

INTRODUCED: December 14, 2015

AN ORDINANCE No. 2015-269

To amend City Code § 13-190, concerning the removal and closure of underground storage tanks, for the purpose of removing the exception that a tank may be abandoned if empty and to require soil testing to determine the contents of the tank, and to amend the fees set forth in Appendix A of the City Code for City Code § 13-160, for the purpose of removing the fee for the exception that a tank may be abandoned if empty and increasing the fee for filling or removing residential heating oil tanks of less than 1,100 gallon size.

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 11 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 13-190 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

Sec. 13-190. Underground storage tank removal/closure.

Any underground storage tank that has been used for the storage of combustible or flammable liquids, other hazardous or unknown substance, and is determined to be leaking, abandoned, or not actively used for more than one year shall be removed or filled with [~~cement~~]

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 11 2016 REJECTED: _____ STRICKEN: _____

an approved inert solid. A sample of soil near the area under an underground tank shall be tested for tank contents, and a copy of that report shall be provided to the fire code official. A permit from the fire code official is required. The fire code official has authority to decide if tank may be filled with a material or shall be removed. [~~Exception: Residential heating oil tanks may be abandoned empty in accordance with the Virginia Statewide Fire Prevention Code.~~] Septic tanks are not covered by this Code.

§ 2. That the fees set forth in Appendix A of the Code of the City of Richmond (2015) for section 13-160 of the Code of the City of Richmond (2015) be and are hereby amended and reordained as follows:

<i>Code Section</i>	<i>Description</i>	<i>Fee</i>
13-160	Fire Prevention Code Permit Fee	See below

("O" = Operational, permit required for each event or consecutive series;

"A" = Annual.

Customer must agree and abide by the Richmond Fire Prevention Permit Holder's Guidelines issued as condition of each permit.)

Permit Description	Term	Fee
Aerosol products	A	\$40.00
Amusement buildings	A	\$150.00*
	O	\$75.00
Assembly or educational	A	\$150.00*
	O	\$75.00

(*Permits for amusement, assembly, and educational facilities with an approved capacity up to 50 persons are \$75.00; 51 to 500 are \$115.00; above 500 are \$150.00.)

Permit Description	Term	Fee
Aviation facilities	A	\$75.00
Battery systems	A	\$75.00
Blasting/explosives	O	\$125.00— \$400.00**

(**\$125.00 to store explosives at an approved site from one day to one year, or for small blast which has no concern for damage beyond blast area; \$400.00 to blast where damage concerns beyond site. An additional \$25.00 is due during normal work hours for each witnessed blast after initial event. Contact us for other details.)

Permit Description	Term	Fee
Cellulose nitrate film	A	\$75.00
Combustible dust- producing operations	A	\$225.00
Combustible fibers	A	\$150.00
Compressed gas	A	\$150.00
Covered malls	A	\$150.00
	O	\$40.00
Cryogenic fluids	A	\$150.00
Dry cleaning plants	A	\$75.00
Exhibits and trade shows	A	\$150.00
	O	\$40.00
Fireworks or pyrotechnics (discharge)	O	\$150.00
Flammable and combustible liquids	A	\$75.00***
Storage tank closure/removal	O	\$35.00- \$135.00***

(***\$135.00 first tank on site, + \$70.00 each additional tank same site and time; \$45.00 when another inspection required to complete job beyond original appointed time. Exception: [~~\$35.00~~])

\$45.00 for approved [~~abandon~~] fill in place of [a] an underground residential heating oil tank of less than 1,100 gallon size or removal of an above-ground residential heating oil tank of less than 1,100 gallon size.)

Permit Description	Term	Fee
Floor finishing	A	\$75.00
Fruit and crop ripening	A	\$75.00
Fumigation and thermal insecticidal fogging		
Warehouse/complex	A	\$225.00
Confined area/vault	A	\$115.00
1-2 family detached home	O	\$40.00
Hazardous materials	A	\$115.00
HPM facilities	A	\$115.00
High-piled storage	A	\$75.00
Hot works operations	A	\$75.00
	O	\$40.00
Lumber yards and woodworking plants	A	\$75.00
Liquid or gas filled vehicles or equipment	A	\$115.00
In assembly buildings	O	\$40.00
LP-gas	A	\$115.00
Magnesium	A	\$225.00
Misc. combustible storage	A	\$115.00
Open burning residential	O	\$40.00
Commercial (pit burn)	O	\$80.00

