



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



Bureau of Environmental Cleanup & Brownfields

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