

AMENDED IN ASSEMBLY APRIL 10, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1491

Introduced by Assembly Members Cunneen and Richter

February 28, 1997

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 amended, Cunneen. Hazardous substances: *petroleum* 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~~ a *petroleum* underground storage tank system that meets specified requirements to include an upgrade compliance certificate, as prescribed, that documents that the *petroleum* 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~~ *petroleum* into the underground storage tank system.

The bill would, as prescribed, require the State Water Resources Control Board to notify all persons that may deliver petroleum to an underground storage tank of where they can obtain a list of underground storage tank facilities that have been issued an upgrade compliance certificate.

The bill would, *operative as prescribed*, 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 that the board specifies by
- 23 regulation.



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

2 (b) Each local agency shall prepare a form that
3 provides for the acceptance of the obligations of a
4 transferred permit by any person who is to assume the
5 ownership of an underground storage tank from the
6 previous owner and is to be transferred the permit to
7 operate the tank. That person shall complete the form
8 accepting the obligations of the permit and submit the
9 completed form to the local agency within 30 days from
10 the date that the ownership of the underground storage
11 tank is to be transferred. A local agency may review and
12 modify, or terminate, the transfer of the permit to
13 operate the underground storage tank, pursuant to the
14 criteria specified in subdivision (a) of Section 25295, upon
15 receiving the completed form.

16 (c) Any person assuming ownership of an
17 underground storage tank used for the storage of
18 hazardous substances for which a valid operating permit
19 has been issued shall have 30 days from the date of
20 assumption of ownership to apply for an operating permit
21 pursuant to Section 25286 or, if accepting a transferred
22 permit, shall submit to the local agency the completed
23 form accepting the obligations of the transferred permit,
24 as specified in subdivision (b). During the period from
25 the date of application until the permit is issued or
26 refused, the person shall not be held to be in violation of
27 this section.

28 (d) A permit issued pursuant to this subdivision for an
29 underground storage tank installed on or before
30 December 22, 1988, shall require compliance with
31 Section 25292 and a permit issued pursuant to this
32 subdivision for an underground storage tank installed
33 after December 22, 1988, shall require compliance with
34 Section 25291. A permit issued pursuant to this
35 subdivision may include a schedule of compliance, when
36 necessary, to allow a reasonable opportunity to comply
37 with any applicable requirements of this chapter or the
38 regulations adopted by the board implementing this
39 chapter, if the permit requires compliance with
40 requirements that are not less stringent than any federal,



1 state, or local requirements that apply to the
2 underground storage tank on January 1, 1990.

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

6 (f) A permit issued for ~~an~~ a *petroleum* underground
7 storage tank system that meets the requirements of
8 Section 25291 or subdivisions (d) and (e) of Section 25292
9 and related regulations adopted pursuant to Section
10 25299.3 shall include an upgrade compliance certificate,
11 the color, size, and content of which shall be specified by
12 the board, that documents that the *petroleum*
13 underground storage tank system meets the
14 requirements of Section 25291 or ~~subdivision~~ subdivisions
15 (d) and (e) of Section 25292 and related regulations. The
16 owner shall place the ~~upgraded~~ upgrade compliance
17 certificate in a conspicuous location that can be readily
18 viewed by any person depositing ~~hazardous substances~~
19 *petroleum* into the underground storage tank system.

20 (g) *By December 22, 1998, or on the date specified in*
21 *Section 280.21 of Title 40 of the Code of Federal*
22 *Regulations, whichever is later, the board shall notify all*
23 *persons that may deliver petroleum to an underground*
24 *storage tank of where they can obtain a list of*
25 *underground storage tank facilities that have been issued*
26 *an upgrade compliance certificate. Local agencies shall*
27 *maintain a list of underground storage tank facilities that*
28 *have been issued an upgrade compliance certificate and*
29 *shall provide this information to anyone requesting it.*

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

32 25292.3. ~~On or after January 1, 1999, no~~ (a) No person
33 shall deposit petroleum into an underground storage tank
34 system unless the underground storage tank system
35 meets the requirements of Section 25291 or subdivisions
36 (d) and (e) of Section 25292 and related regulations
37 adopted pursuant to Section 25299.3. The display of an
38 upgrade compliance certificate at the facility shall be
39 considered evidence of compliance.



1 *(b) This section shall become operative on January 1,*
2 *1999, or on the date specified in Section 280.21 of Title 40*
3 *of the Code of Federal Regulations, whichever is later.*

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