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**SUBSTITUTE SENATE BILL 5480**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Environment & Natural Resources (originally sponsored by Senators Oke, Owen, Sutherland and Metcalf; by request of Department of Ecology).

Read first time March 1, 1991.

1 AN ACT Relating to underground storage tank law preemption; and  
2 amending RCW 90.76.110.

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

4 **Sec. 1.** RCW 90.76.110 and 1989 c 346 s 12 are each amended to read  
5 as follows:

6 (1) Except as provided in RCW 90.76.040 and subsections (2),  
7 ~~((+3))~~ (4), and ~~((+4))~~ (5) of this section, the rules adopted under  
8 this chapter supersede and preempt any state or local underground  
9 storage tank law, ordinance, or resolution governing any aspect of  
10 regulation covered by the rules adopted under this chapter.

11 (2) Provisions of the uniform fire code adopted under chapter 19.27  
12 RCW that are not more stringent than, and that do not directly conflict  
13 with, rules adopted under this chapter are not superseded or preempted.

1        (3) Local laws, ordinances, and resolutions pertaining to local  
2 authority to take immediate action in response to a release of a  
3 regulated substance are not superseded or preempted.

4        (~~(3)~~) (4) City, town, or county underground storage tank  
5 ordinances that are more stringent than the federal regulations and the  
6 uniform codes adopted under chapter 19.27 RCW and that are in effect on  
7 November 1, 1988, are not superseded or preempted. A city, town, or  
8 county with an ordinance that meets these criteria shall notify the  
9 department of the existence of that ordinance by July 1, 1989.

10       (~~(4)~~) (5) Local laws, ordinances, and resolutions pertaining to  
11 permits and fees for the use of underground storage tanks in street  
12 right of ways that were in existence prior to July 1, 1990, are not  
13 superseded or preempted.