



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Environmental Cleanup & Brownfields

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

## **Summary of Changes Effective December 22, 2018**

Tom Wolf, Governor

# PA Chapter 245 Regulation Changes

## 245.1 Definitions

- Added the following terms:
  - Aboveground Storage Tank System
  - Containment Sump
  - Environmental Covenant
  - Immediate Threat of Contamination
  - Repair
  - Spill Prevention Equipment

# PA Chapter 245 Regulation Changes

## 245.1 Definitions

- **More on “Immediate Threat of Contamination”**
  - Equal to or greater than reportable released quantity (Hazardous)
  - Any amount (Petroleum)

### **Except**

- Less than 25 gallons of Petroleum spilled in a liquid tight containment sump or emergency containment structure as a result of a tank handling activity where the Certified Installer has complete control over the regulated substance and prior to the Certified Installer leaving the site, the total volume of the regulated substance is recovered and removed.

# PA Chapter 245 Regulation Changes

## 245.1 Definitions

- **Amended Definitions**
  - Tank Handling Activities
    - Now includes “change-in-service”
  - Underground Storage Tank

# PA Chapter 245 Regulation Changes

## 245.1 Definitions

- More on “Underground Storage Tank”

Amended the definition of Underground Storage Tank so the following UST systems are regulated under Chapter 245

- Wastewater treatment tank systems not part of a wastewater treatment facility regulated under Section 307(b) or 402 of the Clean Water Act;
- UST systems containing radioactive material or coolants that are regulated under the Atomic Energy Act of 1954;
- USTs that are part of an emergency generator system at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to NRC requirements regarding design and quality criteria.

# PA Chapter 245 Regulation Changes

## 245.1 Definitions

- Deleted definitions
  - Actively involved
  - Interim certification
  - Reportable Release

# PA Chapter 245 Regulation Changes

## **245.31 Testing Activities (new title, formerly Tightness Testing Activities)**

- Added that the periodic testing of:
  - overfill prevention equipment
  - containment sumps
  - spill prevention equipment
  - release detection equipment
- Required under 245.437 must be conducted by Department-certified individuals holding the appropriate certification and documented on a Department form.

# PA Chapter 245 Regulation Changes

## 245.1\*\* Certification

- Added UMI Certification
  - Minor Modifications
- Adjusted activities required for certification
- Identified proper certifications required for individuals performing required testing:
  - IUM, UTT-containment sump, spill prevention equipment and release detection testing
  - UMI, UMX-containment sump, spill prevention equipment, overflow prevention, and release detection testing

# PA Chapter 245 Regulation Changes

## 245.1\*\* Certification

- Newly certified AST inspectors must complete Department-provided inspector training prior to conducting AST inspections.
- Modification Inspections to be submitted within 30 days (currently 60 days).
- Clarified that DEP can take enforcement action against certified individuals if they violate Clean Streams Law, Air Pollution Control Act or the Solid Waste Management Act.

# PA Chapter 245 Regulation Changes

## 245.1\*\* Certification

- Added reporting requirements of Certified Individuals
  - Must report:
    - A release
    - Suspected or confirmed contamination
    - Presence of a regulated substance in a containment structure or facility
    - Failed spill prevention equipment, containment sumps and overflow prevention tests
    - Must report above within 48 hours on a Department provided form
- Added language strengthening current requirement of Certified Individuals to participate in TIIP

# PA Chapter 245 Regulation Changes

## 245.2\*\* Permitting

- Deleted “Permit-by-Rule” and “General Operating Permits” Regulations state “Operating Permits”
- SSIP expires 5 years from date of issuance
- No SSIP needed for “Tank within a Tank”
- SSIP application must include location of proposed tanks and SPRP, which includes proposed tanks

# PA Chapter 245 Regulation Changes

## 245.3\*\* Corrective Action

- Owner or Operator Reporting
  - Shall report a Release
  - Shall report a Suspected Release if investigation cannot determine whether a release has occurred (15 days from indication of a release)
  - Shall report a non-release if removal of the regulated substance cannot be accomplished within 24 hours. (telephone or email)

# PA Chapter 245 Regulation Changes

## 245.3\*\* Corrective Action

- Release Reporting is not required if:
  - 1) Control,
  - 2) Completely Contained,
  - 3) Recovered and Removed within 24 hours AND:
    - A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons
    - A release of petroleum to a containment sump if the total volume of the release is contained below the lowest sump penetration

# PA Chapter 245 Regulation Changes

## 245.3\*\* Corrective Action

- Added reporting requirements on Responsible Party
  - No later than 24 hours notify the Department:
    - After the initiation of interim remedial actions
    - Of providing an alternate source of water
    - After the initiation of site characterization activities
- Added posting requirements in the *PA Bulletin* to the Department
  - Following submission of a complete remedial action plan (and completion report) selecting the background or Statewide health standard or site-specific standard
  - A notice of DEP's final action

# PA Chapter 245 Regulation Changes

## 245.3\*\* Corrective Action

- Added authority to the Department
  - The Department may require the responsible party to suspend remedial action and notify the Department, by telephone or e-mail, within 24 hours of suspension

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- Emergency generator tank systems now required to perform release detection
  - Installed on or before 11/10/2007 – 2 years
  - Installed after 11/10/2007 – 1 year
  - Installed after December 22, 2018 – at installation
- Field-constructed hazardous substance USTs installed on or before October 11, 1997, at facilities regulated under the Safe Drinking Water Act are now regulated
  - Must register tanks no later than February 20, 2019

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- A wastewater treatment tank system
- A UST containing radioactive material
- A UST emergency generator system at a nuclear power generation facility
  - Installed on or after May 7 1985:
    - Must register with DEP no later than 2/20/2019
    - Must comply with all requirements except:
      - Inspections, spill and overflow, water checks, operator training, and release detection

