

House Engrossed

underground storage tanks; performance standards

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 37

HOUSE BILL 2043

AN ACT

AMENDING SECTION 49-1009, ARIZONA REVISED STATUTES; RELATING TO
UNDERGROUND STORAGE TANKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-1009, Arizona Revised Statutes, is amended to
3 read:

4 49-1009. Tank performance standards

5 A. A person shall not install an underground storage tank unless
6 the underground storage tank meets all of the following requirements:

7 1. It is designed to prevent releases due to corrosion or
8 structural failure for the operational life of the tank.

9 2. It is cathodically protected against corrosion, constructed of
10 noncorrosive material, steel clad with a noncorrosive material or designed
11 in a manner to prevent the release of a regulated substance.

12 3. The material used in the construction or lining of the tank is
13 compatible with the substance to be stored.

14 B. ~~Beginning January 1, 2009,~~ A person shall not install an
15 underground storage tank unless the underground storage tank meets the
16 secondary containment PERFORMANCE STANDARDS FOR NEW UNDERGROUND STORAGE
17 TANK SYSTEMS PRESCRIBED IN 40 CODE OF FEDERAL REGULATIONS SECTION 280.20
18 AS IN EFFECT ON JANUARY 1, 2020 and release detection requirements for
19 ~~hazardous substance underground storage tank systems in 40 Code of Federal~~
20 ~~Regulations section 280.42 and the~~ interstitial monitoring requirements in
21 40 Code of Federal Regulations section ~~280.43, subsection~~ & 280.43(g) AS
22 IN EFFECT ON JANUARY 1, 2020.

23 C. ~~Beginning January 1, 2009,~~ A person shall not install a new
24 piping component that is ~~twenty-five per cent~~ FIFTY PERCENT or more of the
25 total linear footage of all connected piping of the underground storage
26 tank unless all connected piping of the underground storage tank that
27 conveys a regulated substance under pressure is brought into compliance
28 with the secondary containment PERFORMANCE STANDARDS FOR NEW UNDERGROUND
29 STORAGE TANK SYSTEMS PRESCRIBED IN 40 CODE OF FEDERAL REGULATIONS SECTION
30 280.20 AS IN EFFECT ON JANUARY 1, 2020 and release detection requirements
31 for ~~hazardous substance underground storage tank systems in 40 Code of~~
32 ~~Federal Regulations section 280.42 and the~~ interstitial monitoring
33 requirements in 40 Code of Federal Regulations section ~~280.43, subsection~~
34 & 280.43(g) AS IN EFFECT ON JANUARY 1, 2020.

35 D. ~~Beginning January 1, 2009,~~ An owner or operator who installs or
36 replaces a ~~motor fuel~~ dispenser SYSTEM that connects to an underground
37 storage tank shall install under-dispenser containment. The
38 under-dispenser containment shall meet the ~~release detection requirements~~
39 ~~of 40 Code of Federal Regulations section 280.42, subsection B,~~
40 ~~paragraph~~ & PERFORMANCE STANDARDS FOR NEW UNDERGROUND STORAGE TANK SYSTEMS
41 PRESCRIBED IN 40 CODE OF FEDERAL REGULATIONS SECTION 280.20(f) AS IN
42 EFFECT ON JANUARY 1, 2020.

43 E. The owner and operator of an underground storage tank shall use
44 an underground storage tank, a new piping component, under-dispenser
45 containment and any secondary containment material that is made of or

1 lined with materials that are compatible with the regulated substance
2 stored in or dispensed from the underground storage tank.

3 F. The director may adopt rules specifying design, construction,
4 installation, performance and compatibility standards for underground
5 storage tanks. The rules adopted pursuant to this subsection shall be
6 consistent with and ~~not~~ NOT more stringent than federal regulations in
7 effect on the date on which the rules are adopted.

8 G. The director may require an owner and operator of an underground
9 storage tank to perform or cause to be performed a tank test to determine
10 compliance with the standards established pursuant to this section.

APPROVED BY THE GOVERNOR FEBRUARY 26, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 26, 2021.