the maximum amount that may be paid from the State Underground Petroleum Environmental Response Bank (Superb) Account from \$1,000,000 to \$2,000,000 per site for the usual, customary, and reasonable costs associated with the rehabilitation of sites contaminated with petroleum or petroleum products released from an underground storage tank (UST). The bill also increases the annual renewal fee for USTs to \$200 beginning in 2029, \$250 beginning in 2034, and \$300 beginning in 2039. Currently, the fee is \$100. Additionally, the bill makes changes to the timing and requirements of transfers between the Superb Account and the Superb Financial Responsibility Fund. Further, the bill adds a member to the Superb Advisory Committee.

The Department of Environmental Services (DES) is responsible for administering the Superb Account and the Superb Financial Responsibility Fund and hosts the Superb Advisory Committee. DES reports that the bill will have no expenditure impact because there are no costs associated with adding one additional Committee member.

DES reports that there are 11,259 USTs registered in the state, as of December 31, 2025. Based on the current number of USTs, DES estimates that the bill will increase Other Funds revenue by approximately \$1,000,000 in FY 2029-30 through FY 2033-34 due to the increase in the annual renewal fee. Other Funds revenue is also estimated to increase by an additional \$500,000 in FY 2034-35 through FY 2038-39 and by an additional \$500,000 beginning in FY 2039-40 due to the additional increases in the annual renewal fee. The revenue from the annual renewal fees will continue to be allocated to the Superb Account and transferred to the Superb Fund pursuant to Section 44-2-40(B).

Additionally, for reference, the Superb Account must be used to pay the usual, customary, and reasonable costs for site rehabilitation. The Superb Financial Responsibility Fund must be used to compensate third parties for actual bodily injury and property damage caused by accidental released from underground storage tanks containing petroleum or petroleum products.

Explanation of Fiscal Impact

Introduced on February 4, 2026

State Expenditure

This bill increases the maximum amount that may be paid per occurrence for the rehabilitation of sites contaminated with petroleum or petroleum products released from an UST and revises the annual renewal fee schedule for USTs. Additionally, the bill adds a member to the Superb Advisory Committee.

DES expects that the additional member of the Committee will not increase expenses. Therefore, the bill will have no expenditure impact on DES.

State Revenue

This bill increases the maximum amount DES may pay from the Superb Account for the reasonable costs associated with the rehabilitation of releases at sites contaminated with petroleum or petroleum products released from an UST from \$1,000,000 per site to \$2,000,000 per site. The bill also lowers the minimum amount for which a monthly transfer from the Superb Account to the Superb Financial Responsibility Fund should occur. Additionally, prior to the end of each calendar year, DES must transfer from the Superb Financial Responsibility Fund to the Superb Account the total amount of funds exceeding \$1,000,000.

Further, the bill increases the annual UST registration renewal fee, which is currently \$100. The fee increases are as follows:

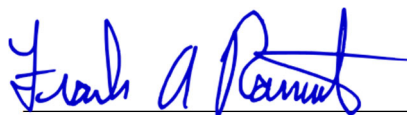
- \$200 beginning August 1, 2029;
- \$250 beginning in 2034; and
- \$300 beginning in 2039.

DES reports that there are 11,259 USTs registered in the state, as of December 31, 2025. Based on the current number of USTs, DES estimates that the bill will increase Other Funds revenue by approximately \$1,000,000 in FY 2029-30 through FY 2033-34 due to the increase in the annual renewal fee. Other Funds revenue is also estimated to increase by an additional \$500,000 in FY 2034-35 through FY 2038-39 and by an additional \$500,000 beginning in FY 2039-40 due to the additional increases in the annual renewal fee. The revenue from the annual renewal fees will continue to be allocated to the Superb Account and transferred to the Superb Fund pursuant to Section 44-2-40(B).

Additionally, for reference, the Superb Account must be used to pay the usual, customary, and reasonable costs for site rehabilitation. The Superb Financial Responsibility Fund must be used to compensate third parties for actual bodily injury and property damage caused by accidental released from underground storage tanks containing petroleum or petroleum products.

Local Expenditure and Local Revenue

N/A



Frank A. Rainwater, Executive Director

South Carolina General Assembly
126th Session, 2025-2026

S. 893

STATUS INFORMATION

General Bill

Sponsors: Senators Verdin and Zell

Document Path: SR-0115CEM26.docx

Introduced in the Senate on February 4, 2026

Introduced in the House on April 2, 2026

Last Amended on March 25, 2026

Currently residing in the House Committee on **Ways and Means**

Summary: SUPERB Law

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
2/4/2026	Senate	Introduced and read first time (Senate Journal-page 8)
2/4/2026	Senate	Referred to Committee on Medical Affairs (Senate Journal-page 8)
3/19/2026	Senate	Committee report: Favorable with amendment Medical Affairs (Senate Journal-page 6)
3/25/2026	Senate	Committee Amendment Adopted (Senate Journal-page 38)
4/1/2026	Senate	Read second time (Senate Journal-page 43)
4/1/2026	Senate	Roll call Ayes-43 Nays-1 (Senate Journal-page 43)
4/1/2026	Senate	Unanimous consent for third reading on next legislative day (Senate Journal-page 43)
4/2/2026	Senate	Read third time and sent to House (Senate Journal-page 8)
4/2/2026	House	Introduced and read first time (House Journal-page 33)
4/2/2026	House	Referred to Committee on Ways and Means (House Journal-page 33)

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VERSIONS OF THIS BILL

02/04/2026

03/19/2026

03/25/2026

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 COMMITTEE AMENDMENT ADOPTED

5 March 25, 2026

6

7

S. 893

8

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Introduced by Senator Verdin

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11 S. Printed 3/25/26--S.

12 Read the first time February 4, 2026

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-2-20,
12 RELATING TO DEFINITIONS PERTAINING TO THE STATE UNDERGROUND PETROLEUM
13 ENVIRONMENTAL RESPONSE BANK ACT OF 1988, SO AS TO DEFINE A PIPELINE
14 FACILITY IN ACCORDANCE WITH 49 U.S.C. CHAPTER 601; BY AMENDING SECTION
15 44-2-40, RELATING TO THE SUPERB ACCOUNT AND SUPERB FINANCIAL
16 RESPONSIBILITY FUND, SO AS TO ADJUST THE ALLOWABLE COSTS FOR SITE
17 REHABILITATION BY THE FUND AND MAKE OTHER CONFORMING CHANGES; BY
18 AMENDING SECTION 44-2-60, RELATING TO THE REGISTRATION OF UNDERGROUND
19 STORAGE TANKS AND THE ENVIRONMENTAL IMPACT FEE, SO AS TO SET CERTAIN
20 YEARS FOR THE RENEWAL FEE TO BE ADJUSTED; BY AMENDING SECTION 44-2-130,
21 RELATING TO COMPENSATION FROM THE SUPERB ACCOUNT, SO AS TO MAKE
22 CONFORMING CHANGES; AND BY AMENDING SECTION 44-2-150, RELATING TO THE
23 SUPERB ADVISORY COMMITTEE, SO AS TO DEFINE THE MEMBERSHIP OF THE SUPERB
24 ADVISORY COMMITTEE.

25 Amend Title To Conform

26

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

28

29 SECTION 1. Section 44-2-20 of the S.C. Code is amended to read:

30

31 Section 44-2-20. When used in this chapter, the listed terms have the following meanings unless the
32 context clearly requires otherwise:

33 (1) "Affiliate" means persons who are affiliates to each other if, directly or indirectly, either one
34 controls or has the power to control the other or a third person controls or has the power to control both.
35 Indicia of control include, but are not limited to, interlocking management or ownership, identity of
36 interest among family members, shared facilities and equipment, common use of employees, or a
37 business entity organized following the suspension, debarment, or exclusion of a person, under
38 applicable regulation, where the person has the same or similar management, ownership, or principal
39 employees as the suspended, debarred, or excluded person.