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- A wastewater treatment tank system
- A UST containing radioactive material
- A UST emergency generator system at a nuclear power generation facility
  - Installed before May 7 1985:
    - Must register with DEP no later than 2/20/2019
    - Must comply with all requirements except:
      - Inspections, spill and overflow, water checks, operator training, release detection, AND performance standards AND corrosion protection

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- 30-day intent to install form must be submitted at least 30 days prior to the installation of a(n) tank, piping system, replacement or additional dispenser, or underground storage tank system
- Spill and overflow prevention equipment required to be permanently installed
- Prohibited future ball float valve installation and repair

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- Under-dispenser containment required when:
  - an existing dispenser is replaced with another dispenser and all equipment at or below the shear valve needed to connect the dispenser to the underground storage tank system is replaced
  - a major modification as defined in § 245.1 (relating to definitions) is performed at the dispenser area involving excavation beneath the dispenser
- Standardized forms now required:
  - Cathodic Protection Testing
  - Overfill Prevention Evaluation
  - Spill Prevention/Containment Sump
  - Release Detection Equipment
  - Alternative Fuel Form

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- Added periodic testing requirements

At least every 3 years the following components must be tested:

1. Containment sumps used for interstitial monitoring
2. Spill prevention equipment
3. Overfill

At least annually the following components must be tested:

1. Electronic and mechanical components of release detection equipment

Phase in period:

1. Tank systems installed on or before 12/22/2018, have 1 year before requirement, then;
2. Due date based on FOI due date but no later than December 21, 2021, whichever comes first.

Tank systems installed after 12/22/2018, must test at installation.

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- Added walkthrough inspections
  - At least every 30 days must check:
    1. Spill prevention equipment/fill pipe/fill cap
    2. Release detection equipment (is it operating)

At least annually, must:

1. Visually check for damage and the presence of liquid/debris in containment sumps.
2. Check handheld release detection equipment for operability and serviceability.

Phase in period:

Effective 12/22/2019

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- Eliminated monthly sump check requirements
- Exempted European (Safe) suction piping systems from release detection (still requires newly installed systems to be double-walled)
- Line leak detectors required on pressurized piping systems for emergency generator systems are only required to have visual or audible alarm. No restriction or pump shut off required

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- SIR results must be provided at the conclusion of the 30-day monitoring period. No longer allows additional days to provide results
- With the exception of emergency generator piping systems, pressurized piping installed on or before 11/10/07 must restrict or shut off the flow of product at unattended facilities open for business

# PA Chapter 245 Regulation Changes

## 245.4\*\* Underground Storage Tanks

- Clarified that owners and operators must empty a tank being placed temporarily out-of-service prior to submitting the amended registration form.
- Clarified that the Department may require testing to verify tightness, compatibility, and operability of tanks being taken from Temporary Out-of-Service status to operating status.

# PA Chapter 245 Regulation Changes

## 245.5\*\* Large Aboveground Storage Tanks

- Required Spill Prevention Response Plan (SPRP) revisions or any addendum to the initial plan to be submitted to the Department within 180 days of any occurrences as described in 35 P. S. § § 6021.901(b)
- Clarified 72-hour check on vaulted system shall involve a check of the continuous leak detection system, as required under §245.523(7) (relating to aboveground storage tanks in underground vaults), to ensure the equipment is functioning as designed
- Required at minimum, 3-year CP test on ASTs. Impressed current systems shall be tested at least annually. Rectifier shall be checked every 60 days

# PA Chapter 245 Regulation Changes

## 245.5\*\* Large Aboveground Storage Tanks

- Required written or electronic log for any facility with an aggregate aboveground storage capacity greater than 21,000 gallons detailing tank handling activities performed
  - Records required for operational life of the tank system and retain the records for a minimum of 1 year after the tank system has been permanently closed:
- Required vaulted ASTs to be inspected within 6 and 12 months from installation and at least every 3 years thereafter

# PA Chapter 245 Regulation Changes

## **245.5\*\* Large Aboveground Storage Tanks**

- Clarified and adds language to conditions of out of service status. TOS period is 5 years unless Department receives extension request in writing and grants the request
- Clarified that tank bottoms must be protected from corrosion and deterioration
- Required manned operator shutdown procedure must be in writing

# PA Chapter 245 Regulation Changes

## 245.5\*\* Large Aboveground Storage Tanks

- Permeability of newly installed or replacement emergency containment structures or emergency containment structures for ASTs installed after 10/11/1997 must be less than  $1 \times 10^{-6}$  cm/sec
- Permeability of emergency containment structures for ASTs installed on or before 10/11/1997 must be less than  $1 \times 10^{-6}$  cm/sec OR PE verification plus SPRP is sufficient

# PA Chapter 245 Regulation Changes

## 245.5\*\* Large Aboveground Storage Tanks

- Required inspections on ASTs in TOS status may be delayed if agreed upon by the Department
  - Removes the variance provision
- The Department may impose conditions and require submission of documentation for TOS extensions

# PA Chapter 245 Regulation Changes

## 245.6\*\* Small Aboveground Storage Tanks

- Required written or electronic log for any facility with an aggregate aboveground storage capacity greater than 21,000 gallons detailing tank handling activities performed
- Added variance provision
- Required at minimum, 3-year CP test on ASTs. Impressed current systems shall be tested at least annually. Rectifier shall be checked every 60 days

# PA Chapter 245 Regulation Changes

## 245.6\*\* Small Aboveground Storage Tanks

- Increased frequency of in-service inspections to, at minimum, every 5 years
- Clarified and added language to conditions of out of service status. TOS period is 5 years unless Department receives extension request in writing and grants the request