

**SENATE BILL No. 676**

By Committee on Ways and Means

3-11

10 AN ACT concerning the environment; relating to non-fuel flammable or  
11 combustible liquid aboveground storage tanks; duties of state fire mar-  
12 shal; civil penalties; creating the non-fuel flammable or combustible  
13 liquid aboveground storage tank system fund.  
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. (a) As used in this section:

17 (1) "Facility" means all buildings, equipment, structures, tanks and  
18 other stationary items which are located on a single site or on contiguous  
19 or adjacent sites and which are owned or operated by the same person  
20 or by any person which controls, is controlled by or under common con-  
21 trol with such person, upon which one or more non-fuel flammable or  
22 combustible liquid aboveground storage tank system or systems is located,  
23 with bulk storage stations and terminals having a bulk storage total ca-  
24 pacity of 10,000 gallons or more of flammable or combustible liquids.

25 (2) ***"Non-fuel flammable or combustible liquid" means flam-***  
26 ***mable or combustible liquids not used for fuel including, but not***  
27 ***limited to, solvents. "Non-fuel flammable or combustible liquid"***  
28 ***shall not include the following compounds: New and used motor oil,***  
29 ***transmission fluid, hydraulic oil, grease and lube oil; asphalt; as-***  
30 ***phalt emulsion; road oil; crude oil; mineral oil; processed fat; food***  
31 ***grade oil; vegetable oil; and ethylene glycol.***

32 ~~(2)~~ (3) "Non-fuel flammable or combustible liquid aboveground stor-  
33 age tank system" means an aboveground storage tank system that contains  
34 non-fuel flammable or combustible liquids ~~including, but not limited to,~~  
35 ~~solvents.~~

36 (b) (1) On or before July 1, 2009, the state fire marshal shall conduct  
37 an on-site inspection of each facility in existence on the effective date of  
38 this section to determine compliance with all standards concerning flam-  
39 mable and combustible liquids contained in national fire protection as-  
40 sociation pamphlet no. 30, 2008 edition, and all rules and regulations  
41 concerning aboveground storage tanks.

42 ~~(1)~~ (2) If the state fire marshal determines that a facility is in com-  
43 pliance with such standards, rules and regulations, the state fire marshal

1 shall conduct an on-site inspection of the facility at least once every three  
2 years thereafter to determine continued compliance with such standards,  
3 rules and regulations.

4 ~~(2)~~ (3) If the state fire marshal determines that a facility is not in  
5 compliance with such standards, rules and regulations, the facility shall  
6 make all changes necessary to comply with such standards, rules and  
7 regulations as soon as practicable, but no later than July 1, 2012. Upon  
8 notification of compliance by the facility, but no later than July 1, 2012,  
9 the state fire marshal shall conduct an on-site inspection of the facility to  
10 determine compliance. Upon determination of compliance, the state fire  
11 marshal shall conduct an on-site inspection of the facility at least once  
12 every three years thereafter to determine continued compliance with such  
13 standards, rules and regulations.

14 (c) (1) ***An application and plan for design, construction, major***  
15 ***modification and installation of all non-fuel flammable or combus-***  
16 ***tible liquid aboveground storage tank facilities after the effective***  
17 ***date of this section shall be submitted to the state fire marshal.***  
18 ***Construction, major modification and installation of such facilities***  
19 ***shall not commence until such application and plan is reviewed and***  
20 ***approved by the state fire marshal in accordance with rules and***  
21 ***regulations.***

22 (2) ***The state fire marshal shall approve or deny such submitted***  
23 ***applications and plans within 20 business days upon receipt of all***  
24 ***necessary documentation as provided for in rules and regulations.***  
25 ***If the state fire marshal requests additional information from the***  
26 ***applicant, the state fire marshal shall have an additional 20 busi-***  
27 ***ness days from the day of receipt of such information to approve or***  
28 ***deny the submitted application and plan.***

29 (3) The state fire marshal shall conduct an on-site inspection of each  
30 facility constructed after the effective date of this section, before such  
31 facility begins operation, to determine compliance with all standards con-  
32 cerning flammable and combustible liquids contained in national fire pro-  
33 tection association pamphlet no. 30, 2008 edition, and all rules and reg-  
34 ulations concerning aboveground storage tanks. Such facility shall not  
35 begin operation until the state fire marshal makes a determination of  
36 compliance. Upon determination of compliance, the state fire marshal  
37 shall conduct an on-site inspection of the facility at least once every three  
38 years thereafter to determine continued compliance with such standards,  
39 rules and regulations.

40 (d) On and after July 1, 2012, if the state fire marshal determines  
41 that a facility is not in compliance with all standards concerning flammable  
42 and combustible liquids contained in national fire protection association  
43 pamphlet no. 30, 2008 edition, and all rules and regulations concerning

1 aboveground storage tanks, such facility shall be subject to a fine of \$100  
2 per tank every 30 days until the state fire marshal makes a determination  
3 of compliance. All fines assessed and collected under this section shall be  
4 remitted to the state treasurer in accordance with the provisions of K.S.A.  
5 75-4215, and amendments thereto. Upon receipt of each such remittance,  
6 the state treasurer shall deposit the entire amount in the state treasury  
7 to the credit of the non-fuel flammable or combustible liquid above-  
8 ground storage tank system fund.

9 (e) The state fire marshal shall report annually to the senate standing  
10 committee on natural resources and the house of representatives standing  
11 committee on agriculture and natural resources regarding inspections and  
12 compliance pursuant to this section.

13 (f) On or before September 1, 2008, the state fire marshal shall adopt  
14 rules and regulations necessary to administer and enforce the provisions  
15 of this section. **Such rules and regulations shall include adoption of**  
16 **all standards concerning flammable and combustible liquids con-**  
17 **tained in national fire protection association pamphlet no. 30, 2008**  
18 **edition.**

19 (g) **The state fire marshal shall adopt rules and regulations spec-**  
20 **ifying subsequent editions of national fire protection association**  
21 **pamphlet no. 30 which the state fire marshal has determined to be**  
22 **equivalent to the 2008 edition. Compliance with any subsequent**  
23 **edition specified by such rules and regulations shall be considered**  
24 **compliance with the 2008 edition specified in this section.**

25 ~~(g)~~ (h) This section shall be part of and supplemental to the Kansas  
26 storage tank act.

27 Sec. 2. (a) There is hereby established as a segregated fund in the  
28 state treasury the non-fuel flammable or combustible liquid aboveground  
29 storage tank system fund. Revenue from the fines assessed pursuant to  
30 section 1, and amendments thereto, shall be deposited in the state treas-  
31 ury and credited to the fund.

32 (b) Moneys in the non-fuel flammable or combustible liquid above-  
33 ground storage tank system fund shall be expended only for administra-  
34 tion and enforcement of the provisions of section 1, and amendments  
35 thereto.

36 (c) All expenditures from the non-fuel flammable or combustible liq-  
37 uid aboveground storage tank system fund shall be made in accordance  
38 with appropriation acts upon warrants of the director of accounts and  
39 reports issued pursuant to vouchers approved by the state fire marshal.

40 (d) This section shall be part of and supplemental to the Kansas stor-  
41 age tank act.

42 Sec. 3. This act shall take effect and be in force from and after its  
43 publication in the Kansas register.