40 (2) "Bodily injury" means actual medically documented costs and medically documentable future
41 costs of adverse health effects that have resulted from exposure to a release of petroleum or petroleum
42 products from an underground storage tank. Bodily injury does not mean pain and suffering.

43 (3) "Committed funds" means that portion of the Superb Account reserved as a result of action by
44 the Department of ~~Health and Environmental Control~~ Services to approve costs for planned site
[0893]

1 rehabilitation activities.

2 (4) "Compensation" means billing the Superb Account for costs associated with site rehabilitation
3 after receiving prior approval from the department and in accordance with regulations promulgated
4 pursuant to this chapter and criteria established by the department as authorized by this chapter. All
5 compensation is considered committed funds.

6 (5) "Department" means the Department of ~~Health and Environmental Control~~ Services.

7 (6) "Familial relationship" means a connection or association by family or relatives, in which a
8 family member or relative has a material interest. Family or relatives include father, mother, son,
9 daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law,
10 mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother,
11 stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent,
12 grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great
13 grandchild, or fiancée.

14 (7) "Financial relationship" means a connection or association through a material interest or sources
15 of income which exceed five percent of annual gross income from a business entity.

16 (8) "Fund" means the funds provided for under this chapter and deposited in the Superb Account or
17 the Superb Financial Responsibility Fund hereinafter created.

18 (9) "Occurrence" means an accident, including continuous or repeated exposure to conditions which
19 results in a release from an underground storage tank.

20 (10) "Operator" means any person in control of, or having responsibility for the daily operation of
21 an underground storage tank.

22 (11) "Orphan site" means a site where there has been a release from an underground storage tank but
23 responsible party issues have not been resolved, and site rehabilitation has not been undertaken.

24 (12) "Owner" means:

25 (a) in the case of an underground storage tank system in use on November 8, 1984, or brought into
26 use after that date, a person who owns an underground storage tank system used for storage, use, or
27 dispensing of regulated substances;

28 (b) in the case of any underground storage tank system in use before November 8, 1984, but no
29 longer in use on that date, a person who owned such an underground storage tank immediately before
30 the discontinuation of its use; or

31 (c) a person who has assumed legal ownership of the underground storage tank through the
32 provisions of a contract of sale or other legally binding transfer of ownership.

33 (13) "Person" means any individual, partner, corporation organized or united for a business purpose,
34 or a governmental agency.

35 (14) "Petroleum" and "petroleum product" means crude oil or any fraction thereof which is liquid at
36 standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds for each

1 square inch absolute), including any such liquid which consists of a blend of petroleum and alcohol
2 and which is intended for use as a motor fuel. The terms “petroleum” and “petroleum product” do not
3 include any:

4 (a) hazardous substance as defined in Section 101(14) of the Federal Comprehensive
5 Environmental Response, Compensation, and Liability Act of 1980 (CERCLA);

6 (b) substance, other than used oils, regulated as a hazardous waste under Subtitle C of Title II of
7 the Federal Resource Conservation and Recovery Act of 1976 (RCRA); or

8 (c) mixture of petroleum or a petroleum product containing any such hazardous substance or
9 hazardous waste in greater than de minimis quantities.

10 (15) “Property damage” means a documented adverse physical impact to structures or property as a
11 result of a release of petroleum or petroleum products from an underground storage tank. The total
12 damage is limited to the difference between the original fair market value of the property or structure
13 and the residual value or the depreciated replacement cost of the property or structure, whichever is
14 less. The documented presence of petroleum or petroleum products at levels not posing an
15 unacceptable risk to human health or environment shall not be grounds for a claim or suit.

