

IN THE SENATE

SENATE BILL NO. 1244

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO UNDERGROUND STORAGE TANKS; AMENDING SECTION 39-8802, IDAHO
2 CODE, TO REVISE PROVISIONS REGARDING THE FUNDING OF THE STATE UNDER-
3 GROUND STORAGE TANK PROGRAM AND TO PROVIDE FOR REPORTING; AMENDING
4 SECTION 39-8807, IDAHO CODE, TO REMOVE A PROVISION THAT CERTAIN TRAIN-
5 ING BY THE DEPARTMENT SHALL BE OFFERED AT NO COST; AND AMENDING SECTION
6 39-8808, IDAHO CODE, TO REVISE A PROVISION REGARDING FEES FOR DEPART-
7 MENT INSPECTIONS.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 39-8802, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 39-8802. LEGISLATIVE FINDINGS AND INTENT. (1) The legislature of the
13 state of Idaho finds:

14 (a) That the protection of the environment from leaking underground
15 storage tanks is a matter of statewide concern;

16 (b) That subchapter IX of the solid waste disposal act (42 U.S.C. 6991,
17 et seq. (2000)), as amended by the underground storage tank compli-
18 ance act, public law 109-58, title XV, August 8, 2005, and regulations
19 adopted pursuant thereto, establish federal law regulating underground
20 storage tanks; and

21 (c) That 42 U.S.C. 6991c(a) and 40 CFR part 281 allow the administrator
22 of the United States environmental protection agency to approve a state
23 program.

24 (2) Therefore, it is the intent of the legislature:

25 (a) To establish a state underground storage tank program to comply
26 with the requirements of the underground storage tank compliance act,
27 public law 109-58, title XV, August 8, 2005, and the regulations adopted
28 pursuant thereto, and 40 CFR part 280, so that the Idaho department
29 of environmental quality may promulgate rules, through negotiated
30 rulemaking, to implement a state underground storage tank program as
31 provided in section 39-8805, Idaho Code;

32 (b) That such program not constitute a new corrective action program;

33 (c) That such program qualify the state for federal funding from the
34 federal leaking underground storage tank trust fund; and

35 (d) That such program ~~not may~~ be funded by ~~user fees or other fees for~~
36 ~~service such as that provided in section 39-119, Idaho Code, not to ex-~~
37 ~~ceed one hundred dollars (\$100) per tank per year. These funds shall~~
38 only be used for the underground storage tank program;

39 (e) A fee balance greater than thirty-five thousand dollars (\$35,000)
40 as of December 31 of each year, excluding any early payments for the fees
41 due January 2 of the following year, shall be used to reduce the follow-
42 ing year's fee; and

1 (f) Prior to February 1 of each year, the director shall report to the
2 governor and the legislature on the use of fees collected the previous
3 year. At a minimum, the report shall include:

4 (i) A list of all tanks subject to inspection;

5 (ii) The type of inspection and regulatory authority or guidance
6 used; and

7 (iii) A detailed accounting of how fee funds were spent.

8 SECTION 2. That Section 39-8807, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 39-8807. OPERATOR TRAINING. (1) The department shall adopt an opera-
11 tor training program to be conducted by either the department or a state of
12 Idaho approved third party to help underground storage tank system owners
13 and operators and their employees understand and comply with the require-
14 ments of this chapter and rules promulgated pursuant to this chapter. The
15 training shall be consistent with 42 U.S.C. 6991i(a).

16 (2) Training conducted by the department shall be offered ~~at no cost,~~
17 on location, to owners, operators, and employees of underground storage tank
18 systems regulated under this chapter. The training shall be specific to the
19 equipment on location.

20 SECTION 3. That Section 39-8808, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 39-8808. INSPECTIONS. (1) Underground storage tank systems regulated
23 under this chapter which have not been inspected by the department or the
24 United States environmental protection agency since December 22, 1998,
25 shall be inspected by the department in compliance with this chapter.

26 (2) After completion of all inspections required under subsection (1)
27 of this section, the department or a third party inspector certified by an
28 approved state or national program, shall conduct on-site inspections of un-
29 derground storage tank systems regulated under this chapter at least once
30 every three (3) years to determine compliance with this chapter.

31 (3) If the department conducts the inspection, it shall not charge a an
32 additional fee for the inspection.