



Final Rulemaking: Storage Tank and Spill Prevention Program (25 Pa. Code Chapter 245)

**SWEP Capital Chapter's
Pennsylvania DEP Annual Regulatory Update
Seminar**

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Tom Wolf, Governor

Patrick McDonnell, Secretary

Storage Tanks

Pennsylvania regulates both Aboveground (AST) and Underground (UST) Storage Tanks.

- 22,144 USTs
 - 240 to 60,000 gallons in capacity
 - Philadelphia County has most (1328)
 - Forest County has least (17)
- 17,712 ASTs
 - 255 to 21 million gallons in capacity
 - 1913 oldest install date
 - Allegheny County has most (1862)
 - Sullivan County has least (2)

Program Revenue

- AST and UST Registration Fees (start 1989)
- Federal Grant UST and LUST (start 1985)
- Penalties, Interest, Cost Recovery (start 1989)
- Reimbursement from USTIF (start 2008, 2018)

Storage Tanks

- Oversee over 879 certified individuals and 347 certified companies.
- Annually perform over 5,000 inspections and respond to over 200 complaints.
- From October 1, 2017, through March 31, 2018, Pennsylvania inspectors performed the 7th most inspections in the nation and more than DC, DE, MD, VA, and WV combined.

Purpose

- Incorporate new Federal requirements for underground storage tanks (UST) to increase emphasis on properly operating and maintaining equipment.
- Retain State Program Approval (SPA) of the UST program and Federal funding from the U. S. Environmental Protection Agency.
- Address areas of Chapter 245, especially requirements pertaining to aboveground storage tanks (AST), since the last comprehensive rulemaking.

Significant New UST Provisions

New UST operation and maintenance requirements include:

- A visual inspection of spill prevention and release detection equipment every 30 days.
- A visual inspection of containment sumps and handheld release detection devices annually.
- Testing of spill prevention equipment every 3 years.
- Inspection of overfill prevention equipment every 3 years.
- Testing of containment sumps used for interstitial monitoring every 3 years.
- Annual release detection equipment testing.

Significant New UST Provisions

- Regulate the following UST systems previously excluded from regulation:
 - UST systems containing radioactive materials or coolants.
 - UST systems that are part of an emergency generator system at nuclear power generation facilities.
 - Wastewater tank systems not part of a water treatment facility.
 - Above UST systems installed on or after May 7, 1985, need to be protected against corrosion and be compatible with the substance stored.

Significant New UST Provisions

Other important UST provisions are:

- Require release detection for emergency generator USTs within 2 years of promulgation.
- Prohibit ball float valves in new UST systems and require these devices to be eliminated in existing systems when they fail to function properly.
- Define “immediate threat of contamination”.
- Creation of a new certification category (UMI).

Significant New AST Provisions

Important AST provisions include:

- Require certain new ASTs in underground vaults to have an in-service inspection within 6 and 12 months of installation.
- Require vaulted ASTs to be inspected at least every 3 years.
- Shorten the initial inspection requirement and in-service inspection cycle for small ASTs from 10 years to 5 years.
- Remove the requirement for a 10-year lining inspection for small ASTs.

Other Revisions

- Clarifies the definition of “containment structure or facility.”
- Clarifies the actions an owner or operator needs to take upon completion of a suspected release investigation.
- 60 days to register previously excluded USTs.
- Adds cathodic protection system inspection and testing requirements on AST systems.

Public Participation Process

- Proposed rulemaking published in the *Pennsylvania Bulletin* on February 24, 2018 (48 Pa. B. 1101).
- EQB's 30-day public comment period ended on March 26, 2018.
- Nineteen commentators and Independent Regulatory Review Commission (IRRC) submitted written comments.
- Draft final-form rulemaking was presented to STAC on May 17, 2018. STAC voted unanimously to support the amendments.
- EQB voted unanimously to support final-form amendments (August 21).
- IRRC unanimously approved the final-form Administration of the Storage Tank and Spill Prevention rulemaking on October 18.

Implementation Strategy

- Finalize revisions to existing forms and development of new forms.
- Mail information to all storage tank owners and DEP-certified companies and individuals.
- Conduct seminars with DEP-certified individuals, associations and organizations.
- Develop and deliver web-based training to storage tank owners, DEP-certified individuals and interested parties.



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