

1 UNDERGROUND STORAGE TANK AMENDMENTS

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Sylvia S. Andersen

5 Senate Sponsor: Wayne L. Niederhauser

6

7 LONG TITLE

8 General Description:

9 This bill amends the Underground Storage Tank Act.

10 Highlighted Provisions:

11 This bill:

- 12 ▶ amends references to federal statutes regulating underground storage tanks; and
- 13 ▶ makes technical corrections.

14 Monies Appropriated in this Bill:

15 None

16 Other Special Clauses:

17 None

18 Utah Code Sections Affected:

19 AMENDS:

20 19-6-403, as last amended by Laws of Utah 1997, Chapter 172

21

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section 19-6-403 is amended to read:

24 19-6-403. Powers and duties of board.

25 [(1)-(a)] The board shall regulate an underground storage [~~tanks and~~] tank or petroleum
26 storage [~~tanks~~] tank by [~~applying the provisions of this part and by making rules for~~]:

27 (1) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
28 making rules that:

29 (a) provide for the:

30 (i) certification of an [tank installers, inspectors, testers, and removers] installer,
31 inspector, tester, or remover;

32 (ii) registration of [~~tanks~~] a tank;

33 (iii) administration of the petroleum storage tank program;

34 (iv) format of and required information [~~regarding records to be~~] in a record kept by a
35 tank [~~owners or operators who are~~] owner or operator who is participating in the fund;

36 (v) voluntary participation in the fund for:

37 (A) an above ground petroleum storage [tanks and tanks] tank; and

38 (B) a tank:

39 (I) exempt from regulation under 40 C.F.R., Part 280, Subpart (B)[,]; and

40 (II) specified in Section 19-6-415; and

41 (vi) certification of an underground storage tank [consultants,] consultant including
42 [~~requirements for~~]:

43 (A) a minimum education or experience[~~, which rules shall recognize~~] requirement; and

44 (B) a recognition of the educational [background] requirement of a professional
45 engineer licensed under Title 58, Chapter 22, Professional Engineers and Land Surveyors
46 Licensing Act, as meeting the education [~~requirements~~] requirement for certification[~~, but shall~~
47 ~~require proof of experience that meets certification requirements.~~];

48 [~~(b) The board shall make rules in accordance with Title 63, Chapter 46a, Utah~~
49 ~~Administrative Rulemaking Act, adopting requirements for underground storage tanks~~
50 ~~contained in Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. Section~~
51 ~~6991c, et seq., and other future applicable final federal regulations.]~~

52 [~~(2) The board shall ensure that the rules made under the authority of Subsection (1)~~
53 ~~meet federal requirements for the state's assumption of primacy in the regulation of~~
54 ~~underground storage tanks, as provided in Section 9004 of the Resource Conservation and~~
55 ~~Recovery Act, 42 U.S.C. Section 6991c, et seq.]~~

56 (b) adopt the requirements for an underground storage tank contained in:

57 (i) the Solid Waste Disposal Act, Subchapter IX, 42 U.S.C. Sec. 6991, et seq., as may

58 be amended in the future; and
59 (ii) an applicable federal requirement authorized by the federal law referenced in
60 Subsection (1)(b)(i); and
61 (c) comply with the requirements of the Solid Waste Disposal Act, Subchapter IX, 42
62 U.S.C. Sec. 6991c, et seq., as may be amended in the future, for the state's assumption of
63 primacy in the regulation of an underground storage tank; and
64 (2) applying the provisions of this part.