

SENATE BILL REPORT

SSB 5475

As Passed Senate, March 7, 2007

Title: An act relating to underground storage tanks.

Brief Description: Modifying provisions affecting underground storage tanks.

Sponsors: Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen, Honeyford, Regala and Kohl-Welles; by request of Department of Ecology).

Brief History:

Committee Activity: Water, Energy & Telecommunications: 1/23/07, 1/30/07 [DPS, DNP].
Ways & Means: 2/12/07, 2/27/07 [DPS(WET), DNP].
Passed Senate: 3/07/07, 37-8.

SENATE COMMITTEE ON WATER, ENERGY AND TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 5475 be substituted therefor, and the substitute bill do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin, Holmquist and Morton.

Staff: Jan Odano (786-7486)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5475 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller and Tom.

Minority Report: Do not pass.

Signed by Senators Honeyford and Schoesler.

Staff: Kirstan Arestad (786-7708)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: The U.S. Energy Policy Act of 2005 created the federal Underground Storage Tank (UST) Compliance Act. This law amended the underground storage tank regulatory program, which was created to reduce leaks into the environment from USTs.

Until 1985, most USTs were made of bare steel, which over time would corrode and leak its contents into the environment. The greatest concern was underground storage tanks would leak petroleum or other hazardous substances into ground water, potentially contaminating the source of drinking water.

The U.S. Environmental Protection Agency delegated its authority for the underground storage tank program to Washington, where the Department of Ecology (department) implements the program. The UST Compliance Act adds new requirements for state and federal underground storage tank programs.

Summary of Substitute Bill: The department must adopt rules to implement statewide requirements for underground storage tanks that are consistent with and no less stringent than the federal UST Compliance Act of 2005.

To meet federal Energy Policy Act requirements the department must ensure ground water protection measures include secondary containment and monitoring for new installation or replacement of all underground storage tanks systems or components; implement a "red tag" program to prevent delivery of regulated substances to USTs that have significant violations; and develop a program for owner and operator training.

The tank inspection fee is raised from \$100 to \$160 over three years at \$20 increments. If the department receives additional federal grant funding, there will be no fee increase for the third year.

Owners and operators may appeal financial penalties to the department instead of the Pollution Control Hearings Board.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Water, Energy & Telecommunications): PRO: The bill is necessary for the reauthorization of the Underground Storage Tank program. This program protects the environment from millions of gallons of petroleum in tanks in the ground. The program is supported by industry.

OTHER: The protection of water quality and the environment is necessary, however the cost to comply is high. There is no funding for the increased requirements to the states. The fee increase needs to be staggered over a three year period so it is not such a hardship on owners.

Persons Testifying (Water, Energy & Telecommunications): PRO: Jim Pendowski, Department of Ecology.

OTHER: Charlie Brown, Washington Oil Marketers Association; Toni McKinley, Northwest Grocery Association.

Staff Summary of Public Testimony (Ways & Means): PRO: This is agency requested legislation and is in the Governor's budget.

Persons Testifying (Ways & Means): PRO: Peter Kmet, P.E., Department of Ecology.