

# HOUSE BILL REPORT

## HB 1454

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*As Reported By House Committee on:  
Environmental Affairs*

**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):** 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.

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**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 Substitute 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.

**Substitute Bill Compared to Original Bill:** The substitute limits the new exception from preemption to ordinances which are not more stringent than the rules adopted by the Department of Ecology.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** 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).