

**ASSEMBLY BILL**

**No. 1491**

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**Introduced by Assembly Members Cunneen and Richter**

February 28, 1997

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An act to amend Section 25284 of, and to add Section 25292.3 to, the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1491, as introduced, Cunneen. Hazardous substances: underground storage tanks.

Under existing law, with specified exceptions, no person may own or operate an underground storage tank containing hazardous substances unless a permit for its operation has been issued by the local agency to the owner or operator of the tank, or a unified program facility permit has been issued by the local agency to the owner or operator of the unified program facility on which the tank is located.

This bill would require a permit issued for an underground storage tank system that meets specified requirements to include an upgrade compliance certificate, as prescribed, that documents that the underground storage tank system meets those requirements. The bill would require the owner to place the certificate in a conspicuous location that can be readily viewed by any person depositing hazardous substances into the underground storage tank system.

The bill would prohibit any person on or after January 1, 1999, to deposit petroleum into an underground storage tank system unless the underground storage tank system meets

those described requirements. The bill would specify that the display of an upgrade compliance certificate at the facility shall be considered evidence of compliance.

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

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

1 SECTION 1. Section 25284 of the Health and Safety  
2 Code is amended to read:

3 25284. (a) (1) Except as provided in subdivisions (c)  
4 and (d), no person shall own or operate an underground  
5 storage tank unless a permit for its operation has been  
6 issued by the local agency to the owner or operator of the  
7 tank, or a unified program facility permit has been issued  
8 by the local agency to the owner or operator of the unified  
9 program facility on which the tank is located.

10 (2) If the operator is not the owner of the tank, or if the  
11 permit is issued to a person other than the owner or  
12 operator of the tank, the permittee shall ensure that both  
13 the owner and the operator of the tank are provided with  
14 a copy of the permit.

15 (3) If the permit is issued to a person other than the  
16 operator of the tank, that person shall do all of the  
17 following:

18 (A) Enter into a written agreement with the operator  
19 of the tank to monitor the tank system as set forth in the  
20 permit.

21 (B) Provide the operator with a copy or summary of  
22 Section 25299 in the form ~~which~~ that the board specifies  
23 by regulation.

24 (C) Notify the local agency of any change of operator.

25 (b) Each local agency shall prepare a form ~~which~~ that  
26 provides for the acceptance of the obligations of a  
27 transferred permit by any person who is to assume the  
28 ownership of an underground storage tank from the  
29 previous owner and is to be transferred the permit to  
30 operate the tank. That person shall complete the form  
31 accepting the obligations of the permit and submit the  
32 completed form to the local agency within 30 days ~~after~~



1 *from the date that* the ownership of the underground  
2 storage tank is to be transferred. A local agency may  
3 review and modify, or terminate, the transfer of the  
4 permit to operate the underground storage tank,  
5 pursuant to the criteria specified in subdivision (a) of  
6 Section 25295, upon receiving the completed form.

7 (c) Any person assuming ownership of an  
8 underground storage tank used for the storage of  
9 hazardous substances for which a valid operating permit  
10 has been issued shall have 30 days ~~after~~ *from* the date of  
11 assumption of ownership to apply for an operating permit  
12 pursuant to Section 25286 or, if accepting a transferred  
13 permit, shall submit to the local agency the completed  
14 form accepting the obligations of the transferred permit,  
15 as specified in subdivision (b). During the period from  
16 the date of application until the permit is issued or  
17 refused, the person shall not be held to be in violation of  
18 this section.

19 (d) A permit issued pursuant to this subdivision for an  
20 underground storage tank installed on or before  
21 December 22, 1988, shall require compliance with  
22 Section 25292 and a permit issued pursuant to this  
23 subdivision for an underground storage tank installed  
24 after December 22, 1988, shall require compliance with  
25 Section 25291. A permit issued pursuant to this  
26 subdivision may include a schedule of compliance, when  
27 necessary, to allow a reasonable opportunity to comply  
28 with any applicable requirements of this chapter or the  
29 regulations adopted by the board implementing this  
30 chapter, if the permit requires compliance with  
31 requirements ~~which~~ *that* are ~~no~~ *not* less stringent than  
32 any federal, state, or local requirements ~~which~~ *that* apply  
33 to the underground storage tank on January 1, 1990.

34 (e) A permit issued pursuant to this section shall apply  
35 and require compliance with all applicable regulations  
36 adopted by the board pursuant to Section 25299.3.

37 (f) *A permit issued for an underground storage tank*  
38 *system that meets the requirements of Section 25291 or*  
39 *subdivisions (d) and (e) of Section 25292 and related*  
40 *regulations adopted pursuant to Section 25299.3 shall*



1 *include an upgrade compliance certificate, the color, size,*  
2 *and content of which shall be specified by the board, that*  
3 *documents that the underground storage tank system*  
4 *meets the requirements of Section 25291 or subdivision*  
5 *(d) and (e) of Section 25292 and related regulations. The*  
6 *owner shall place the upgraded compliance certificate in*  
7 *a conspicuous location that can be readily viewed by any*  
8 *person depositing hazardous substances into the*  
9 *underground storage tank system.*

10 SEC. 2. Section 25292.3 is added to the Health and  
11 Safety Code, to read:

12 25292.3. On or after January 1, 1999, no person shall  
13 deposit petroleum into an underground storage tank  
14 system unless the underground storage tank system  
15 meets the requirements of Section 25291 or subdivisions  
16 (d) and (e) of Section 25292 and related regulations  
17 adopted pursuant to Section 25299.3. The display of an  
18 upgrade compliance certificate at the facility shall be  
19 considered evidence of compliance.

