

HOUSE BILL REPORT

HB 2453

As Reported by House Committee On:
Environment

Title: An act relating to the reauthorization of the underground storage tank program.

Brief Description: Concerning the reauthorization of the underground storage tank program.

Sponsors: Representatives Peterson, Kretz, Fitzgibbon, Blake, Kagi, Tharinger, Haler, Young and Tarleton; by request of Department of Ecology.

Brief History:

Committee Activity:

Environment: 1/15/18, 1/18/18 [DP].

Brief Summary of Bill

- Extends the expiration date for the state Underground Storage Tank program from 2019 to 2029.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass. Signed by 7 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys, Dye and McBride.

Staff: Robert Hatfield (786-7117).

Background:

Underground Storage Tank Systems.

An underground storage tank system (UST) is a tank and any connected underground piping that has at least 10 percent of its combined volume underground. Regulations apply to USTs that store either petroleum or certain hazardous substances. Certain underground storage tanks are exempt from state and federal classification as USTs, such as tanks of 110 gallons or less, and farm and residential tanks of 1,100 gallons or less that hold motor fuel used for noncommercial purposes.

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.

Federal Underground Storage Tank Regulation.

Federal government regulation of USTs began in 1984 through an amendment to the Resource Conservation and Recovery Act. The Environmental Protection Agency (EPA) is the federal agency charged with carrying out the federal UST program. The EPA's UST program requires, among other things, registration of UST owners, leak detection and leak prevention, demonstration of financial responsibility, and records maintenance.

State Underground Storage Tank Regulation.

Washington has applied for and obtained approval from the EPA to operate its own state-level regulation program. As a result, state law, not federal law, applies to regulated USTs, and the Department of Ecology (Ecology), not the EPA, inspects and enforces compliance with the law.

Under the state UST program, Ecology is responsible for regulating and inspecting USTs that store petroleum and other hazardous substances. The purpose of Ecology's UST program is to reduce the number and severity of releases of petroleum and other hazardous substances, and to maintain compliance with the requirements for federal approval of the program.

Ecology regulates more than 9,000 USTs at more than 3,300 facilities, including gas stations, other commercial and industrial facilities, and government-owned facilities. Ecology conducts inspections at about 1,200 facilities each year, and provides technical assistance to owners and operators. Each facility must be inspected at least once every three years.

Washington's UST program is subject to sunset review and reauthorization under the Sunset Act. The program was originally authorized in 1989 and has been extended twice under the Sunset Act. The program is currently set to terminate on July 1, 2019.

Summary of Bill:

The expiration for the state UST program is extended to July 1, 2029.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The UST program is an important piece of Ecology's pollution prevention program. Of the roughly 13,000 contaminated sites in the state, more than one-half are legacy leaks of petroleum from old underground tanks. Since the inception of the UST program, the number of accidental releases from USTs has dropped from several hundred per

year down to approximately 50 per year. In addition, the average size of accidental releases is much smaller than it used to be. Insurers want stability and accountability when deciding where to do business, and the UST program provides that. This is a needed program and it seems appropriate that Ecology continue to operate it.

(Opposed) None.

Persons Testifying: Representative Peterson, prime sponsor; Jim Pendowski, Department of Ecology; Russell Olsen, Pollution Liability Insurance Agency; and David Ducharme, Washington Oil Marketers Association.

Persons Signed In To Testify But Not Testifying: None.