



# Fact Sheet



Commonwealth of Pennsylvania • Department of Environmental Protection

#1

## STORAGE TANK AND SPILL PREVENTION ACT

The Storage Tank and Spill Prevention Act (Act 32 of 1989, as amended) was signed into law on July 6, 1989. The law establishes a comprehensive regulatory program for both aboveground and underground storage tanks and facilities. It allows the Department of Environmental Protection (DEP) to develop environmental protection programs to prevent and clean up storage tank product releases and spills. The act includes both enforcement provisions and a strong reliance on the private sector to implement the major program elements.

This fact sheet presents an overview of the Storage Tank and Spill Prevention Act.

DEP's storage tank program is administered by the Bureau of Watershed Conservation, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, 800-42-TANKS (in PA only), 717-772-5599 or through the PA AT&T Relay Service at 800-654-5984 (Telecommunications Devices for the Deaf); and by the Environmental Cleanup Program, Storage Tank Section, in each of DEP's six regional offices. (See regional office addresses and phone numbers at the end of the fact sheet.)

### What does the act define as a regulated aboveground and an underground storage tank?

An aboveground storage tank (AST) is defined as a stationary tank with a capacity of more than 250 gallons that has more than 90 percent of its volume (including the volume in the pipes) above supporting grade, can be visually inspected from the exterior, and is used to contain regulated substances, including petroleum products and hazardous substances.

An underground storage tank (UST) is defined as a tank with a capacity of more than 110 gallons that has 10 percent or more of its volume (including the volume in the underground pipes) beneath the surface of the ground and is used to contain regulated substances, including petroleum products and hazardous substances.

### How do tank owners register regulated tanks?

Owners of regulated aboveground and underground tanks must register each storage tank with DEP and pay an annual registration fee. Storage tank registration forms and instructions can be obtained from the Division of Storage Tanks (Central Office) or the regional DEP offices.

When an owner submits a completed registration form, DEP issues an invoice for registration fees due. The owner is not to submit payment until he or she is invoiced. Upon receipt of the invoice stub and payment, DEP issues a registration certificate and sticker(s).

The sticker(s) serves as proof of registration and must be placed in a visible area on or near the fill pipe. The certificate should be placed at the facility in a protected area in the vicinity of the tanks and visible to the public and product distributor.

It is unlawful for an owner/operator to operate or use, in any way, a regulated aboveground or underground storage tank that is not registered as required. Violators are subject to a penalty and may be liable for any release from that unregistered tank.

The annual registration fees for all regulated tanks are as follows:

#### ABOVEGROUND STORAGE TANKS (ASTs)

<u>Gallons/Capacity</u>	<u>Annual Fee</u>
251 - 5,000	\$ 50.00
5,001 - 50,000	\$ 125.00
50,001 and over	\$ 300.00

#### UNDERGROUND STORAGE TANKS (USTs)

<u>Gallons/Capacity</u>	<u>Annual Fee</u>
111 and over	\$ 50.00

The AST and UST fee obligation for the different types of owners/businesses are:

Federal Gov't	(80% Fees)
State Gov't	(Exempt from Fees)
Local Gov't	(100% Fees)
Corporate	(100% Fees)
Private Business/ Residential	(100% Fees)
Vol. Fire Co./ Vol. EM Org.	(USTs - Exempt from Fees, ASTs - 100% Fees)

Effective July 1, 1993, DEP no longer collects registration fees for regulated USTs if the tanks are owned by volunteer fire companies and volunteer emergency medical services organizations. These companies are still required by law to maintain current registration on all regulated tanks, but are no longer required to pay registration fees for their USTs. Municipalities that provide fuel for volunteer fire companies and volunteer emergency medical services

organizations from their municipally-owned USTs are NOT exempt from registration fees.

State government-owned tanks must be registered; however, these tanks are exempt from registration fees.

Each compartment of a multi-compartment (split) tank should be registered as a separate tank.

### **Do I need a permit for my regulated storage tank(s)?**

#### Aboveground Tanks

Yes. However, if you currently have a permit for your tank facility under the State Fire Marshal Program, you have temporary permit coverage.

#### Underground Tanks

As long as you have a State Fire Marshal permit, you have temporary permit coverage. A new permit program will soon be implemented by DEP. Once DEP finalizes the new permitting regulations for the storage tank program, you will need to ensure that your tank(s) comply with those regulations.

At present, DEP's permitting program for aboveground and underground tanks is under development. All tank owners will be advised when an application for a permit is necessary. Until then, no further action is required on the permit request.

The status of DEP's permit program does not change the requirement that a certified installer must conduct all tank handling activities.