Open flames and candles	A/O	\$40.00
Organic coatings	A	\$225.00
Pyrotechnic special effects material	O	\$150.00
Pyroxylin plastics	A	\$75.00
Repair garages and service stations	A	\$75.00
Rooftop heliports	A	\$75.00
Spraying or dipping	A	\$75.00
Storage of scrap tires and tire byproducts	A	\$115.00
Temporary membrane structures, tents, and canopies	A/O	\$40.00
Tire-rebuilding plant	A	\$115.00
Waste handling	A	\$105.00
Wood products	A	\$75.00
Fee for copy of incident report (or replacement copy of inspection report or permit after original issued)		\$10.00
Site assessment fee		\$35.00 single/\$90.00 multiple adjoining sites

§ 3. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

RECEIVED
4-3930
AUG 6 2015

CITY OF RICHMOND
CITY ATTORNEY

O&R REQUEST

DATE: _____ **EDITION:** 3

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

40 RECEIVED

FROM: Robert Creecy, Fire Chief

AUG 19 2015

RE: Underground Storage Tank closures

OFFICE OF CITY ATTORNEY

ORD. OR RES. No. _____

PURPOSE: Update city code to meet state fire code about underground storage tank closures.

REASON: Current city code section 46.1-53 was based upon state fire code which then allowed some underground tanks to be abandoned empty. The state fire code had previously required tanks to be removed or filled with an approved inert solid, and years after we amended city code, again state fire code changed so no longer allows abandoning empty. Recommend amend city fire code to align with state fire code by deleting exception allowing abandoned tank empty, and changing specifying fill with "cement" to "an approved inert solid". Also change in Table 46.1-51 noting permit fee \$35 when removing residential above ground heating oil tank.

RECOMMENDATION: Amend Section 46.1-53 to the City Code to delete the word "cement" and the sentence about exception allowing tank may be abandoned empty, and add requirement for soil test and fire official has authority to decide if tank may be filled with a material or shall be removed:

"Any underground storage tank that has been used for the storage of combustible or flammable liquids, other hazardous or unknown substance, and is determined to be leaking, abandoned, or not actively used for more than one year shall be removed or filled with an approved inert solid. A sample of soil near area under an underground tank shall be tested for tank contents, and a copy of that report provided to the fire official. A permit from the fire code offi-

cial is required. The fire official has authority to decide if tank may be filled with a material or shall be removed. Septic tanks are not covered by this Code."

Modify in Table 46.1-51 *** note on fee for Storage Tank closure / removal to read:
"***Note: \$135 first tank on site, + \$70 each additional tank same site and time; \$45 when another inspection required to complete job beyond original appointed time. Exception: \$45 for approved fill in place of an underground, or removal of above ground, residential heating oil tank of less than 1,100 gallon size."

BACKGROUND: State fire codes change every three years. Current city code section 46.1-53 was based upon a cycle when the state fire code allowed some underground tanks to be abandoned empty. The state fire code had previously required tanks to be removed or filled with an approved inert solid, and after we amended city code, again state fire code edition changed so no longer allows abandoning empty. Years ago, code required underground tank removal unless fire official allowed fill in place, then code changed so customer chose. Environmental concerns main purpose for this in fire code, thus need soil test and to enable fire official better control.

FISCAL IMPACT / COST: No cost to city.

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE:

REQUESTED INTRODUCTION DATE: *September 14, 2015*

CITY COUNCIL PUBLIC HEARING DATE: *September 28, 2015*

REQUESTED AGENDA:

RECOMMENDED COUNCIL COMMITTEE: Safety

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: If underground tank near building foundation, then changes which might impact foundation may be referred to city building official.

AFFECTED AGENCIES: Department of Fire and Emergency Services

RELATIONSHIP TO EXISTING ORD. OR RES.: Applies city code to promote safety.

O&R Request

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REQUIRED CHANGES TO WORK PROGRAM(S): Codifies changes in practice already in use by fire officials, in effort for regional consistency with applying current state fire code and intent of similar environmental regulations.

ATTACHMENTS:

STAFF: