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
• 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.
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.
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.
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.
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.
One-time costs to replace all ball float valves with alternate UST overfill 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.
• 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.
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.
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.
• 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.
The Department recommends adoption of this proposed rulemaking with a 30-day public comment period.
George Hartenstein
Deputy Secretary for
Waste, Air, Radiation and Remediation

Kris Shiffer
Chief, Division of Storage Tanks

Keith Salador
Assistant Counsel
Bureau of Regulatory Counsel