

SENATE BILL 5263

State of Washington

52nd Legislature

1991 Regular Session

By Senators Owen, Amondson, Snyder, Matson, Hansen, Conner, Bauer, Newhouse, Anderson and Barr.

Read first time January 25, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to underground storage tanks; amending RCW
2 90.76.040 and 90.76.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.76.040 and 1989 c 346 s 5 are each amended to read
5 as follows:

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

12 (2) A city, town, or county may adopt proposed ordinances or
13 resolutions establishing requirements for underground storage tanks
14 located within an environmentally sensitive area that are more
15 stringent than the state-wide standards established under RCW

1 90.76.020. If application for the designation of an environmentally
2 sensitive area is made later than five years after the date of final
3 adoption of the rules required under this chapter, proposed local
4 ordinances and resolutions shall only apply to new underground storage
5 tank installations. The local government adopting the ordinances and
6 resolutions shall submit them to the department for approval.
7 Disapproved ordinances and resolutions may be modified and resubmitted
8 to the department for approval. Proposed local ordinances and
9 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) An underground storage tank that meets the requirements of RCW
23 90.76.020 and meets the requirements established by a city, town, or
24 county, under this section, is not required to meet underground storage
25 tank requirements adopted under this section after installation of the
26 tank.

27 **Sec. 2.** RCW 90.76.110 and 1989 c 346 s 12 are each amended to read
28 as follows:

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

6 (2) Provisions of the uniform fire code adopted under chapter 19.27
7 RCW that do not directly conflict with rules adopted under this chapter
8 are not superseded or preempted.

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

12 (~~((3))~~) (4) City, town, or county underground storage tank
13 ordinances that are more stringent than the federal regulations and the
14 uniform codes adopted under chapter 19.27 RCW and that are in effect on
15 November 1, 1988, are not superseded or preempted. A city, town, or
16 county with an ordinance that meets these criteria shall notify the
17 department of the existence of that ordinance by July 1, 1989.

18 (~~((4))~~) (5) Local laws, ordinances, and resolutions pertaining to
19 permits and fees for the use of underground storage tanks in street
20 right of ways that were in existence prior to July 1, 1990, are not
21 superseded or preempted.