

1 **UNDERGROUND STORAGE TANK AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kay L. McIff**

5 Senate Sponsor: Kevin T. Van Tassell

6

LONG TITLE

7 **General Description:**

8 This bill modifies certain requirements relating to the Petroleum Storage Tank Trust
9 Fund.
10

11 **Highlighted Provisions:**

- 12 This bill:
- 13 ▶ modifies the definition of "certified underground storage tank consultant";
 - 14 ▶ grants rulemaking authority relating to the registration of underground storage tank
15 operators;
 - 16 ▶ provides for the identification of underground storage tanks that do not qualify for a
17 certificate of compliance; and
 - 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 **H→ [None] This bill coordinates with S.B. 21, Department of Environmental Quality**

22a **Boards Revisions, by providing technical amendments. ←H**

23 **Utah Code Sections Affected:**

24 AMENDS:

- 25 **19-6-402**, as last amended by Laws of Utah 2010, Chapter 324
- 26 **19-6-403**, as last amended by Laws of Utah 2008, Chapters 56 and 382
- 27 **19-6-405.3**, as last amended by Laws of Utah 2010, Chapter 186

H.B. 343



28 19-6-411, as last amended by Laws of Utah 1998, Chapter 95

28a **H→ Utah Code Sections Affected by Coordination Clause:**

28b **19-6-411, as last amended by Laws of Utah 1998, Chapter 95 ←H**



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

31 Section 1. Section 19-6-402 is amended to read:

32 **19-6-402. Definitions.**

33 As used in this part:

34 (1) "Abatement action" means action taken to limit, reduce, mitigate, or eliminate:

35 (a) a release from an underground storage tank or petroleum storage tank~~;~~ or ~~[to limit~~
36 ~~or reduce, mitigate, or eliminate]~~

37 (b) the damage caused by that release.

38 (2) "Board" means the Solid and Hazardous Waste Control Board created in Section
39 19-1-106.

40 (3) "Bodily injury" means bodily harm, sickness, disease, or death sustained by ~~[any]~~ a
41 person.

42 (4) "Certificate of compliance" means a certificate issued to a facility by the executive
43 secretary:

44 (a) demonstrating that an owner or operator of a facility containing one or more
45 petroleum storage tanks has met the requirements of this part; and

46 (b) listing all tanks at the facility, specifying:

47 (i) which tanks may receive petroleum; and

48 (ii) which tanks have not met the requirements for compliance.

49 (5) "Certificate of registration" means a certificate issued to a facility by the executive
50 secretary demonstrating that an owner or operator of a facility containing one or more
51 underground storage tanks has:

52 (a) registered the tanks; and

53 (b) paid the annual underground storage tank fee.

54 (6) (a) "Certified underground storage tank consultant" means ~~[any]~~ a person who:

55 (i) ~~[meets the education and experience standards established by the board under~~
56 ~~Subsection 19-6-403(1)(a)(vi) in order to provide or contract]~~ for a fee, or in connection with

57 services for which a fee is charged, provides or contracts to provide information, opinions, or
58 advice relating to underground storage tank release:

183 presence of petroleum in soil.

184 (28) "State cleanup appropriation" means ~~the~~ money appropriated by the Legislature
185 to the department to fund the investigation, abatement, and corrective action regarding releases
186 not covered by the fund.

187 (29) "Underground storage tank" means ~~any~~ a tank regulated under Subtitle I,
188 Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991c, et seq., including:

189 (a) a petroleum storage tank;

190 (b) underground pipes and lines connected to a storage tank; ~~H→~~ ~~and~~ ~~←H~~

191 (c) ~~any~~ ~~H→~~ ~~an~~ ~~←H~~ underground ancillary equipment ~~H→~~ ; ~~←H~~ and

191a ~~H→~~ ~~(d)~~ ~~a~~ ~~←H~~ containment system.

192 (30) "Underground storage tank installation company" means ~~any~~ a person, firm,
193 partnership, corporation, governmental entity, association, or other organization who installs
194 underground storage tanks.

195 (31) "Underground storage tank installation company permit" means a permit issued to
196 an underground storage tank installation company by the executive secretary.

197 (32) "Underground storage tank technician" means a person employed by and acting
198 under the direct supervision of a certified underground storage tank consultant to assist in
199 carrying out the functions described in Subsection (6)(a).

200 Section 2. Section **19-6-403** is amended to read:

201 **19-6-403. Powers and duties of board.**

202 The board shall regulate an underground storage tank or petroleum storage tank by:

203 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
204 making rules that:

205 (a) provide for the:

206 (i) certification of an underground storage tank installer, inspector, tester, or remover;

207 (ii) registration of an underground storage tank operator;

208 ~~(ii)~~ (iii) registration of ~~a~~ an underground storage tank;

209 ~~(iii)~~ (iv) administration of the petroleum storage tank program;

210 ~~(iv)~~ (v) format of, and required information in, a record kept by ~~a~~ an underground
211 storage or petroleum storage tank owner or operator who is participating in the fund;

212 ~~(v)~~ (vi) voluntary participation in the fund for:

213 (A) an above ground petroleum storage tank; and

369 environmental assurance fee to a level that will sustain the fund on an actuarially sound basis.

370 (6) The executive secretary may waive all or part of the fees required to be paid on or
 371 before May 5, 1997, for a petroleum storage tank under this section if no fuel has been
 372 dispensed from the tank on or after July 1, 1991.

373 (7) (a) ~~[Each]~~ The executive secretary shall issue a certificate of compliance to the
 374 owner or operator of a petroleum storage tank or underground storage tank, for which payment
 375 of fees has been made and other requirements have been met to qualify for a certificate of
 376 compliance under this part~~[, shall be issued a form of identification, as determined by the board~~
 377 under Subsection (7)(b)].

378 (b) The board shall make rules providing for the identification, through a tag or other
 379 readily identifiable method, of a petroleum storage ~~[tanks]~~ tank or underground storage ~~[tanks]~~
 380 tank under Subsection (7)(a) that does not qualify for a certificate of compliance under this
 381 part.

381a **↔ Section 5. Coordinating H.B. 343 with S.B. 21 -- Technical amendments.**

381b **If this H.B. 343 and S.B. 21, Department of Environmental Quality Boards Revisions, both**
 381c **pass and become law, the Legislature intends that:**

381d **(1) the reference in Subsection 19-6-411(7)(a) to "executive secretary" be replaced with**
 381e **"director"; and**

381f **(2) the Office of Legislative Research and General Counsel make that change when preparing**
 381g **the Utah Code database for publication. ↔**

Legislative Review Note

as of 2-6-12 10:34 AM

Office of Legislative Research and General Counsel