

**UNDERGROUND STORAGE TANK AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Sylvia S. Andersen**

Senate Sponsor: Wayne L. Niederhauser

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**LONG TITLE**

**Committee Note:**

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

**General Description:**

This bill amends the Underground Storage Tank Act.

**Highlighted Provisions:**

This bill:

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

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

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



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

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

32           (a) provide for the:

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

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

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

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

39           (v) voluntary participation in the fund for:

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

41           (B) a tank:

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

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

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

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

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

52           ~~[(b) The board shall make rules in accordance with Title 63, Chapter 46a, Utah~~  
53 ~~Administrative Rulemaking Act, adopting requirements for underground storage tanks~~  
54 ~~contained in Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. Section~~  
55 ~~6991c, et seq., and other future applicable final federal regulations.]~~

56           ~~[(2) The board shall ensure that the rules made under the authority of Subsection (1)~~  
57 ~~meet federal requirements for the state's assumption of primacy in the regulation of~~  
58 ~~underground storage tanks, as provided in Section 9004 of the Resource Conservation and~~

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

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**Legislative Review Note**  
**as of 11-15-07 7:20 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 50 - Underground Storage Tank Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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