

HOUSE BILL REPORT

SHB 1454

As Amended by the Senate

Title: An act relating to underground storage tank law preemption.

Brief Description: Pertaining to the applicability of the uniform fire code to underground storage tank laws.

Sponsor(s): By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Betrozoff and Nealey; by request of Department of Ecology).

Brief History:

Reported by House Committee on:
Environmental Affairs, February 28, 1991, DPS;
Passed House, March 14, 1991, 96-0;
Amended by Senate.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *That Substitute House Bill No. 1454 be substituted therefor, and the substitute bill do pass.*
Signed by 13 members: Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; Sprenkle; and Van Luven.

Staff: Harry Reinert (786-7110).

Background: In the last few years both the state legislature and the federal government have enacted laws governing underground tanks used to store oil, gasoline, hazardous substances, and other products that may pose a risk to health and safety and to the environment. The Washington underground storage tank legislation includes a provision which preempts most state and local ordinances which might regulate the same activity. There are exceptions to this preemption: 1) for local ordinances relating to emergency response, 2) for local underground tank ordinances adopted prior to November, 1, 1988, which are more stringent than federal law or the uniform codes adopted by the state; and 3) for local ordinances adopted prior to July 1, 1990 relating to permits and fees for tanks in street rights of way.

Summary of Bill: In addition to the current exceptions to the general state preemption of local underground tank ordinances, provisions of the Uniform Fire Code adopted pursuant to state law which are not more stringent than and which do not directly conflict with the rules adopted by the Department of Ecology are not preempted.

EFFECT OF SENATE AMENDMENT(S): The Senate amendments add provisions relating to underground storage tank standards in environmentally sensitive areas. Current law allows a local government to adopt standards more stringent than state standards for underground storage tanks located in environmentally sensitive areas. These local standards must be approved by the Department of Ecology. They apply to installed tanks if the local standards are adopted within five years after the state rules were adopted. The Senate amendment would provide that local ordinances for sensitive areas would not apply to tanks which meet the standards which all tanks must meet by 1998. The amendment also limits the reasons an environmentally sensitive area may be designated to areas which are used or may be used for drinking water.

Fiscal Note: Available.

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

Testimony For: There is uncertainty about the impact of the current preemption language on the applicability of local fire codes. This bill will assure that as long as fire codes do not conflict with the state rules, they will remain in force.

Testimony Against: None.

Witnesses: Otto Jensen, Washington State Fire Chiefs (pro); and Tom Eaton, Solid Waste Manager - Department of Ecology (pro).

VOTE ON FINAL PASSAGE:

Yeas 96; Excused 2

Excused: Representatives Casada, Ferguson