16 (16) “Punitive damages” means damages awarded by a court to an injured party to punish the
17 defendant for a serious wrong. This award only is in addition to actual damages awarded for bodily
18 injury or property damage.

19 (17) “Regulated substance” means:

20 (a) a substance defined in Section 101(14) of CERCLA, but not including any substance regulated
21 as a hazardous waste under Subtitle C of RCRA; and

22 (b) petroleum and petroleum products. The term “regulated substance” includes, but is not limited
23 to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived
24 from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor
25 fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

26 (18) “Related interest” means affiliated companies, principal owners of the client company, or any
27 other party with which the client deals where one of the parties can influence the management or
28 operation policies of the other.

29 (19) “Release” means any spilling, leaking, emitting, discharging, escaping, leaching or disposing
30 from an underground storage tank into subsurface soils, groundwater, or surface water.

31 (20) “Site rehabilitation” means cleanup actions taken in response to a release from an underground,
32 storage tank which includes, but is not limited to, investigation, evaluation, planning, design,
33 engineering, construction, or other services put forth to investigate or clean up affected subsurface soils,
34 groundwater, or surface water.

35 (21) “Site rehabilitation contractor” means any person who carries out site rehabilitation actions,
36 including persons retained or hired by these persons to provide services related to site rehabilitation.

1 (22) “Substantial compliance” means that an underground storage tank owner or operator has
2 demonstrated a good faith effort to comply with regulations necessary and essential in preventing
3 releases, in facilitating their early detection, and in mitigating their impact on public health and the
4 environment.

5 (23) “Third party claim” means a civil action brought or asserted by an injured party against an owner
6 or operator of an underground storage tank for bodily injury or property damages resulting from a
7 release of petroleum or petroleum products from an underground storage tank. The underground
8 storage tank owner or operator, the owner of the property where the underground storage tank is
9 located, a person to whom properties are transferred in anticipation of damage due to a release,
10 employees or agents of an owner or operator, or employees or agents of the property owner must not
11 be considered a third party.

12 (24) “Underground storage tank” or “UST” means any one or combination of tanks, including
13 underground pipes connected ~~to it~~thereto, which is used to contain an accumulation of regulated
14 substance, and the volume of which is ten percent or more beneath the surface of the ground. The term
15 does not include any:

16 (a) farm or residential tank of one thousand one hundred gallons or less capacity used for storing
17 motor fuel for noncommercial purposes;

18 (b) tank used for storing heating oil for consumptive use on the premises where stored;

19 (c) septic tank;

20 (d) pipeline facility, including gathering line which is; ~~regulated under the Federal Natural Gas~~
21 ~~Pipeline Safety Act of 1968 or the Federal Hazardous Liquid Pipeline Safety Act of 1979, or any~~
22 ~~pipeline facility regulated under state laws comparable to the provisions of these federal provisions of~~
23 ~~law;~~

24 (i) regulated under 49 U.S.C. Chapter 601; or

25 (ii) an intrastate pipeline facility regulated under state laws provided in 49 U.S.C. Chapter 601
26 and which is determined by the United States Secretary of Transportation to be connected to a pipeline,
27 or to be operated or intended to be capable of operating at a pipeline pressure or as an integral part of
28 a pipeline;

29 (e) surface impoundment, pit, pond or lagoon;

30 (f) storm water or wastewater collection system;

31 (g) flow-through process tank;

32 (h) liquid trap or associated gathering lines directly related to oil or gas production and gathering
33 operations;

34 (i) storage tank situated in an underground area, such as a basement, cellar, mineworking, drift,
35 shaft, or tunnel, if the petroleum storage tank is situated upon or above the surface of the floor;

36 (j) hydraulic lift reservoirs, such as for automobile hoists and elevators, containing hydraulic oil;

1 or

2 (k) any pipes connected to any tank which is described in subitems (a) through (j).

