



Bureau of Environmental Cleanup & Brownfields

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

**Environmental Quality Board Meeting
August 21, 2018**

Tom Wolf, Governor

Patrick McDonnell, Secretary

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 (EPA).
- 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 overflow prevention equipment every 3 years.
- Testing of containment sumps used for interstitial monitoring every 3 years.
- Annual release detection equipment testing.

Test and Inspection Costs

Annualized increased costs to conduct walkthrough inspections, evaluate overfill prevention equipment, test spill prevention equipment and containment sumps, and test release detection equipment per UST facility.

- \$835 - \$1,383
- Assumes an average regulated UST facility comprised of three UST systems.

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.

▶ Overfill and Release Detection Costs

One-time costs to replace all ball float valves with alternate UST overfill prevention equipment:

- \$1,038 is the average increased cost per system.
- 3,306 UST systems have ball float valves.

One-time costs to add release detection to emergency generator USTs:

- Assumes addition of an automatic tank gauge (ATG).
- \$16,875 is the average estimated cost.
- 605 UST systems will require the addition of release detection.

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.

AST Inspection Costs

- Annualized increased cost to a AST owner of a vaulted AST for an in-service inspection every 3 years, instead of every 10 years, is estimated to be \$416.
- 35 AST systems in underground vaults currently subject to inspection requirements are known to the Department.
- Annualized increased cost to a AST owner of a small AST for an in-service inspection every 5 years, instead of every 10 years is estimated to be \$98.
- 6,756 small ASTs currently require routine in-service inspections.

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.

Public Comment - Release

- Proposal to revise the definition of “release,” delete the definition of “reportable release,” and state three specific “releases” in proposed § 245.305(i) that would not require reporting.
- Commentators contended the amendments:
 - Conflict with the statutory definition of “release.”
 - Require reporting of all spills into emergency containment structures which are designed to contain spills.

Summary of Revision – Release Pt 1

- Defined “immediate threat of contamination,” deleted the proposed addition to the definition of “release,” and amended the reporting requirements in § 245.305 for petroleum releases.
- “Immediate threat of contamination:”
 - Amount \geq reportable quantity under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
 - Amount \geq discharge under Clean Water Act.
 - Any amount of petroleum.
 - Does not include a spill of petroleum <25 gallons into a liquid-tight containment sump or emergency containment structure as a result of a tank handling activity.

Summary of Revision – Release Pt 2

- Revisions to Section 245.305(i):
 - A release of petroleum to an aboveground surface, including within an emergency containment structure, that is <25 gallons.
 - A release of petroleum to a containment sump where the total volume of the release is contained below the lowest sump penetration.

Public Comment – UST Deferrals

- Proposal to 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.
- Commentators contended the amendments should be:
 - Revised to be consistent with the requirements and exclusions in EPA's 2015 Final Rule.
 - Clarified that the installation requirements apply to the installation of new tanks.

Summary of Revision – UST Deferrals

- Wastewater treatment and nuclear-related UST systems.
 - UST systems installed on or after May 7, 1985, need to be protected against corrosion and be compatible with the substance stored.

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.

Implementation Strategy

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

Recommendation

- The Department recommends adoption of this final rulemaking.
- Once promulgated, the Department will submit the final-form regulation to EPA for revised State Program Approval of the Commonwealth's UST program.



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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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