

- (7) Methods to increase public volunteer efforts and cooperative projects;
- (8) Steps necessary to be taken in the United States-Canada treaty process to protect the state's investment in salmon production;
- (9) Elements of coordination with the Northwest Power Planning Council programs to ensure maximum Columbia river benefits;
- (10) The role that should be played by private consulting companies in developing and implementing the plan;
- (11) Coordination with federal fish and wildlife agency fish production programs;
- (12) Future needs for salmon predator control measures;
- (13) Methods for maximizing the take of salmon eggs for fish production purposes;
- (14) Plans for preserving the vital food chain of the salmon;
- (15) Proposals for increasing all species of salmon harvested in the state; and
- (16) Coordination with the office of the secretary of state to assure inclusion of the project in bicentennial activities.

The department of fisheries, in cooperation with the department of revenue, shall assess various funding mechanisms and make recommendations to the legislature in the plan. The department, in cooperation with the department of trade and economic development, shall prepare an analysis of the economic benefits to the state that will occur when the salmon catch is increased by one hundred percent in the year 2000.

Passed the Senate March 7, 1988.

Passed the House March 5, 1988.

Approved by the Governor March 23, 1988.

Filed in Office of Secretary of State March 23, 1988.

## CHAPTER 215

[Engrossed Substitute Senate Bill No. 6741]

### STORAGE TANKS

AN ACT Relating to storage tanks; creating new sections; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds that the planning and development of regulatory programs for storage tanks containing petroleum and regulated substances must begin as soon as possible in order to meet the requirements of federal and state laws and address public health and safety concerns. The legislature further finds that a state regulatory program for underground storage tanks needs to be developed that is at least as stringent as the minimum requirements under 42 U.S.C. Sec. 6991 et seq.

In addition, the legislature finds that affordable private methods of ensuring financial responsibility as required under 42 U.S.C. Sec. 6991b(d) may not be available. Thus, it is necessary to study the possibility of developing risk retention pools to aid underground storage tank owners and operators in meeting federal financial responsibility requirements. The legislature further finds that the economic well-being of small businesses in the state that own or operate underground storage tanks depends on a clear state policy and adequate state regulatory programs.

Since additional information is needed to develop specific tank construction, installation, operational, monitoring, reporting, closure, and financial responsibility requirements, the legislature establishes the joint select committee on storage tanks to make recommendations on program elements and to develop legislation to establish these programs by June 1, 1989.

NEW SECTION. Sec. 2. (1) The joint select committee on storage tanks is created. The committee shall consist of six members from the senate appointed by the president of the senate and six members from the house of representatives appointed by the speaker of the house of representatives. The committee shall include equal numbers of members from the majority and minority parties of each house. The joint select committee chair and vice-chair shall be chosen by the majority vote of committee members and shall serve for the duration of the committee.

(2) The committee shall seek input from persons and organizations representing major petroleum companies, agriculture, environmental protection, petroleum jobbing, vehicle sales firms, vehicle repair firms, insurance underwriting, gasoline retailing, cities, counties, other units of local government, fuel oil retailing, the general business community, and the public.

(3) The committee shall be staffed from the senate committees on environment and natural resources, financial institutions and insurance, and ways and means and the house of representatives committees on environmental affairs, financial institutions and insurance, and ways and means. The department of ecology, department of general administration, and the insurance commissioner shall provide necessary staff and resources to assist the committee in carrying out its purpose and preparing legislation to establish the recommended programs by June 1, 1989.

(4) The committee shall report its findings and recommendations to the senate committees on environment and natural resources, financial institutions and insurance, and ways and means and the house of representatives committees on environmental affairs, financial institutions and insurance, and ways and means by December 10, 1988.

NEW SECTION. Sec. 3. The committee shall make recommendations on topics including, but not limited to, the following:

(1) Elements of an underground storage tank regulatory program necessary to meet the requirements of 42 U.S.C. Sec. 6991 et seq. and to allow full delegation of the federal program to the state. The committee shall specify circumstances under which it may be advisable to develop standards and requirements more stringent than those provided in federal regulations.

(2) Provisions necessary to implement a state-wide underground storage tank program, including:

(a) Whether state laws should generally preempt local laws governing the regulation of underground storage tanks but also allow for local programs that address environmentally sensitive areas; and

(b) Methods by which implementation and operation of underground storage tank programs will be coordinated between state and local governments.

(3) The cost of administering a state underground storage tank program and the methods of funding program administration, including:

(a) The need for limitations on fees charged by local governments; and

(b) Revenue sharing by the department of ecology with local governments to fund local program administration.

(4) Financial responsibility requirements for the owners and operators of underground petroleum storage tanks that meet the minimum federal financial responsibility requirements under 42 U.S.C. Sec. 6991b(d) and the advisability of and methods for establishing an owner and operator funded program that assures compliance with the federal requirements and which limits the state's liability, including the advisability of state administration of risk retention pools designed to provide financial responsibility for owners and operators who cannot obtain adequate and reasonably priced private insurance. If the determination is made that a state-administered risk retention pool is necessary, the committee shall develop methods for implementation, including information on:

(a) Estimates of the costs of administering risk retention pools;

(b) Adequate means of ensuring that the state will have the necessary resources to address the obligation of the risk retention pools in the event that regular contributions are insufficient, including but not limited to a petroleum products tax;

(c) Adequate yet reasonable contributions from the owner or operator;

(d) Ways to ensure that owners and operators of tanks eligible to obtain funds from the risk retention pools will comply with the applicable state storage tank regulations; and

(e) A timetable for implementation of the risk retention pools by June 1, 1989.

(5) A timetable for implementing a state underground storage tank regulatory program.

**NEW SECTION.** Sec. 4. (1) By December 10, 1988, the department of ecology shall provide a report to the legislature on the following:

(a) An inventory of above-ground tanks containing petroleum in existence in this state, including their sizes, location, types, and products stored therein;

(b) An analysis of the current practices and requirements applicable to above-ground storage tanks containing petroleum, including an examination of any causes of releases from such tanks and appropriate responses;

(c) Recommendations for a state program, if necessary for the installation, operation, and closure of above-ground storage tanks.

(2) For the purposes of this study and notwithstanding the provisions of chapter 34.04 RCW, the department, with the advice of the joint select committee established in section 2 of this act, shall develop a definition of above-ground petroleum storage tanks except that the definition shall not include farm or residential tanks of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes, tanks used for storing heating oil for consumptive use on the premises where stored, or barrels or drums commonly used for the transportation and temporary storage of petroleum products.

(3) In carrying out the study, the department may require a person, firm, corporation, or government entity other than a federal government entity, to respond to requests for information necessary to meet the requirements of this study.

NEW SECTION. Sec. 5. This act shall expire July 1, 1989.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1988.

Passed the House March 3, 1988.

Approved by the Governor March 23, 1988.

Filed in Office of Secretary of State March 23, 1988.

## CHAPTER 216

[Engrossed House Bill No. 1354]

### VETERANS AFFAIRS ADVISORY COMMITTEE, VETERANS AFFAIRS DEPARTMENT—SUNSET PROVISIONS REPEALED—NURSING CARE FOR INDIGENT VETERANS, STUDY

AN ACT Relating to the department of veterans affairs; creating a new section; repealing RCW 43.60A.081, 43.131.227, 43.131.228, 43.131.245, and 43.131.246; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed: