

1 1454-S AAS 4/15/91

2 SHB 1454 - S COMM AMD

3 By Committee on Environment & Natural Resources

4 Adopted 4/15/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 90.76.110 and 1989 c 346 s 12 are each amended to
8 read as follows:

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

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16 rules adopted under this chapter are not superseded or preempted.

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19 regulated substance are not superseded or preempted.

20 (~~(3)~~) (4) City, town, or county underground storage tank
21 ordinances that are more stringent than the federal regulations and the
22 uniform codes adopted under chapter 19.27 RCW and that are in effect on
23 November 1, 1988, are not superseded or preempted. A city, town, or
24 county with an ordinance that meets these criteria shall notify the
25 department of the existence of that ordinance by July 1, 1989.

26 (~~(4)~~) (5) Local laws, ordinances, and resolutions pertaining to
27 permits and fees for the use of underground storage tanks in street

1 right of ways that were in existence prior to July 1, 1990, are not
2 superseded or preempted."

3 "Sec. 2. RCW 90.76.040 and 1989 c 346 s 5 are each amended to read
4 as follows:

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

11 (2) A city, town, or county may adopt proposed ordinances or
12 resolutions establishing requirements for underground storage tanks
13 located within an environmentally sensitive area that are more
14 stringent than the state-wide standards established under RCW
15 90.76.020. ~~((If application for the designation of an environmentally
16 sensitive area is made later than five years after the date of final
17 adoption of the rules required under this chapter, proposed local
18 ordinances and resolutions shall only apply to new underground storage
19 tank installations.))~~ Except as provided in RCW 90.76.110(3), and for
20 any other environmentally sensitive areas adopted prior to January 1,
21 1991, proposed local ordinances and resolutions for the regulation of
22 underground storage tank installations and upgrades, established under
23 this section, shall not apply to underground storage tanks that have
24 been installed or upgraded prior to the effective date of such local
25 ordinances or resolutions, if the tank system meets the underground
26 storage tank upgrading and installation standards adopted under this
27 chapter, federal regulations, and the uniform fire code as provided
28 under RCW 90.76.110(2).

1 For the purposes of this subsection, "installed or upgraded" means
2 physical improvements to, or replacement of, underground storage tank
3 systems that at a minimum causes the tank to be replaced or upgraded to
4 meet the state and federal underground storage tank requirements
5 applicable on December 23, 1998. The local government adopting the
6 ordinances and resolutions shall submit them to the department for
7 approval. Disapproved ordinances and resolutions may be modified and
8 resubmitted to the department for approval. Proposed local ordinances
9 and resolutions become effective when approved by the department.

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

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

14 (b) The proposed local regulations are reasonably consistent with
15 previously approved local regulations for similar environmentally
16 sensitive areas.

17 (4) A city, town, or county for which a proposed local ordinance or
18 resolution establishing more stringent requirements is approved by the
19 department may establish local tank fees that meet the requirements of
20 RCW 90.76.090, if such fees are necessary for enhanced program
21 administration or enforcement.

22 (5) The purpose of the designation of the environmentally sensitive
23 area shall be to protect ground or surface waters used for drinking
24 water purposes or reasonably anticipated as needed for future drinking
25 water purposes."

1 **SHB 1454** - S COMM AMD

2 By Committee on Environment & Natural Resources

3 Adopted 4/15/91 - Voice Vote

4 On page 1, line 1 of the title, after "preemption;" strike the

5 remainder of the title and insert "and amending RCW 90.76.110 and

6 90.76.040."