

AMENDED IN SENATE APRIL 6, 2016

AMENDED IN SENATE MARCH 30, 2016

SENATE BILL

No. 1147

Introduced by Senator Galgiani

February 18, 2016

An act to add ~~Chapter 6.78 (commencing with Section 25299.210)~~ to ~~Division 20 of Section 25271~~ to the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 1147, as amended, Galgiani. Hazardous materials: aboveground storage tanks.

The Aboveground Petroleum Storage Act generally regulates aboveground storage tanks that contain petroleum and that meet certain requirements. The act requires the owner or operator of an aboveground storage tank that meets certain specifications to prepare a spill prevention control and countermeasure plan and to implement the plan in compliance with specified federal law. The act defines an "aboveground storage tank" as a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground or a tank in an underground area, as defined, except for certain types of tanks and vessels.

This bill would prohibit a city, county, or city and county from enforcing standards for aboveground storage tanks that are more stringent than state or federal standards for aboveground storage tanks unless the city, county, or city and county first adopts an ordinance establishing those standards.

~~The Aboveground Petroleum Storage Act, implemented by the unified program agencies, generally regulates aboveground storage tanks that~~

contain petroleum and that meet certain requirements. The act requires the owner or operator of an aboveground storage tank that meets certain specifications to prepare a spill prevention control and countermeasure plan and to implement the plan in compliance with specified federal law. The act requires the unified program agency to inspect each storage tank or a representative sampling of the storage tanks at a single location at least once every 3 years for purposes of determining whether the owner or operator is in compliance with that plan. The act defines an “aboveground storage tank” as a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground or a tank in an underground area, as defined, except for certain types of tanks and vessels.

This bill would require an aboveground storage tank with a storage capacity of more than 1,100 gallons to be replaced when the storage tank reaches the end of its useful life, as determined by the manufacturer’s guidelines, and would require an aboveground storage tank with a storage capacity of more than 5,000 gallons purchased before January 1, 2017, to be replaced on or before December 31, 2027. The bill would require an aboveground storage tank of any capacity to be replaced if it presents an immediate risk to public health or safety or the environment. The bill would require a storage tank required to be replaced pursuant to these provisions to be replaced with a storage tank that meets a certain standard. The bill would require an aboveground storage tank purchased on and after January 1, 2017, to meet that same standard. To the extent it would impose additional duties on the unified program agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason:

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 25271 is added to the Health and Safety*
- 2 *Code, to read:*

1 25271. A city, county, or city and county shall not enforce
2 standards for aboveground storage tanks that are more stringent
3 than state or federal standards for aboveground storage tanks
4 unless the city, county, or city and county first adopts an ordinance
5 establishing those standards.

6 ~~SECTION 1. Chapter 6.78 (commencing with Section~~
7 ~~25299.210) is added to Division 20 of the Health and Safety Code,~~
8 ~~to read:~~

9

10 ~~CHAPTER 6.78. ABOVEGROUND STORAGE TANK STANDARD~~

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12 ~~25299.210. For purposes of this chapter, “aboveground storage~~
13 ~~tank” or “storage tank” has the same meaning specified in Section~~
14 ~~25270.2.~~

15 ~~25299.215. (a) An aboveground storage tank with a storage~~
16 ~~capacity of more than 1,100 gallons shall be replaced when the~~
17 ~~storage tank reaches the end of its useful life, as determined by~~
18 ~~the manufacturer’s guidelines.~~

19 ~~(b) Notwithstanding subdivision (a), an aboveground storage~~
20 ~~tank with a storage capacity of more than 5,000 gallons that was~~
21 ~~purchased before January 1, 2017, shall be replaced on or before~~
22 ~~December 31, 2027.~~

23 ~~(c) An aboveground storage tank of any storage capacity shall~~
24 ~~be replaced if the storage tank presents an immediate risk to public~~
25 ~~health or safety or the environment.~~

26 ~~(d) An aboveground storage tank required to be replaced~~
27 ~~pursuant to this section shall be replaced with a storage tank that~~
28 ~~meets UL 142, the Standard for Safety for Steel Aboveground~~
29 ~~Tanks for Flammable and Combustible Liquids, as established by~~
30 ~~Underwriters Laboratories.~~

31 ~~25299.220. An aboveground storage tank purchased on and~~
32 ~~after January 1, 2017, shall meet UL 142, the Standard for Safety~~
33 ~~for Steel Aboveground Tanks for Flammable and Combustible~~
34 ~~Liquids, as established by Underwriters Laboratories.~~

35 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
36 ~~Section 6 of Article XIII B of the California Constitution because~~
37 ~~a local agency or school district has the authority to levy service~~
38 ~~charges, fees, or assessments sufficient to pay for the program or~~

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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