

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2305

As Amended by Senate Committee on Natural
Resources

Brief*

HB 2305 would amend the Kansas Storage Tank Act by requiring new or replacement installations of underground storage tank (UST) systems to be built with secondary containment, which would be monitored for leaks. The requirement would apply to systems installed after July 1, 2013; existing systems would not be required to be upgraded unless the storage tank or more than 50 percent of the piping connected to the tank is replaced.

Secondary containment systems would be required to do the following:

- Be designed, constructed, and installed to contain regulated substances released from the tank system until they are detected and removed;
- Prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and
- Be checked for evidence of a released substance using interstitial monitoring.

In addition, installation or replacement of secondarily contained piping would have to include installation of containment of a submersible pump. However, the requirement for secondary containment would not apply to safe suction piping or to repairs meant to restore an UST, piping, or dispenser to operating condition.

*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>

The bill also would require any new motor fuel dispenser system installed after June 30, 2013, to include under-dispenser spill containment. The containment would be required to meet the following requirements:

- Liquid tight on its sides, bottom, and at any penetrations;
- Compatible with the substance conveyed by the piping; and
- Designed to allow for visual inspection and access to the components in the containment or to be monitored for a release of regulated substances from dispenser and piping.

In addition, the bill would define “installation of a new motor fuel dispense system,” “replaced,” “secondary containment or secondarily contained,” “safe suction piping,” and “under-dispenser containment” as new terms in the Act, and would add new language to the existing definition of “repair.” The bill also would update the existing reference to the federal Pipeline Safety Act.

Background

The bill was introduced by the House Committee on Energy and Environment at the request of the Kansas Department of Health and Environment (KDHE). The Director of the Division of Environment, KDHE, testified this legislation is needed to conform the Kansas UST program with the federal Energy Policy Act of 2005 and new federal UST regulations that will be final in 2013. He explained the 2005 Act allowed states two options to protect groundwater from releases of regulated substances from USTs: either require all new systems to have secondary containment or require installers and manufacturers to carry pollution liability insurance. New regulations that become final in 2013 will remove the insurance option. The Petroleum Marketers and

Convenience Store Association of Kansas in conjunction with the Kansas Cooperative Council also testified in support of the bill. There was no neutral or opposing testimony.

The Senate Committee on Natural Resources amended the bill to clarify the new motor fuel dispenser system installed after June 30, 2013, would be required to include under-dispenser spill containment.

The fiscal note prepared by the Division of the Budget on the original version of the bill states the passage of the bill would have no fiscal effect on KDHE because the review of the UST installation permits is similar to other functions currently being performed by KDHE.