3
4 SECTION 2. Section 44-2-40 of the S.C. Code is amended to read:

5
6 Section 44-2-40. (A)(1) There is created within the state treasury two separate and distinct accounts
7 which are to be administered by the Department of ~~Health and Environmental Control~~Services. The
8 “Superb Account” and the “Superb Financial Responsibility Fund” are created to assist owners and
9 operators of underground storage tanks containing petroleum and petroleum products to the extent
10 provided for in this chapter but not to relieve the owner or operator of any liability that cannot be
11 satisfied by the provisions of this chapter.

12 ___ (2) The Superb Account must be used for payment of usual, customary, and reasonable costs for
13 site rehabilitation of releases from underground storage tanks containing petroleum or petroleum
14 products.

15 ___ (3) The Superb Financial Responsibility Fund must be used for compensating third parties for
16 actual costs for bodily injury and property damage caused by accidental releases from underground
17 storage tanks containing petroleum or petroleum products. The Superb Financial Responsibility Fund
18 must not be used for reimbursing claims for punitive damages.

19 ___ (4) Except for releases reported before July 1, 1994, sites where the underground storage tank, at
20 the time of discovery and reporting of the release to the department, is not in substantial compliance
21 with regulations promulgated pursuant to Section 44-2-50(A), are not eligible for compensation from
22 the Superb Account, and no third party claims resulting from that release may be paid from the Superb
23 Financial Responsibility Fund.

24 (B) The Superb Account is established to ensure the availability of funds for the rehabilitation of
25 releases at sites contaminated with petroleum or petroleum products released from an underground
26 storage tank and for administration of the underground storage tank regulatory program established in
27 this chapter. The department shall use the fund to pay the usual, customary, and reasonable costs of
28 site rehabilitation up to a maximum of ~~one~~two million dollars per occurrence as a result of a release
29 from an underground storage tank containing petroleum or petroleum products for releases that were
30 reported to the department before July 1, 1993, and in excess of twenty-five thousand dollars and up to
31 a maximum of ~~one~~two million dollars per occurrence for site rehabilitation for releases reported to the
32 department on or after July 1, 1993. The department shall use the fund to pay these costs of site
33 rehabilitation by owners or operators who qualify for compensation. The department may use the fund
34 to clean up a release at a site where the underground storage tank owner or operator does not qualify
35 for compensation or a site which does qualify but the owner or operator is unwilling or unable to
36 undertake site rehabilitation, and the department shall diligently pursue the recovery of any sum so

1 incurred from the owner or operator responsible or from the United States government under any
2 applicable federal law, unless the department finds the amount involved too small or the likelihood of
3 success too uncertain. The fund must be further used for the payment of costs incurred by the
4 department in providing field and laboratory services and other assistance by the department in the
5 investigation of alleged contamination. This fund must not be used for the cleanup of any other
6 pollutant. Funds in the Superb Account also may not be used to pay any liability claims against the
7 owners or operators of underground storage tanks. The Superb Account must be credited with all fees,
8 charges, commitments, and judgments allowable under this chapter. Charges against the Superb
9 Account only may be made in accordance with the provisions of this chapter. Beginning November 1,
10 1994, the department shall transfer on a monthly basis one hundred thousand dollars of the funds
11 generated by the environmental impact fee from the Superb Account to the Superb Financial
12 Responsibility Fund until the balance of the Superb Financial Responsibility Fund reaches ~~two~~one
13 million dollars. Subsequently, monthly transfers of one hundred thousand dollars from the Superb
14 Account to the Superb Financial Responsibility Fund shall only occur when the balance of the Superb
15 Financial Responsibility Fund becomes less than ~~one million five hundred thousand~~ one million dollars, and the
16 monthly transfers shall continue until the balance of the Superb Financial Responsibility Fund reaches
17 ~~two~~one million dollars. Additionally, prior to the end of each calendar year, the department shall
18 transfer from the Superb Financial Responsibility Fund to the Superb Fund the total amount of funds
19 exceeding one million dollars. Committed funds for site rehabilitation activity revert to uncommitted
20 status after four months of initiation of commitment if no invoices for that commitment have been
21 received by the department.

