

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

ENROLLED

SENATE BILL NO. 608
Originating in the Committee
(By Senator *on the Judiciary*)

PASSED March 7, 1990

In Effect from Passage

ENROLLED

Senate Bill No. 608

(ORIGINATING IN THE COMMITTEE ON THE JUDICIARY)

[Passed March 7, 1990; in effect from passage.]

AN ACT to amend and reenact sections six and twenty-two, article five-h, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to underground storage tank management.

Be it enacted by the Legislature of West Virginia:

That sections six and twenty-two, article five-h, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5H. WEST VIRGINIA UNDERGROUND STORAGE TANK ACT.

§20-5H-6. Promulgation of rules, regulations and standards by director.

1 (a) The director has overall responsibility for the
2 promulgation of rules and regulations under this
3 article. In promulgating and revising such rules and
4 regulations the director shall comply with the provi-

5 sions of chapter twenty-nine-a of this code. Such rules
6 and regulations shall be no more stringent than the
7 rules and regulations promulgated by the United
8 States environmental protection agency pursuant to
9 Subtitle I.

10 (b) The director shall promulgate rules and regula-
11 tions applicable to owners or operators of underground
12 storage tanks or other affected persons, as appropriate,
13 as follows:

14 (1) A requirement for a yearly registration fee for
15 underground storage tanks;

16 (2) A requirement that an owner or operator regis-
17 ter with the director each underground storage tank
18 after the effective date of the regulations and that an
19 owner or operator report annually on changes in
20 status of any underground storage tank;

21 (3) Such release detection, prevention and correction
22 rules applicable to underground storage tanks as may
23 be necessary to protect human health and the
24 environment;

25 (4) Requirements for maintaining a leak detection
26 system, inventory control systems together with tank
27 testing, or a comparable system or method designed to
28 identify releases from underground storage tanks in a
29 manner consistent with the protection of human
30 health and the environment;

31 (5) Requirements for maintaining records of any
32 monitoring or leak detection system or inventory
33 control system or tank testing system;

34 (6) Regulations for procedures and amount of fees to
35 be assessed for the underground storage tank admin-
36 istrative fund, the leaking underground storage tank
37 response fund and the underground storage tank
38 insurance fund established pursuant to this article,
39 which shall include a capitalization fee to be assessed
40 against all owners or operators of underground tanks
41 to be used for initial establishment of the underground
42 storage tank insurance fund;

43 (7) Procedures for making expenditures from the

44 underground storage tank administrative fund, the
45 leaking underground storage tank response fund and
46 the underground storage tank insurance fund;

47 (8) Acceptable methods by which an owner or
48 operator may demonstrate financial responsibility;

49 (9) Requirements for reporting of releases and
50 corrective action taken in response to a release;

51 (10) Requirements for taking corrective action in
52 response to a release from an underground storage
53 tank;

54 (11) Requirements for the closure of tanks to prevent
55 future releases of regulated substances to the
56 environment;

57 (12) Requirements for certification of installation,
58 removal, retrofit, testing and inspection of under-
59 ground storage tanks and leak detection systems by a
60 registered professional engineer or other qualified
61 person;

62 (13) Requirements for public participation in the
63 enforcement of the state underground storage tank
64 program;

65 (14) Procedures establishing when and how the
66 director shall determine if information obtained by
67 any agency under this article is confidential;

68 (15) Standards of performance for new underground
69 storage tanks; or

70 (16) Any other rules, regulations or standards neces-
71 sary and appropriate for the effective implementation
72 and administration of this article.

§20-5H-22. Underground storage tank insurance fund.

1 (a) The director may establish an underground
2 storage tank insurance fund for the purpose of satisf-
3 ying the financial responsibility requirements estab-
4 lished pursuant to section ten of this article. In
5 addition to the capitalization fee to be assessed against
6 all owners or operators of underground storage tanks
7 provided by subdivision six, subsection (b), section six

8 of this article, the director shall promulgate rules and
9 regulations establishing an annual financial responsi-
10 bility assessment to be assessed on and paid by owners
11 or operators of underground storage tanks who are
12 unable to obtain insurance or otherwise meet the
13 financial responsibility requirements established
14 pursuant to section ten of this article. Such assess-
15 ments shall be paid into the state treasury into a
16 special fund designated "the underground storage tank
17 insurance fund."

18 (b) At the end of each fiscal year, any unexpended
19 balance of such assessment shall not be transferred to
20 the general revenue fund but shall remain in the
21 underground storage tank insurance fund.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Perry
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell E. Palmer
.....
Clerk of the Senate

Donald L. Voss
.....
Clerk of the House of Delegates

Walter S. Smith
.....
President of the Senate

Robert D. C. Smith
.....
Speaker House of Delegates

The within *is approved* this the *19th*
day of *March* 1990.

Easton Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/13/90

Time 3:00 pm

RECEIVED

1990 MAR 19 PM 4:49

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

3/19/90

THIS DATE