



2025-2026 General Assembly

SENATE BILL 445: Regulatory Reform Act of 2026, Sec. 27: Time Limit for Determining Noncommercial Underground Storage Tank Discharge Risk and Requiring Further Remediation for Certain Low-Risk Discharges.

Analysis of: S.L. 2026-59, Sec. 27

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Section 27 of S.L. 2026-59 (Senate Bill 445) provides that for petroleum discharges or releases from noncommercial underground storage tanks (USTs) where the Environmental Management Commission (Commission) has received information from the owner, operator, or landowner necessary to determine the degree of risk to human health and the environment that is posed by the discharge, the Commission must, within five years of receipt of such information:

- Determine the level of risk of the discharge, and cleanup or other measures to be required; and,
- Notify the owner, operator, or landowner of that determination.

For a discharge determined to be low-risk from a noncommercial tank, if the Commission fails to notify the owner, operator, or landowner in the required timeframe, the Commission is prohibited from requiring cleanup, further cleanup, or further action, including filing of a Notice of Residual Petroleum, unless the Commission later determines that the discharge or release poses an unacceptable level of risk or a potentially unacceptable level of risk to human health or the environment, in which case the Commission must produce written findings of fact sufficient to demonstrate an unacceptable level of risk, or a potentially unacceptable level of risk.

This section became effective August 11, 2026, and applies to discharges occurring before, on, or after that date as follows:

- For discharges from noncommercial tanks occurring five or more years prior to the effective date of this section for which the Commission has not previously notified an owner, operator, or landowner of its determination as to the level of risk of the discharge, and actions required in response to the discharge, the Commission has until August 11, 2027 to notify the owner, operator, or landowner accordingly.
- For all other discharges occurring before August 11, 2026, for which the Commission has not previously notified an owner, operator, or landowner of its determination as to the level of risk of the discharge, and actions required in response to the discharge, the Commission has until August 11, 2031 to notify the owner, operator, or landowner accordingly.

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