22 (C)(1) The Superb Financial Responsibility Fund must be used to reimburse owners or operators
23 who compensate third parties or compensate third parties directly, only for bodily injury and property
24 damages caused by releases from underground storage tanks containing petroleum or petroleum
25 products, exclusive of any legal costs of the parties, and only when there are judgments, settlements,
26 alternative dispute resolution outcomes, or consent orders for damages for bodily injury or property
27 damage, or both, that are approved by a court of competent jurisdiction within the State of South
28 Carolina. To seek payment from the Superb Financial Responsibility Fund, the owner or operator must
29 notify the department in writing by registered mail within sixty days of receipt of the third party claim
30 or suit and must defend in good faith against the claim or suit. At its discretion, the department may
31 intervene in the claim or suit to protect the Superb Financial Responsibility Fund. Intervention
32 includes, but is not limited to, defending the claim, approving the claim, or participating in the
33 settlement of the claim.

34 (2) The costs of claim or suit intervention by the department must be recoverable from the Superb
35 Financial Responsibility Fund. These intervention costs must not affect the per occurrence assurance
36 amounts provided by the Superb Account or the Superb Financial Responsibility Fund.

1 (3) The Superb Financial Responsibility Fund is not liable for any claims where no owner or
2 operator exists.

3 (4) The amount of money in the Superb Financial Responsibility Fund, the method of collection,
4 or information regarding the administration of the fund is not admissible as evidence in a trial for
5 damages potentially payable by the Superb Financial Responsibility Fund.

6 (D)(1) The Superb Account and the Superb Financial Responsibility Fund shall provide combined
7 coverage for site rehabilitation and third party claims, respectively, not to exceed ~~one~~two million dollars
8 per occurrence. The estimated cost of site rehabilitation must be reserved from the combined coverage
9 before payment of third party claims.

10 (2) The underground storage tank owner or operator must be responsible for the first twenty-five
11 thousand dollars per occurrence for releases of petroleum and petroleum products from underground
12 storage tanks reported to the department subsequent to July 1, 1993.

13 (3) Nothing in this chapter establishes or creates any liability or responsibility on the part of the
14 department or the State as administrators of the Superb Account and the Superb Financial
15 Responsibility Fund to pay any costs for site rehabilitation or third party claims from any source other
16 than the Superb Account and the Superb Financial Responsibility Fund created by this chapter, and the
17 department and the State as administrators of the Superb Account and the Superb Financial
18 Responsibility Fund have no liability or responsibility to make payments for cleanup costs or third
19 party claims if the funds are insufficient. If the funds are insufficient to make the payments at the time
20 the claim is filed, these claims must be paid in the order of filing at such time as monies accrue in each
21 account, respectively.

22 (4) The ~~one hundred dollar~~ underground storage tank registration fee and annual renewal fee may
23 be used by the department for the administration of the underground storage tank program established
24 by this chapter and its activities as trustees of the Superb Account and the Superb Financial
25 Responsibility Fund, exclusive of legal costs outlined in subsection (C).

26
27 SECTION 3. Section 44-2-60 of the S.C. Code is amended to read:

28
29 Section 44-2-60. (A) The owner or operator of an underground storage tank which stores or is
30 intended to store a regulated substance shall register the tank with the department. The owner or
31 operator of the tank shall display a registration certificate listing all registered tanks at a facility and in
32 plain view in the office or the kiosk of the facility where the tanks are registered. Upon application for
33 a registration certificate, the owner or operator shall pay to the department an initial registration fee of
34 ~~one hundred dollars a~~ for each tank; however, the department may prorate the initial registration fees
35 on a daily basis for underground storage tanks installed on or after July 1, 1997. The owner or operator
36 shall pay to the department an annual renewal fee of ~~one hundred dollars a tank a~~ each year. Beginning

