

WAC 173-360A-0120 Preemption of local programs. This chapter supersedes and preempts any state or local underground storage tank law, ordinance, or resolution governing any aspect of regulation covered by this chapter except:

(1) Provisions of the International Fire Code adopted under chapter 19.27 RCW that are not more stringent than and do not directly conflict with the provisions of this chapter;

(2) Local laws, ordinances, and resolutions pertaining to local authority to take immediate action in response to a release of a regulated substance;

(3) Local laws, ordinances, and resolutions pertaining to permits and fees for the use of underground storage tanks in street right of ways that were in effect on July 1, 1990;

(4) City, town, or county underground storage tank ordinances that are more stringent than the federal regulations and the uniform fire code adopted under chapter 19.27 RCW and were in effect on November 1, 1988. Under chapter 90.76 RCW, local jurisdictions were required to notify the department of the existence of such ordinances by July 1, 1989. The department received notification from the city of Redmond, and city of Renton, the city of Spokane, Spokane County, and Tacoma-Pierce County; and

(5) Local laws, ordinances, and resolutions pertaining to the protection of environmentally sensitive areas that are more stringent than the requirements of this chapter and have been approved by the department under WAC 173-360A-0130.

[Statutory Authority: Chapter 90.76 RCW. WSR 18-15-083 (Order 16-02), § 173-360A-0120, filed 7/18/18, effective 10/1/18.]