



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Environmental Cleanup & Brownfields

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

**Environmental Quality Board Meeting  
October 17, 2017**

Tom Wolf, Governor

Patrick McDonnell, Secretary

# Purpose

- Incorporate new federal requirements for underground storage tanks (USTs) to increase emphasis on properly maintaining equipment.
- Retain state program approval (SPA) of the UST program and federal funding from EPA.
- Update state requirements for vaulted aboveground storage tanks (ASTs) and small ASTs.
- Address areas of Chapter 245 that lack clarity or need correction.

# Significant New Federal Provisions

New UST operation and maintenance requirements will include:

- A visual inspection of spill prevention and release detection equipment every 30 days.
- A visual inspection of containment sumps and hand-held release detection devices annually.
- Testing of spill prevention equipment every 3 years.
- Evaluation 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 Federal Provisions

Other important federal UST requirements include:

- Release detection for emergency generator USTs.
- Flow restrictors (ball float valves) in new UST systems are prohibited; these devices must be eliminated in existing systems when they fail periodic testing.

Significant New State Provision:

- Adds a new certification category limited to the performance of minor modifications of UST systems.

# Significant AST Provisions

Important AST requirements include:

- Certain new ASTs in underground vaults must have an in-service inspection within 6 and 12 months of installation.
- Vaulted ASTs currently subject to inspection must be inspected at least every 3 years.
- Reduced initial inspection requirement and in-service inspection cycle for small ASTs from 10 years to 5 years.
- Removal of requirement for a 10-year lining inspection for small ASTs.

# Affected Parties

- Approximately 7,100 storage tank owners at over 12,600 storage tank facilities.
- Nearly 900 individuals and 350 companies are certified in Pennsylvania.
- Owners of existing storage tank systems will be provided with timeframes within which to comply with certain requirements.
- Owners of new storage tank systems must comply with the requirements upon the effective date of the final rulemaking.

# Economic Impact

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:

- \$831 - \$1,377
- Assumes an average regulated UST facility comprised of 3 UST systems and owners conduct walkthrough inspections.

# Economic Impact

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

- Average increased cost per system -- \$1,038.
- UST systems with ball float valves -- 3,588.

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

- Average estimated cost -- \$16,875.
- Assumes addition of an automatic tank gauge (ATG).
- UST systems that will require the addition of release detection – 629.

# Economic Impact

- Annualized increased cost to an AST owner of a vaulted AST for an in-service inspection every three years, instead of every 10 years, is estimated to be \$416.
- 31 AST systems in underground vaults currently subject to inspection requirements are known to the Department.
- Annualized increased cost to an AST owner of a small AST for an in-service inspection every 5 years, instead of every 10 years, is estimated to be \$98.
- 6,847 small ASTs currently require routine in-service inspections.

# Economic Impact

Addition of new UST certification category for minor modification work and system testing would:

- Afford UST owners the opportunity to utilize individuals who specialize in minor modifications only.
- Provide opportunities for existing certified companies to employ individuals who specialize in minor modification work.
- Persons interested in only performing “minor modification” work can become certified and establish their own company.
- Help to lower the cost of UST system testing over time.

# Economic Impact

Properly operating and maintaining UST equipment will help prevent releases and reduce the severity of releases from USTs resulting in:

- Avoided cleanup costs.
- A reduction in the average cost per closed claim and the total annual claim payments made by the USTIF.
- A further decrease in the unfunded liability of the USTIF for future claim payments.

# Environmental Impact

- Properly operating and maintaining UST equipment will avoid or reduce groundwater contamination incidents, risks to human health, impacts to ecological receptors, and property devaluation.
- Increased inspection frequency for small ASTs will increase compliance with regulatory requirements and prevent releases.

# Stakeholder Input

- Storage Tank Advisory Committee (STAC) review of new federal requirements and Chapter 245 regulatory concepts occurred at the December 8, 2015, and June 7, 2016, meetings.
- STAC review of draft proposed regulatory language occurred at the December 6, 2016, and March 7, 2017, meetings.
- On March 7, 2017, the STAC voted unanimously to support the amendments and recommended publication as proposed rulemaking.

# Recommendation

- The Department recommends adoption of this proposed rulemaking with a 30-day public comment period.



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