
ENGROSSED SUBSTITUTE SENATE BILL 5263

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Amondson, Snyder, Matson, Hansen, Conner, Bauer, Newhouse, Anderson and Barr).

Read first time February 8, 1991.

1 AN ACT Relating to underground storage tanks; and amending RCW
2 90.76.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.76.040 and 1989 c 346 s 5 are each amended to read
5 as follows:

6 (1) A city, town, or county may apply to the department to have an
7 area within its jurisdictional boundaries designated an environmentally
8 sensitive area. A city, town, or county may submit a joint application
9 with any other city, town, or county for joint administration under
10 chapter 39.34 RCW of a single environmentally sensitive area located in
11 both jurisdictions.

12 (2) A city, town, or county may adopt proposed ordinances or
13 resolutions establishing requirements for underground storage tanks
14 located within an environmentally sensitive area that are more
15 stringent than the state-wide standards established under RCW

1 90.76.020. (~~If application for the designation of an environmentally~~
2 ~~sensitive area is made later than five years after the date of final~~
3 ~~adoption of the rules required under this chapter, proposed local~~
4 ~~ordinances and resolutions shall only apply to new underground storage~~
5 ~~tank installations.)) Except as provided in RCW 90.76.110(3), and for
6 any other environmentally sensitive areas adopted prior to January 1,
7 1991, proposed local ordinances and resolutions for the regulation of
8 underground storage tank installations and upgrades, established under
9 this section, shall not apply to the installation and upgrade of
10 underground storage tanks which meet the underground storage tank
11 upgrading and installation standards adopted under chapter 90.76 RCW,
12 and federal regulations.~~

13 For the purposes of this subsection, "upgraded and installed" means
14 physical improvements to, or replacement of, underground storage tank
15 systems which, at a minimum causes the tank to be replaced or upgraded
16 to meet the state and federal underground storage tank requirements
17 applicable on December 23, 1998. The local government adopting the
18 ordinances and resolutions shall submit them to the department for
19 approval. Disapproved ordinances and resolutions may be modified and
20 resubmitted to the department for approval. Proposed local ordinances
21 and resolutions become effective when approved by the department.

22 (3) The department shall approve or disapprove each proposed local
23 ordinance or resolution based on the following criteria:

24 (a) The area to be regulated is found to be an environmentally
25 sensitive area based on rules adopted by the department; and

26 (b) The proposed local regulations are reasonably consistent with
27 previously approved local regulations for similar environmentally
28 sensitive areas.

29 (4) A city, town, or county for which a proposed local ordinance or
30 resolution establishing more stringent requirements is approved by the

1 department may establish local tank fees that meet the requirements of
2 RCW 90.76.090, if such fees are necessary for enhanced program
3 administration or enforcement.

4 (5) The purpose of the designation of the environmentally sensitive
5 area shall be to protect ground or surface waters used for drinking
6 water purposes or reasonably anticipated as needed for future drinking
7 water purposes.