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## HOUSE BILL NO. 1211

Offered January 13, 2010

A BILL to amend the Code of Virginia by adding a section numbered 15.2-906.1, relating to the authority to require a permit for non-petroleum aboveground storage tanks; penalty.

Patrons—Spruill, Alexander, Cosgrove, James, Joannou and Ware, O.; Senators: Blevins and Lucas

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-906.1 as follows:**

§ 15.2-906.1. Authority to require a permit for non-petroleum aboveground storage tanks; penalty.

A. As used in this section, unless the context requires a different meaning:

"API" means the American Petroleum Institute.

"API Standard 653" means the American Petroleum Institute Standard 653, Second Edition, including Addendum I, December 1996 and Addendum 2, December 1997.

"Non-petroleum" means any liquid not regulated by the Department of Environmental Quality's Facility and Aboveground Storage Tank Regulation (9 VAC 25-91-10 et seq.).

B. A locality may adopt an ordinance making it unlawful for any person to construct, maintain, or use any non-petroleum tank or container with a capacity of more than 100,000 gallons, unless such tank or container is located underground, without first obtaining a permit from the local fire official. Such an ordinance may also provide that the fire official may revoke a permit in the interest of public health and safety.

C. All non-petroleum aboveground storage tanks and containers shall be inspected according to state regulated API 653 Standards, as a minimal requirement. The inspections shall cover the premises, tanks, dikes and related equipment. A licensed professional engineer who is registered in the Commonwealth, or a person who has been certified according to API Standard 653 Appendix D, shall conduct the inspection.

D. The penalty for violating the provisions of such ordinance shall not be greater than the penalty imposed for a Class 1 misdemeanor. Each day's violation shall be construed as a separate offense.

E. Any such ordinance may be made applicable to non-petroleum aboveground storage tanks or containers constructed before, as well as those constructed after, the adoption of the ordinance.

INTRODUCED

HB1211