

SENATE BILL No. 307

By Committee on Ways and Means

3-9

9 AN ACT concerning aboveground storage tanks; duties of the state fire
10 marshal; amending K.S.A. 2008 Supp. 65-34,136 and repealing the
11 existing section.
12

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

14 Section 1. K.S.A. 2008 Supp. 65-34,136 is hereby amended to read
15 as follows: 65-34,136. (a) As used in this section:

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

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

31 (3) "Non-fuel flammable or combustible liquid aboveground storage
32 tank system" means an aboveground storage tank system that contains
33 non-fuel flammable or combustible liquids.

34 (b) (1) On or before July 1, ~~2009~~ 2012, the state fire marshal shall
35 conduct an on-site inspection of each facility in existence on the effective
36 date of this section to determine compliance with all standards concerning
37 flammable and combustible liquids contained in national fire protection
38 association pamphlet no. 30, 2008 edition, and all rules and regulations
39 concerning aboveground storage tanks.

40 (2) If the state fire marshal determines that a facility is in compliance
41 with such standards, rules and regulations, the state fire marshal shall
42 conduct an on-site inspection of the facility at least once every three years
43 thereafter to determine continued compliance with such standards, rules

1 and regulations.

2 (3) If the state fire marshal determines that a facility is not in com-
3 pliance with such standards, rules and regulations, the facility shall make
4 all changes necessary to comply with such standards, rules and regulations
5 as soon as practicable, but no later than July 1, ~~2012~~ 2015. Upon notifi-
6 cation of compliance by the facility, but no later than July 1, ~~2012~~ 2015,
7 the state fire marshal shall conduct an on-site inspection of the facility to
8 determine compliance. Upon determination of compliance, the state fire
9 marshal shall conduct an on-site inspection of the facility at least once
10 every three years thereafter to determine continued compliance with such
11 standards, rules and regulations.

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

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

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

37 (d) On and after July 1, ~~2012~~ 2015, if the state fire marshal deter-
38 mines that a facility is not in compliance with all standards concerning
39 flammable and combustible liquids contained in national fire protection
40 association pamphlet no. 30, 2008 edition, and all rules and regulations
41 concerning aboveground storage tanks, such facility shall be subject to a
42 fine of \$100 per tank every 30 days until the state fire marshal makes a
43 determination of compliance. All fines assessed and collected under this

- 1 section shall be remitted to the state treasurer in accordance with the
2 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
3 each such remittance, the state treasurer shall deposit the entire amount
4 in the state treasury to the credit of the non-fuel flammable or combus-
5 tible liquid aboveground storage tank system fund.
- 6 (e) The state fire marshal shall report annually to the senate standing
7 committee on natural resources and the house of representatives standing
8 committee on agriculture and natural resources regarding inspections and
9 compliance pursuant to this section.
- 10 (f) On or before September 1, 2008, the state fire marshal shall adopt
11 rules and regulations necessary to administer and enforce the provisions
12 of this section. Such rules and regulations shall include adoption of all
13 standards concerning flammable and combustible liquids contained in
14 national fire protection association pamphlet no. 30, 2008 edition.
- 15 (g) The state fire marshal shall adopt rules and regulations specifying
16 subsequent editions of national fire protection association pamphlet no.
17 30 which the state fire marshal has determined to be equivalent to the
18 2008 edition. Compliance with any subsequent edition specified by such
19 rules and regulations shall be considered compliance with the 2008 edi-
20 tion specified in this section.
- 21 (h) This section shall be part of and supplemental to the Kansas stor-
22 age tank act.
- 23 Sec. 2. K.S.A. 2008 Supp. 65-34,136 is hereby repealed.
- 24 Sec. 3. This act shall take effect and be in force from and after its
25 publication in the statute book.