

108TH CONGRESS
2D SESSION

H. R. 3940

To amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2004

Mr. DINGELL (for himself, Ms. SOLIS, Mrs. CAPPS, Mr. MARKEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SECONDARY CONTAINMENT.**

4 (a) IN GENERAL.—Section 9003 of the Solid Waste
5 Disposal Act (42 U.S.C. 6991b) is amended by adding the
6 following new subsection at the end:

7 “(i) SECONDARY CONTAINMENT.—

8 “(1) IN GENERAL.—Any new underground stor-
9 age tank system installed after the effective date of

1 this subsection, or any existing underground storage
2 tank system that is replaced after the effective date
3 of this subsection, shall be secondarily contained and
4 space between the primary and secondary contain-
5 ment shall be monitored for leaks if the new or re-
6 placed underground storage tank or piping is within
7 1,000 feet of any existing community water system
8 or any existing potable drinking water well or other
9 sensitive area as determined by the agency imple-
10 menting the program in each State.

11 “(2) LIMITATIONS.—(A) In the case of the re-
12 placement of an existing underground storage tank
13 that is connected to other underground storage
14 tanks by piping, paragraph (1) shall apply only to
15 the underground storage tank being replaced and
16 not to such other underground storage tanks.

17 “(B) In the case of the replacement of existing
18 underground pipes connected to an underground
19 storage tank, paragraph (1) shall apply only to the
20 underground pipes and not to the underground stor-
21 age tanks to which the pipes are connected.

22 “(3) EFFECTIVE DATE.—This subsection shall
23 take effect 18 months after the date of enactment
24 of this subsection.

25 “(4) DEFINITIONS.—As used in this subsection:

1 “(A) The term ‘secondarily contained’
2 means a release detection and prevention sys-
3 tem that meets the requirements of 40 Code of
4 Federal Regulations section 280.43(g) and in-
5 cludes double-walled tanks and piping systems,
6 dispenser liners, piping sumps, or single-walled
7 tanks or piping systems that are contained
8 within a liner or an impervious barrier area as
9 set forth in 40 Code of Federal Regulations
10 part 280.

11 “(B) The term ‘underground storage tank’
12 has the meaning given to this term under sec-
13 tion 9001, except as limited with respect to
14 tank combinations and underground pipes
15 under paragraph (2) of this subsection.

16 “(5) PROMULGATION OF REGULATIONS OR
17 GUIDELINES.—The Administrator may issue regula-
18 tions or guidelines implementing the requirements of
19 paragraph (1).

20 “(6) NO EFFECT ON STATE AUTHORITY.—
21 Nothing in this subsection affects the authority of a
22 State to establish or enforce any regulation, require-
23 ment, or standard of performance relating to sec-
24 ondary containment of underground storage tank

1 systems that are more stringent than the require-
2 ments established under this subsection.”.

3 (b) PENALTIES.—Section 9006(d)(2) of such Act (42
4 U.S.C. 6991e(d)(2)) is amended—

5 (1) by striking “or” at the end of subparagraph
6 (B);

7 (2) by inserting “; or” at the end of subpara-
8 graph (C); and

9 (3) by adding the following new subparagraph
10 after subparagraph (C):

11 “(D) the secondary containment requirements
12 established in section 9003(i),”.

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