

# SENATE BILL REPORT

## SB 6130

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As Reported By Senate Committee On:  
Agriculture & Environment, January 27, 1998

**Title:** An act relating to underground storage tanks.

**Brief Description:** Regulating underground storage tanks.

**Sponsors:** Senators Swecker, Fraser, Patterson and Winsley; by request of Department of Ecology.

**Brief History:**

**Committee Activity:** Agriculture & Environment: 1/13/98, 1/27/98 [DPS-WM].

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Majority Report:** That Substitute Senate Bill No. 6130 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

**Staff:** Kari Guy (786-7437)

**Background:** The federal Resource Conservation and Recovery Act gives the Environmental Protection Agency (EPA) the authority to regulate underground storage tanks containing petroleum products and hazardous substances. The EPA has established an underground storage tank regulatory program that requires leak detection systems, upgrading of tanks, record-keeping systems, reporting of releases and corrective actions, standards for tank closure, and financial responsibility assurances.

In 1989, Washington adopted a state underground storage tank law requiring the Department of Ecology to adopt rules to establish requirements for all underground storage tanks regulated under the federal law. The state program was approved by EPA in 1993, and operates in lieu of the federal program.

When the state underground storage tank law was adopted, local programs that were more stringent than the state or federal requirements were not preempted. Five local programs were in place prior to 1989. The 1989 legislation encouraged Ecology to delegate authority for the underground storage tank program to other local jurisdictions; however, no other local jurisdictions have sought delegation.

The underground storage tank program licenses tanks annually for a fee of \$75. The Department of Ecology provides educational materials, work shops, and technical assistance visits to help tank owners meet the requirements. Enforcement actions are taken to address violations of the regulations. Since 1989, 27,000 underground storage tanks have been removed or replaced.

The state underground storage tank law expires in July, 1999. The final deadline to replace or upgrade tanks is December 22, 1998. The Department of Ecology and industry groups have suggested that the program should be extended beyond 1999 to provide technical assistance and enforcement for the tanks not yet meeting program requirements.

**Summary of Bill:** The expiration date for the underground storage tank law is extended to July 1, 2009. Sunset Act review is required prior to program expiration.

The license requirements of the underground storage tank program are coordinated with the master business license requirements of the Department of Licensing.

A compliance tag is required for all facilities after the December 22, 1998 compliance deadline for corrosion, spill, and overflow protection. The tag is issued by the Department of Ecology and must be displayed on the fire emergency shutoff device, or in close proximity to the fill pipes. No person may deliver substances to a facility that does not have a compliance tag after December 22, 1998.

Provisions allowing local delegation of the underground storage tank program are deleted. The five local governments operating underground storage tank programs prior to 1989 are not affected.

The annual tank fee is set at \$100 for fiscal year 1999. The tank fee may be increased annually each year thereafter in an amount up to the fiscal growth factor calculated according to Initiative 601.

**Substitute Bill Compared to Original Bill:** The facility compliance tag is defined. It is clarified that prior to the December 22, 1998 compliance deadline for tank upgrades, regulated substances may be delivered to facilities without a compliance tag. The one-time fee of \$30 for the facility compliance tag is deleted. The annual license fee is raised from \$90 to \$100.

**Appropriation:** None.

**Fiscal Note:** Requested on January 5, 1998.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** A workgroup of the affected industry developed this legislation to continue the underground storage tank program. The fee increase will keep the program at a steady state, not increase program staff. Washington has the best underground storage tank program in the west. A strong program ensures a level playing field within the industry. The compliance tag requirements will provide assurance to those delivering oil that the tanks are in compliance with the standards.

**Testimony Against:** None.

**Testified:** Mary Burg, Department of Ecology (pro); Dan Riley, Western States Petroleum Association (pro); Charlie Brown, Washington Oil Marketers Association (pro); Mike Paisley, Time Oil (pro).

