

HOUSE BILL REPORT

SSB 5480

*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): Senate Committee on Environment & Natural Resources (originally sponsored by Senators Oke, Owen, Sutherland and Metcalf; by request of Department of Ecology).

Brief History:

Reported by House Committee on:
Environmental Affairs, March 29, 1991, DPA.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *Do pass as amended.* Signed by 11 members: Representatives Rust, Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; and Sprenkle.

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 that 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 Amended 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 by the state.

Amended Bill Compared to Substitute Bill: The amendment corrects cross-references.

Fiscal Note: Not requested.

Effective Date of Amended 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 Association of Fire Chiefs (pro); Terry Husseman, Department of Ecology (pro); and Gary Smith, Executive Director, Independent Business Association, (pro).