### **Do tank installers and inspectors need to be certified by DEP?**

Yes. DEP's regulations (25 Pa. Code Chapter 245) prohibit a person from conducting tank handling activities (installation, removal, modification, etc.) or inspection activities unless that person holds a current installer or inspector certification issued by DEP. Chapter 245 provides minimum requirements for the certification of aboveground and underground storage tank installers and inspectors as well as for the certification of companies employing certified installers and inspectors.

Chapter 245 establishes categories of certification for installers and inspectors. To be certified in any one category, an applicant must have the necessary minimum levels of experience and qualifications, and on or after September 21, 1994 must have passed the portion of the exam related to that particular category. A person can be certified in several installer and inspector categories if the applicant is qualified. Application forms are available at local DEP regional offices or by contacting the central office storage tank program.

### **What must the owner/operator do in the event of a release from a regulated tank?**

The owner or operator must report a confirmed release to the appropriate DEP regional office within two hours as required by the Corrective Action Process regulations adopted on August 21, 1993 (25 Pa. Code Chapter 245.305). The owner or operator is responsible for preventing further spreading of the release, assessing its impact and taking necessary corrective action measures to clean up any contamination to the environment including to soil, surface waters and groundwater. Also, the owner or operator is responsible for affected/diminished water supplies and any resulting third party damages. Certified tank installers and inspectors are required to report any suspected or confirmed releases that are discovered during tank handling or inspection activities.

### **Is there any financial assistance available for damages from an underground tank release?**

Yes. The act established an insurance fund to help owners and operators in the event of a leaking tank.

The Underground Storage Tank Indemnification Fund (USTIF) consists of fees paid by all owners or operators of registered USTs. USTIF money is only for leaks that occur after February 1, 1994. The fund will not be used for the repair, replacement or maintenance of USTs. The Fund is administered by the Underground Storage Tank Indemnification Board, Pennsylvania Insurance Department, contact the board at 717-787-0763 for additional information.

### **What size aboveground storage tanks require an emergency spill plan?**

Owners of AST facilities with a total aboveground capacity greater than 21,000 gallons are required to submit to DEP a comprehensive Spill Prevention Response Plan that describes the storage tank facility, preventive maintenance programs, emergency response counter-measures and spill notification procedures.

### **What enforcement actions can DEP take under this law?**

The law contains enforcement provisions, including the following:

- Authority for DEP to consider the compliance history of an applicant before deciding to issue or revoke a permit
- Civil penalties and criminal penalties for violations of the act
- A presumption of liability for tank owners and operators when there is pollution within 2,500 feet of a tank containing the same substance as the pollution

- Broad authority for DEP to order corrective action and to recover costs from owners and operators for corrective actions that DEP takes
- A requirement that owners and operators of storage tanks that affect or diminish a water supply restore or replace the water supply
- A provision for citizens to take private action to compel compliance with the law.

**Are any new regulations being developed for storage tanks?**

Regulations on tank installer and inspector certification, the Corrective Action Process, and financial responsibility have been adopted. Additional regulations will be developed and will cover areas including aboveground and underground tanks and permitting. Until the regulations are in place, the interim standards contained in Act 32 guide the operation of the program.

A 17 member Storage Tank Advisory Committee (STAC) has been appointed to consult in the formulation, drafting and presentation of new regulations. This committee is made up of a hydrogeologist, a registered professional engineer and representatives from local government, the tank installers' industry, the petroleum and chemical regulated community, farming community, truck stop association and the public at large.

<b>For additional information on Pennsylvania's storage tank program or to obtain forms, contact:</b>	
<b>Southeast Region</b> Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 610-832-5949 Counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia	<b>Northeast Region</b> 2 Public Square Wilkes-Barre, PA 18711-0790 570-826-5475 Counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming
<b>Southcentral Region</b> 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4705 Counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York	<b>Northcentral Region</b> 208 West Third Street, Ste. 101 Williamsport, PA 17701 570-321-6525 Counties: Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder Sullivan, Tioga and Union
<b>Southwest Region</b> 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000 Counties: Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland	<b>Northwest Region</b> 230 Chestnut Street Meadville, PA 16335-3481 814-332-6648 Counties: Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren
<b>Central Office</b> <b>Bureau of Watershed Conservation</b> <b>Division of Storage Tanks</b> PO Box 8762 Harrisburg, PA 17105-8762 717-772-5599 800-42-TANKS (in PA only)	

This fact sheet and related environmental information are available electronically via Internet. Access the DEP website at <http://www.dep.state.pa.us> (choose Information by Subject/Water Management/Watershed Conservation/Storage Tanks).