1 ~~January~~ July 1, 2012~~2029~~, the annual renewal fee for each tank will be as follows:

- 2 (1) ~~2012~~2029: two hundred dollars;
3 (2) ~~2013~~2034: ~~three~~ two hundred fifty dollars; and
4 (3) ~~2014~~2039: ~~four~~ three hundred dollars; ~~and~~
5 ~~—(4) 2015 five hundred dollars.~~

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

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

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

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

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

29 (3) The funds generated by the registration and late penalty fees on annual tank renewals may be
30 used by the department for administration of the provisions of this chapter and for administration of
31 the underground storage tank regulatory program established by this chapter. The amount used for
32 administration may not exceed the amount collected from funds received from federal grants
33 specifically designated for administrative use, interest, the ~~first one hundred dollars for~~ annual tank
34 registration fees, annual renewal fees, and late penalty fees on annual tank renewals.

35 (C) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to Section
36 39-41-120, an environmental impact fee of one-half cent a gallon is imposed which must be used by

1 the department for the purposes of carrying out the provisions of this chapter. This one-half cent a
2 gallon environmental impact fee must be paid and collected in the same manner that the one-fourth
3 cent a gallon inspection fee is paid and collected except that the monies generated from these
4 environmental impact fees must be transmitted by the Department of Agriculture to the Department of
5 ~~Health and Environmental Control~~Services which shall deposit the fees as provided for in Section
6 44-2-40.

7
8 SECTION 4. Section 44-2-130(E) of the S.C. Code is amended to read:

9
10 Section 44-2-130. (E)(1) An owner or operator of an underground storage tank or his agent
11 seeking to qualify for compensation from the Superb Account for site rehabilitation shall submit a
12 written application to the department. The written application must be on a form specified by the
13 department and include certification that site rehabilitation is necessary, the tanks at the site have been
14 registered in compliance with applicable law and regulations, and all registration fees have been paid.
15 The department shall accept certification that the release at the site is in need of rehabilitation if the
16 certification is provided jointly by the owner or operator and a South Carolina registered professional
17 geologist or engineer, and if the certification is supported with geotechnical data which reasonably
18 justifies the claim. Upon final determination the department shall provide written notice to the
19 applicant of its findings including detailed reasons for any denial. ~~Any denial of an application must~~
20 ~~be appealable to the Board of Health and Environmental Control.~~ The department is exempt from this
21 time frame for applications which are received within three months of the close of the grace period
22 allowed in Section 44-2-110.

23 (2) The owner or operator responsible for conducting the site rehabilitation or his agents shall keep
24 and preserve suitable records of hydrological and other site assessments, site plans, contracts, accounts,
25 invoices, or other transactions related to the cleanup and rehabilitation and the records must be
26 accessible to the department during regular business hours.

27
28 SECTION 5. Section 44-2-150 of the S.C. Code is amended to read:

29
30 Section 44-2-150. (A) There is established a Superb Advisory Committee to study the
31 implementation and administration of the Superb program, including the Superb Account, the Superb
32 Financial Responsibility Fund, and the regulatory requirements applicable to underground storage
33 tanks; to make recommendations to the department and the General Assembly on ways to improve the
34 efficiency of the program and to maximize available funds; and to advise the department on
35 administration of the program.

36 (B) The members of the committee must be appointed before August 1, 1994.

