

SESSION OF 2003

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2196

As Amended by House Committee on
Environment

Brief*

HB 2196 would amend the Kansas Storage Tank Act to make it unlawful for any person to deposit, store, or dispense any regulated substance into any storage tank which does not comply with the act or the rules and regulations promulgated under the act, after written notice by certified mail has been supplied by the Secretary of the Kansas Department of Health and Environment (KDHE) that indicates a certain storage tank or tanks do not comply with the act or the appropriate rules and regulations. The bill also would amend the act to make it unlawful for any owner or operator of a storage tank to deposit, store, or dispense any regulated substance into storage tank which do not comply with the provision of the act or the rules and regulations promulgated under the act.

In addition, the bill would amend a provision of law which would deem operating a storage tank without a permit a hazard to the health of persons and to the environment and subject those persons operating such a storage tank to a variety of actions by the Secretary.

Background

At the hearing on the bill, proponents included representatives of the Kansas Motor Carriers Association and the Petroleum Marketers and Convenience Store Association of Kansas. These conferees stated that under current law it is unlawful for any person to deposit "regulated substances" in storage tanks which either are not permitted or have lost their permits. They indicated that KDHE can issue civil penalties to all parties involved in dropping fuel in non-permitted storage tanks. They indicated that this includes truck drivers, distributors, and transportation

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

companies. They indicated that to force other parties other than tank owners or operators to act as the enforcement entity is not appropriate.

A spokesperson from KDHE appeared in opposition to the bill. The spokesperson stated that the current provision of law assists the agency in enforcing underground storage tank program requirements and helps to ensure that these products are not placed in storage tanks which could ultimately leak and expose the population to health risks. The spokesperson stated that the provision aids KDHE by reducing the burden of numerous inspections to ensure that fuel is not being placed into non-permitted tanks.

The Chairperson appointed a subcommittee to address the issues of the bill. The House Environment Committee amended the bill in accordance with the recommendations of the subcommittee.

The fiscal note on the original bill states that KDHE believes that the passage of HB 2196 could increase expenditures from the Underground Storage Tank Fund because of an increase in the number of site inspections or enforcement activities. At this time, KDHE is unable to estimate what the additional staff time or operating expenditures would be.