1 (C) The committee shall consist of ~~fourteen~~fifteen members, appointed by the commissioner of the
2 department as follows:

3 (1) one member representing the general public;

4 (2) two members representing environmental organizations;

5 (3) one member representing the South Carolina Petroleum Council;

6 (4) ~~one member~~two members representing the South Carolina Convenience and Petroleum
7 Marketers Association, one of whom must be an underground storage tank owner as defined in Section
8 44-2-20 (22);

9 (5) one member representing ~~the South Carolina Service Station Dealers Association~~ business
10 that specializes in the sale or service of petroleum equipment;

11 (6) one member representing ~~the South Carolina Chamber of~~ Manufacturers and Commerce;

12 (7) one member representing the South Carolina Bankers Association;

13 (8) one member representing a business that specializes in the assessment or remediation, or both,
14 of contamination resulting from leaking underground storage tanks;

15 (9) one member representing the South Carolina Department of Insurance;

16 (10) one member representing the Department of ~~Health and Environmental Control~~ Services;

17 (11) one member representing the State Department of Administration, Division of General
18 Services;

19 (12) one member representing the Municipal Association of South Carolina; and

20 (13) one member representing the South Carolina Association of Counties.

21 (D) The committee shall have the following duties and responsibilities:

22 (1) to conduct an initial review of the management of the Superb Program and the Superb Financial
23 Responsibility Fund and the availability of funds in the account and the fund and thereafter to monitor
24 the management of the account and the fund;

25 (2) to determine the success of the Superb program in achieving its statutory purpose of providing
26 a means for the investigation and cleanup of spills, leaks, and other discharges from underground
27 storage tanks without delay, which determination shall include a list of all sites cleaned up pursuant to
28 the Superb program;

29 (3) to review the administration of the Superb program and to determine the feasibility and
30 desirability of maintaining or separating the function of environmental regulation from the function of
31 administering the Superb Account and Superb Financial Responsibility Fund;

32 (4) to make recommendations on the development of regulations for prioritizing sites;

33 (5) to make recommendations on the development of regulations establishing reasonable
34 site-specific cleanup goals and utilizing risk-based goals for corrective action;

35 (6) to review the financial solvency of the Superb Account and to examine and make
36 recommendations regarding alternative funding mechanisms;

1 (7) to review the interaction between the Federal Trust Fund and the Superb Account;
2 (8) to review and provide recommendations on standards and procedures to reduce time and costs
3 to achieve site cleanup in a high quality and efficient manner;

4 (9) to study and make recommendations regarding the feasibility of utilizing a competitive bidding
5 process in any or all stages of the Superb program;

6 (10) to study and make recommendations regarding the feasibility of the State's contracting with
7 private entities to provide services for the program, such as having private insurers process
8 compensation applications;

9 (11) to make recommendations regarding actions the department could take to facilitate
10 commercial lending activity involving Superb-qualified sites; and

11 (12) to make recommendations regarding the development of an appeals process for those owners
12 or operators who are denied access to the Superb fund because they were found not to be in substantial
13 compliance under Section 44-2-40(B).

14 (E) Members of the committee shall serve for terms of two years and until their successors are
15 appointed and qualify. The committee shall selection a chairman and vice-chairman. The committee
16 shall adopt operating procedures, including attendance requirements. A majority of the members
17 constitute a quorum to do business. The committee shall meet on the call of the chairman or of a
18 majority of the members; however, the committee shall meet at least monthly before the date that its
19 initial report required by subsection (F) is due. The department shall provide the necessary staff and
20 the administrative facilities and services to the committee and shall cooperate fully with the committee,
21 including providing information necessary for the committee to perform its functions.

22 (F) Not later than December 16, 1994, the committee shall submit a report to the department and
23 General Assembly addressing the issues identified in subsection (D) of this section. The report shall
24 include recommendations for any statutory changes that the committee determines should be made in
25 the Superb program and recommendations regarding regulations required to be promulgated pursuant
26 to Section 44-2-50(B).

27 (G) Following its initial report, the committee shall submit to the department and the General
28 Assembly by the end of each calendar year an annual report which, at a minimum, shall address the
29 financial status and viability of the Superb Account and the Superb Financial Responsibility Fund, the
30 number of sites successfully remediated pursuant to the Superb program, the number of sites remaining
31 to be remediated, and any statutory or regulatory changes that the committee recommends.

32
33 SECTION 6. This act takes effect upon approval by the Governor.

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